

## Chapter 1 INTRODUCTORY PROVISIONS

### ARTICLE I. IN GENERAL

#### Sec. 1-1. Short title.

This code shall be officially known and cited as the Zoning and Development Code of the City of Round Rock, Texas. References to "this code" or "the code" shall be interpreted as references to the zoning and development code.

#### Sec. 1-2. Authority.

This code is adopted under authority of the constitution and laws of the state, including particularly V.T.C.A., Local Government Code ch. 211, and pursuant to the provisions of the City Charter.

#### Sec. 1-3. Scope and purpose.

The purpose of this code is to place all city regulations governing the development of real property subject to the jurisdiction of the city into one place to facilitate administration and use. ~~This code is adopted for the purpose of promoting the public health, safety and general welfare of the citizens of the city.~~ More specifically, this code provides regulations for zoning, subdivision platting, streets and thoroughfares, buildings, signs, tree protection, and other aspects of land development ~~for the division of land into different districts that, in combination with the regulations pertaining to such districts, that~~ are ~~designed~~ written in accordance with the general plan to achieve objectives that include, but are not limited to the following:

- ~~(a) — Promote the beneficial and appropriate development of all land and the most desirable use of land in accordance with a well-considered plan;~~
- (a) Promote the public health, safety and general welfare of the citizens of the city;
- (b) Encourage protection and preservation of the natural environmental and beauty of the city;
- (c) Provide for adequate light, air, and privacy;
- (d) Secure from fire, flood, and other danger;
- (e) Prevent overcrowding of the land and undue congestion of population;
- (f) Protect the social and economic stability of all parts of the city;
- ~~(b)g) Protect the character and the established pattern of desirable development in each area;~~

- (h) Encourage the orderly and beneficial development of the city through appropriate growth management techniques assuring the timing and sequencing of development;
- (i) Guide public and private policy and action in order to provide adequate and efficient transportation, water, wastewater, schools, parks, and other public improvements and facilities;
- ~~(c) Prevent or minimize land use incompatibilities and conflicts among different land uses;~~
- (j) Provide for the most beneficial relationship between the uses of land and the circulation of traffic throughout the city; and
- ~~(d) Maintain property values by stabilizing expectations and ensuring predictability in development; and~~
- (ke) Establish ~~a~~ processes that effectively and fairly apply ~~ies~~ the regulations and standards of this code and respects the rights of property owners and the interests of citizens.

#### **Sec. 1-4. Rules of construction.**

In the interpretation of provisions in this code, the rules of this section shall be observed and applied, except when the context clearly indicates or requires otherwise:

- (a) For the purpose of this section, certain terms and words are hereby defined; terms not defined herein shall be construed in accordance with adopted building codes or their customary usage and meaning.
- (b) The term "building" includes the term "structure."
- (c) In the case of any difference of meaning or implication between the text of this code and any caption, number, illustration or table, the text shall control, unless otherwise specifically noted herein.

#### **Sec. 1-5. Jurisdiction.**

This code shall apply to all land within the city limits. All structures and land uses constructed or commenced after the effective date of the ordinance from which this code is derived, and all enlargements of, additions to, changes in and relocations of existing structures and uses occurring after the effective date of the ordinance from which this code is derived shall be subject to this code.

#### **Sec. 1-6. Minimum requirements.**

- (a) In their interpretation and application, the provisions of this code shall be held to be minimum requirements adopted for the promotion of public health, safety and general welfare.
- (b) Whenever the requirements of this code are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the requirement that is most restrictive or that imposes higher standards as determined by the zoning administrator shall govern.
- (c) The issuance of any permit, certificate or approval in accordance with the standards and requirements of this code shall not relieve the recipient of such permit, certificate or approval from the responsibility of complying with all other applicable requirements of any other city, state or federal agency having jurisdiction over the structures or land uses for which the permit, certificate or approval was issued.

**Sec. 1-7. Round Rock Comprehensive Plan.**

Pursuant to V.T.C.A., Local Government Code § 213.002, the City Council of Round Rock, Texas has adopted a comprehensive plan which is a coordinated set of plans organized by subject and geographic area to be used to coordinate and guide the establishment of development regulations in the City of Round Rock. The coordinated set of plans shall be collectively referred to as the "Round Rock Comprehensive Plan". The Round Rock Comprehensive Plan shall consist of the following set of plans:

- (a) *General Plan 2020.* The General Plan 2020 was adopted on July 22, 2010 in Ordinance No. G-10-07-22-9A4. The General Plan 2020 is referred to in this Code as the "general plan."
- (b) *Comprehensive Parks, Recreation and Open Space Master Plan.* The Comprehensive Parks, Recreation and Open Space Master Plan was adopted on June, 25, 2009 in Ordinance No. G-09-06-25-10B1. The Comprehensive Parks, Recreation and Open Space Master Plan is referred to in this Code as the "parks master plan."
- (c) *Comprehensive Transportation Master Plan, March 2004.* The Comprehensive Transportation Master Plan, March 2004 was adopted on March 25, 2004 in Ordinance No. G-04-03-25-13E1. The Comprehensive Transportation Master Plan, March 2004 is referred to in this Code as the "transportation master plan." The transportation master plan was amended by Ordinance No. G-06-08-24-13B1. The transportation master plan was amended by Ordinance No. G-07-11-08-9A2.
- ~~(d) *Southwest Downtown Plan.* The Southwest Downtown Plan was adopted on February 24, 2005 in Ordinance No. G-05-02-24-8C1.~~
- (de) *Downtown Master Plan.* The Downtown Master Plan was adopted on June 24, 2010 in Ordinance No. G-10-06-24-10A1.

**Sec. 1-8. Compliance required.**

No land shall be used and no structure shall be constructed, occupied, enlarged, altered or moved until the following requirements are met:

- (a) All applicable development review and approval processes have been followed.
- (b) All applicable approvals have been obtained.
- (c) All required permits or authorizations to proceed have been issued.

**Sec. 1-9. Conflicting provisions.**

- (a) *Conflict with state or federal regulations.* If the provisions of this code are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law.
- (b) *Conflict with other city regulations.* If the provisions of this code are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision or the one which imposes higher standards as determined by the zoning administrator will control.
- (c) *Conflict with private agreements.* It is not the intent of this code to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this code impose a greater restriction than imposed by a private agreement, the provisions of this code will control. The city shall not be responsible for monitoring or enforcing private agreements.

**Secs. 1-10 – 1-30. Reserved.**

**ARTICLE II. ADMINISTRATION**

**Sec. 1-31. Authority to administer the development code.**

This code shall be enforced by the zoning administrator. No oversight or dereliction on the part of the zoning administrator, or on the part of any official or employee of the city shall legalize, authorize, or excuse the violation of any of the provisions of this code.

**Sec. 1-32. Violation and penalties.**

The owner of a building or premises in or upon which a violation of any provision of this code has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist, or the agent, architect, building contractor, or any other person who commits, takes part, or assists in any violation, or who maintains any building or premises in or upon which such violation exists, shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with the provisions of Sec. 1-9 of the Code of Ordinances.

**Sec. 1-33. Remedies and enforcement powers.**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained, or any building, structure, or land is used in violation of this code, the appropriate city authorities, in addition to other remedies, may institute appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use to correct or abate such violation, or to prevent the occupancy of such building, structure or land.

**Secs. 1-34. – 1-49. Reserved.**

**ARTICLE III. DEFINITIONS**

**Sec. 1-50. Definitions.**

The purpose of this section is to define words, terms and phrases contained within this code, unless otherwise specifically defined elsewhere herein. Definitions for words not defined below may be defined elsewhere in the City of Round Rock Code of Ordinances or found in Webster's Dictionary of the English language, unabridged, subject to interpretation by the PDS director.

Term	Definition
Abate / Abatement	To end a nuisance, emergency, or nonconformance.
Abandoned sign	A sign which for a period of at least 90 consecutive days advertises or identifies a business establishment that has been closed or abandoned.
Abutting (same as Adjoining, Contiguous)	Having a common border with or being separated from such common border only by an alley, <del>easement or right-of-way, except where common borders are separated by railways, interstate highways, designated arterial roadways or named waterways.</del>
Access	A means of vehicular entry to or exit from property.
Accessory building/structure (nonresidential)	A structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Includes, but is not limited to, storage facilities, detached

	garages, parking structures or enclosures, and other similar buildings or structures. <del>Said accessory building or structure shall meet the requirements of the zoning district in which it is located.</del>
Accessory building/structure (residential)	A structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Includes, but is not limited to, swimming pools, <u>pool houses/cabanas, workshops,</u> decks, storage sheds, barbeque structures, detached garages, playscapes, tree houses and other similar buildings or structures. <u>Conexes and shipping containers are not considered to be an accessory structure in residential zoning districts.</u> <del>Said accessory building or structure shall meet the requirements of the zoning district in which it is located.</del>
<u>Accessory dwelling unit</u>	<u>A dwelling unit built on a legal lot in addition to a principal dwelling unit or structure. Accessory dwelling units are subordinate in size, location, and use to the principal structure.</u>
Active master electrician	A licensed master electrician under the provisions of Chapter 8, article X, division 9, who is currently in good standing status.
Activity centers, children's	Children's participatory recreational and entertainment uses conducted within an enclosed building. Typical uses include party rooms, inflatable playground equipment, other playground equipment and food service for participants. Use of the facility is generally limited to a reservation basis. Does not include bowling alleys, game arcades, pool halls, dance halls, movie theaters, other theaters or other types of indoor entertainment activities.
Addition	One lot, tract or parcel of land lying within the corporate limits or ETJ which is intended for the purpose of development.
Address	The number or other designation assigned to a housing unit, business establishment, or other structure for purposes of mail delivery, emergency services, and so forth.
<del>Adjoining properties (same as Abutting, Contiguous)</del>	<del>Having a common border with or being separated from such common border only by an alley, easement or right of way, except where common borders are separated by railways, interstate highways, designated arterial roadways or named waterways.</del> <u>See "abutting".</u>
Agricultural operations	Farming, including any customary agricultural buildings and structures; and uses such as field crops, orchards and horticulture.
Alley	A vehicular way located to the rear of lots providing access to service areas, parking and outbuildings and containing utility easements.

Alluvial fan flooding	Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.
Alternative standards agreement	An agreement between the city and developer and/or owner of the land that modifies the regulations herein.
Amenity center	A private facility associated with a specific development that provides social gathering areas, recreational facilities, or other types of common space for the exclusive benefit of residents of the development. <u>Examples include pools, fitness centers, and social rooms.</u>
Animal, small	Any domesticated animal which is generally considered a household pet, such as dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small nonpoisonous reptiles or nonpoisonous snakes. Does not include livestock, caged or penned fowl or pigeons.
Animated sign	A sign which has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, scroll, rotate, revolve, change, flash, <del>oscillate</del> <u>oscillate</u> or visibly alters in appearance of the sign. This shall specifically exclude barber poles, and time/temperature signs.
Apartment	A self-contained dwelling unit which is located within a structure which contains three or more such units which share common walls <u>and/or</u> floors/ceilings with one or more units.
Apartment building	A residential structure consisting of three or more dwelling units sharing common walls <u>and/or</u> floors/ceilings with one or more units. Units may have a single access from a shared hallway or walkway, either enclosed or open directly to the outside.
Apex	A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
Applicable governing body	The city of Round Rock, Texas, shall be the applicable governing body.
Approved	Approved by the zoning administrator, building official, or other authority having jurisdiction.
Appurtenant structure	see "Accessory building/structure" (either nonresidential or residential, whichever is applicable).

<u>Architectural concrete masonry units (CMU)</u>	<u>A block masonry product made from molded or cast concrete and having a split-face, stone-face, or similar decorative finish. Smooth-face, scored, or fluted CMU does not qualify as architectural CMU under this definition.</u>
Architectural feature	Any element or details of a building or structure that defines its style, such as, but not limited to, windows, doors, and building material coursing patterns.
<u>Architecturally finished steel or metal</u>	<u>A steel or metal product used for the exterior wall finish of structures that is finished by the manufacturer prior to sale and has a minimum 30-year warranty. Typical products include corrugated, ribbed, or flat panels.</u>
Area identification sign/entry feature sign	Any sign or entry feature identifying the name of a subdivision, district or development with multiple buildings grouped together with a distinct identity.
Area of future conditions flood hazard	The land area that would be inundated by the one percent annual chance (100-year) flood based on future conditions hydrology.
Area of shallow flooding	A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
Area of special flood hazard	The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.
Armature sign	A freestanding sign that hangs, suspended by chains, hooks, or similar means, below an arm extending horizontally from a single vertical support affixed to the ground.
<u>Assessment</u>	<u>For the purpose of water and wastewater impact fees, "assessment" shall have the meaning set forth in V.T.C.A., Local Government Code § 395.016(f).</u>
Assisted living	A residential facility providing 24-hour care in a protected living arrangement for residents and supervisory personnel. Typical uses

	include nursing homes and assisted living centers, congregate living facilities for seniors, foster homes, maternity homes, and homes for the physically and mentally impaired or the developmentally disabled. Requires licensing by the state. Does not include post-incarceration facilities or facilities for those who are a danger to themselves or others.
Attached wireless transmission facility (attached WTF)	A wireless transmission facility (WTF) that is attached to a monopole, self-enclosed monopole, building or other permanent structure.
Awning/canopy	A shelter extending from the exterior wall of a building.
Awning/canopy sign	Any sign that is painted on or applied directly to, and contained entirely within the face, valance, or side panels of an awning/canopy. When the shelter is made from rigid materials, a sign may be mounted to the underside or top.
Auto body, painting and repair shops	An establishment that provides collision repair services for automobiles and light trucks and other similar motor vehicles, including body frame straightening and repair, replacement of damaged parts and painting. The term "auto body, painting and repair shops" may also include general repairs, but excludes establishments in which the principal use is service or retail sales oriented, including but not limited to quick lube, brake shops, tire replacement and muffler shops.
Auto sales, rental or leasing facilities	The sale or rental of automobiles, light trucks, motorcycles, recreational vehicles, or boats, including storage, maintenance, body painting and repair and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer or recreational vehicle dealerships.
Auto service and repair facilities	An establishment that provides service, repair and maintenance of automobiles and light trucks and other similar motor vehicles. Typical uses include gas stations (without vehicle repair/service bays), quick lube services, tire sales and installation, engine repairs, muffler shops <del>and</del> wheel and brake shops, <u>and inspection shops</u> . The term "auto service and repair facilities" does not include auto body repair and auto painting.
Bandit sign	A temporary sign, usually made of cardboard or foam board, mounted on an angle iron or a wooden stake.
Banner sign	A temporary, lightweight sign that contains a message which is attached or imprinted on a flexible surface and that is typically

	constructed of nondurable materials, including, but not limited to, cloth, and/or plastic.
Base (of a sign)	The portion of a sign that is in contact with the finished grade, and acts as the sign structure.
Base flood	The flood having a one percent chance of being equaled or exceeded in any given year.
Base flood elevation (BFE)	The elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding that level in any given year. Also called the "base flood."
Basement	Any area of the building having its floor subgrade (below ground level) on all sides.
Bed and breakfast	A private residence or commercial operation that offers sleeping accommodations and serves breakfasts at no extra cost to its lodgers.
Berm, landscape	An earthen mound designed to screen views, provide topographic variety and promote visual interest. A <u>typical</u> berm <del>shall have</del> <u>has</u> a minimum height of 36 inches with a maximum side slope of four horizontal feet to one vertical foot.
Billboard sign	A large outdoor board for displaying advertisements which promotes or advertises commodities or services available at a location other than where the sign is located and shall include those signs whose message space is available for lease, rent or hire and exceeds the maximum allowance of sign display area for freestanding signs in this Code.
Block	A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.
Bona fide residence	The principal address and primary residence, <u>including an accessory dwelling unit</u> , of an occupant conducting a home occupation, as determined by one of the following criteria: The registered homestead of the occupant, voter registration (precinct), address displayed on driver's license, or other state or federal registration documents identifying the principal address.
Bond	Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the city council.

Breakaway wall	A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
<u>Brewpub</u>	<u>An establishment containing both a restaurant and a brewery that produces beer for on-site sale.</u>
<u>Brick</u>	<u>A masonry building product rated SW for severe weathering and manufactured primarily from clay, shale, or similar naturally occurring earthy substances, which is subjected to a heat treatment at elevated temperatures known as firing. Thin brick veneer does not qualify as brick under this definition.</u>
Building	Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for 50 percent of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof." Each portion of a building separated from other portions by a firewall shall be considered as a separate building.
Building area (Building coverage)	The area of a lot covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections other than open porches, fire escapes, canopy areas and the first two feet of a roof overhang.
Building construction sign	A nonpermanent sign identifying persons, firms or businesses directly connected with a construction project.
Building line (Setback line)	The line or lines within a lot created by the intersection of the vertical planes of a building and the ground. The required building setback line is measured from the property line.
Building lot	A platted tract of land that, at the time of filing for a building permit, is intended by its owner or developer to be used, developed, or built upon as a unit, under single ownership or control. A building lot shall front upon a dedicated street.
Building official	The officer or other designated authority charged with the administration and enforcement of Chapter 8, article X (Buildings and Building Regulations), or his duly authorized representative.
Building permit	A permit issued by the city for the construction, erection or alteration of a structure or building.

Building, front of	That exterior wall of a building that faces an adjacent street right-of-way.
Building, principal	A building in which is conducted the principal use of the lot on which it is situated.
Building scrim sign	A large non-rigid banner of a durable, mesh, fabric material that allows air and light to pass through, used to wrap a building or portion of a building with items of information.
Building sign	Any sign attached to any portion of a building, including accessory buildings and structures, on windows, and attached or placed on awnings/canopies.
Business use	Land uses classified by the zoning ordinance as commercial, and industrial, including <del>churches</del> places of worship, schools and similar institutional uses, governmental uses, and multifamily projects, but not customary home occupations.
Cabinet sign	A sign, which is typically internally lit and contains all of its components and items of information within a single enclosure and whose perimeter is not shaped to the content of the sign and where the sign face is differentiated from the structure against or within which a sign face is placed. <u>An internally lit backer board shall be considered a cabinet.</u> Logos, pan-faced signs, raceways, <del>and</del> taglines shall be exempt from this definition.
Caliper, tree	The diameter of a tree to be planted in the ground. The caliper is measured six inches above the root ball for trees that are up to and including four-inch caliper size. For trees that are larger than four-inch caliper, measurement shall be 12 inches above the root ball.
Canopy sign	See Awning/canopy sign.
Canopy, tree	The upper vegetative cover of a tree or tree grouping.
Cap (of a sign)	The uppermost surface or part of a sign that is usually added as a decorative feature.
Caretaker residence	A dwelling unit which is used exclusively by the owner, manager or operator of a principal permitted use and which is located on the same lot or parcel as the principal use.
Carwash	A facility for washing passenger vehicles, recreational vehicles, or other light duty equipment. Includes facilities in which the washing process is automated and those in which it is manually operated.

Cemetery (also Memorial Park)	Land used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.
<del>Central business district</del>	<del>The central business district shall be defined as lots 11-19 of blocks 21 and 22 of the City of Round Rock original plat.</del>
Certify	A declaration made in any manner, oral or written, providing reasonable assurance of the accuracy of the declaration.
Champion tree registry	A registry containing a list of the champion tree of a species within the city limits as identified by the forestry manager and adopted by the city council.
Changeable message (of a sign)	Items of information that may be changed or rearranged through manual, mechanical or electrical means, including time and temperature messages and EMC's.
Channel letters (of a sign)	Individually constructed and individually illuminated letters, graphics, or graphic elements.
<u>Character-defining features</u>	<u>For the purposes of historic preservation, any unique feature, typically but not limited to architectural features, whose deterioration or removal would threaten or compromise the historical integrity and significance of a structure.</u>
Chief appointing authority	The person or persons designated by the laws of the local governing body as having authority to appoint persons to various boards.
Chief electrical inspector	That employee of the city appointed by the city manager to carry out the duties and responsibilities of Chapter 8, article X, division 9.
Circulation	Systems, structures, and physical improvements for the movement of people and goods by such means as streets, highways, sidewalks, and other paved improvements.
City	The City of Round Rock, a home rule municipal corporation in the State of Texas.
City council	The city council of the City of Round Rock.
City enforcing official	The officer or other designated authority charged with the administration and enforcement of the codes set forth herein, or his duly authorized representative.
City engineer	The individual designated by the city manager to provide civil engineering review of land development projects.

City manager	The individual appointed by the city council to supervise all city operations
Clearance (of a sign)	The distance between the finished grade and the bottom of a sign over a public-right-of-way or walkway that shall remain clear of all obstruction.
Code ("this code")	The latest edition of the Round Rock Development Code, as amended.
Code enforcement	Duties designated to the zoning administrator to cause property owners and others responsible for buildings and related land uses to bring their properties up to standards required by building codes, housing codes and other regulations.
College or university	An educational institution or other institutions of higher learning that offer courses of general or specialized study leading to a degree.
Collocation, WTF	The locating of wireless communications equipment from more than one provider on a single mount or support structure.
Columbarium	A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.
Commercial kitchen	An area on the premises in which food is prepared for on or off-site consumption which is subject to inspections and permitting by the designated local government health authority.
Commercial message	Words and trademarked logos which identify the goods and services available at a business use.
Commercial road	Those roads that are specifically designated as such by the Code.
Commission	<u>In general, the planning and zoning commission. For the purposes of chapter 8, article X, the term commission shall refer to the</u> <del>The</del> Building Standards Commission of the city as appointed by the city council, <del>as it pertains to Chapter 8, article X.</del>
Community recreational facilities	Any parks, playgrounds and sports, recreation or other community buildings owned and/or operated by the city or other governmental agency, but not including country clubs or golf courses, miniature golf courses, driving ranges or similar forms of commercial amusement.
Community/ <u>government</u> service	Uses of a <u>governmental</u> , public, nonprofit, or charitable nature providing professional service of an ongoing education, training, or non-correctional counseling to the general public, on a regular basis, without a residential component. Typical uses include <u>federal, state,</u>

	<u>county, or local government offices,</u> libraries, museums, senior centers, community centers, youth club facilities, and social service facilities.
<u>Compound meter</u>	<u>A water meter system containing two or more metering devices in parallel with each other.</u>
Comprehensive sign plan (CSP)	A coordinated plan of all signs, including exempt and temporary signs for one or more business uses, located on a development site. The CSP shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.
Concept plan	A plan submitted by a developer for the purpose of implementing an integrated development scheme of a proposed addition or subdivision, and to foster general consensus regarding compliance with this Code.
Condominium	A form of real property ownership that combines separate ownership of individual living units with common ownership of other elements such as land or accessory buildings, in compliance with relevant State real property laws.
<u>Connectivity index</u>	<u>A tool to quantify how well a roadway network connects destinations as measured by a ratio of links (roadway segments) to nodes (intersections).</u>
Contiguous <del>(same as Abutting, Adjoining)</del>	<del>Having a common border with or being separated from such common border only by an alley, easement or right of way, except where common borders are separated by railways, interstate highways, designated arterial roadways or named waterways. See "abutting".</del>
Conversion	A change of use from single-family <u>or two-family</u> residential to a nonresidential use.
<u>Corporate architecture</u>	<u>A style of architecture intended to evoke a specific brand or company and which is typically used for new construction or renovation of all or most locations of the company regardless of geography.</u>
Corporate limits	The boundaries of the city.
County	Travis or Williamson County, Texas, whichever is applicable.
Country club	Any private recreational, social, and multi-purpose use associated with a private golf course for the benefit and enjoyment of members and their guests. Typical uses include clubhouses, tennis courts, playgrounds and swimming pools.
Covenant, protective (see Deed Restriction)	Contract made between private parties as to the manner in which land may be used with a view towards protecting and preserving the

	physical and economic integrity of an area. Covenants are enforced by the parties of the contract.
Creek	A stream of surface water sufficient to produce a defined channel or bed. <del>Center lines of creeks shall not be used as a legal boundary.</del>
Critical feature	An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
Critical root zone (CRZ), tree	A region measured outward from the trunk of a tree representing the essential area of the roots that must be preserved for the tree's livelihood. The CRZ is measured as one foot of radial distance outward from the trunk for every inch of the tree's diameter, but may not be less than a radius of eight feet.
Crown, tree	All portions of a tree, excluding the trunk and roots.
Day, business or work	A work day in which the city offices are open for business, exclusive of weekends and holidays, as established by the city council.
Day care (in home)	A residential use in which an individual or organization provides daytime care for six or fewer children not related by blood or marriage to, or not the legal wards or foster children of, the attendant adult.
Day care (all other)	A nonresidential building where care, supervision, custody or control is provided for children or adults for any part of a 24-hour day, <u>not including overnight care.</u> <del>up to 12 hours of total daily operation.</del>
Deciduous	A plant or tree with foliage that sheds annually.
Decorative groundcover	Assorted aggregate materials that are intended to create decorative, pervious or semi-pervious areas within the landscape. Typical materials used as decorative groundcover are: decomposed granite, crushed granite gravel, river rock, pea gravel, tumbled glass and bark mulch. Decorative groundcover shall be shown graphically by a delineated boundary of the area to be covered and an associated call-out that includes the name of the material, depth of material and square footage of area to be covered.
Decorative paving	Modular paving or custom finishes and textures for cast-in-place concrete. Modular paving includes, but is not limited to, brick, tiles, stone and concrete pavers. Decorative paving for concrete includes textured finishes, integrated color, exposed aggregate, scoring patterns and stamped patterns.

Decorative wall	A wall <u>constructed of masonry</u> (brick, stone, stucco, concrete, <u>or architectural concrete masonry units CMU/split faced block</u> ) <del>construction</del> with a masonry cap having an exterior finish that complements and/or matches the primary architecture of a proposed or existing development.
Dedication	The commitment of land, or an easement therein, by the owner, for the use of the public, and accepted for such use by or on behalf of the public.
Deed	A warranty deed in a form approved by the city attorney.
Deed restriction (see also Covenant, Protective)	An agreement that binds and restricts the land in the hands of present owners and subsequent purchasers. Deed restrictions are enforced by the land owners who are parties to the agreement.
<u>Demolition by neglect</u>	<u>Neglect in the maintenance of any structure on a property with H (Historic Overlay) district zoning that results in deterioration of the structure, including but not limited to structural defects, or threatens the preservation of the structure through the loss of any character-defining features.</u>
Density	The number of dwelling units permitted per acre of land.
Department of planning and development services or planning department <u>(PDS)</u>	The offices of the city which oversee the administration of the regulations contained in this code.
<u>Design (irrigation systems)</u>	<u>For the purposes of regulating irrigation systems, design means the act of determining the various elements of a landscape irrigation system that will include, but not be limited to, elements such as collecting site specific information, defining the scope of the project, defining plant watering needs, selecting and laying out emission devices, locating system components, conducting hydraulics calculations, identifying any local regulatory requirements, or scheduling irrigation work at a site. Completion of the various components will result in an irrigation plan.</u>
Design and Construction Standards (DACs)	The specifications, procedures, and standards approved by the city council, as amended for the purpose of regulating the design and construction of specified public improvements, a copy of which shall be maintained by the city clerk.
Designated arterial roadway	The following roadways are considered designated arterial roadways: IH 35, RM 620, U.S. Hwy. 79, FM 1325, RM 1431, Old Settlers Boulevard, Greenlawn Boulevard, Double Creek Drive, Sunrise Road, University Boulevard, Sam Bass Road, Chisholm Trail, McNeil Road,

	Hesters Crossing Road, Gattis School Road, Louis Henna Boulevard, <u>Mays Street, Creek Bend Boulevard, Kenney Fort Boulevard</u> , Redbud Lane (C.R. 122), FM 1460, C.R. 172, C.R. 112, SH 45, SH 130, Wyoming Springs Drive, and A.W. Grimes Blvd.
Developed lot	A lot that has a fully constructed building or other site improvements, such as parking, whether occupied or not.
Developer	The person or entity who submits an application pursuant to this Code. A developer includes the owner of a tract of land, or an authorized agent of an owner.
Development	The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, excavation or other movement of land, for which permission may be required pursuant to this Code. Includes reconstruction, alteration of the size, or material change in the external appearance of a structure; changes in intensity of land use; alteration of shores or banks of ponds, lakes, creeks or streams; and excavation for the construction, the moving, alteration, or repair, except ordinary repairs, of any building or other structure, including an accessory structure, exceeding 100 square feet in area.
Development packet	The set of application procedures and fees maintained <u>by the PDS director</u> and on file at the planning and development services department pertaining to, <del>among other things, the platting and subdivision of land</del> <u>the various development procedures contained in this code.</u>
Diameter, Tree	A form of measurement of an existing tree trunk. Diameter is measured at 4½ feet above the ground level. Trees that split into multi-trunks below 4½ feet shall use the sum the largest trunk and one-half of the diameter of each additional trunk measured 4½ feet above the natural grade level to determine the diameter.
Directional sign	A permanent <u>freestanding</u> sign located on private property, directing or guiding traffic onto the property and/or toward parking, exits or other identified locations on the property.
<u>Directory sign</u>	<u>A permanent building sign identifying all building tenants and the location or suite number for each tenant using a uniform means of display.</u>

District	A zoning district which is a part of the City of Round Rock, Texas, wherein the regulations of this Code are uniform.
Disturb, critical root zone	Conducting any hazardous activities within the critical root zone.
<u>Dog day care, indoor kennel, grooming, and training facility</u>	<u>A facility providing services for dogs and other small animals, such as day care, boarding, obedience classes, training and grooming, in which all overnight activities occur indoors.</u>
Downtown development area	The Downtown Development Area is defined geographically beginning with the eastern edge of the northbound frontage road of Interstate Highway 35 where it crosses the approximate center line of Brushy Creek, then proceeding south along said edge of the northbound frontage road to the approximate center line of Lake Creek, then proceeding southeast along the approximate center line of Lake Creek to the approximate center line of the northern most track of the Union Pacific Railroad, then proceeding northeast along the approximate center line of the northern most track of the Union Pacific Railroad to the western line of the original P.A. Holder Survey, then proceeding north along said western line of the survey (east of College Street) to the approximate center line of Brushy Creek, then proceeding west along the approximate center line of Brushy Creek to the eastern edge of the northbound frontage road of Interstate Highway 35, being the point of beginning. Standards that apply in the Downtown Development Area shall not apply to properties zoned MU-1, MU-2 or MU-L.
Drip line, tree	The periphery of the area underneath a tree that would be encompassed by perpendicular lines dropped from the outermost edges of the canopy of the tree. The term "drip line" also includes "canopy" or "crown".
Drive, connecting	An authorized extension of an internal drive that links the internal drive with a similar such internal drive extension from an abutting building lot at the common lot line.
Drive, external	An authorized extension of an internal drive that links the internal drive with a public street, an alley, or an approved private street.
Drive, internal	Authorized means of vehicular access to parking and loading spaces located within a given building lot.
Driveway	An authorized private roadway of an impervious nature providing access for vehicles to a parking space, garage, dwelling, or other structure.

Drought-tolerant turf grasses	Turf grass varieties and mixes that have been developed to minimize, once established, the requirements for irrigation, mowing, weeding and fertilizer in central Texas landscapes <u>and have summer-dormancy capabilities</u> . Drought-tolerant turf grasses include species such as Buffalo, <del>and</del> Bermuda <u>hybrids that do not produce viable seed, Zoysia, and HABITURF®</u> . St. Augustine is not considered a drought-tolerant turf grass.
Dwelling unit	A building or portion of it designed and used for residential occupancy by a single household and that includes exclusive sleeping, cooking, eating and sanitation facilities. A building containing more than one set of cooking facilities is considered to be a multi-dwelling unit structure. The term "dwelling unit" does not include hotels, motels, lodging houses, <u>sheds or similar accessory structures</u> , campers or camp trailers, any recreational vehicle, or vehicle or portable structure having no permanent foundation other than wheels, jacks, or skirting.
Easement	A grant by a property owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainage ways and roadways.
Easement, public utility	An easement dedicated by plat or separate instrument to and/or for the use by a public utility.
Easement vacation	The nullification of all or a portion of an easement established in a previously recorded plat or by separate instrument by recording the vacation instrument with the county.
Electrical work	Any act in connection with the installing, altering, or repairing of electrical wires, conduits, apparatus, or other electrical installation, designed or capable of carrying electrical energy, which act ordinarily requires the use of tools.
Electronic messaging center (EMC) sign	Any sign using an array of lights which can be programmed to provide items of information as a changeable message displayed through electronic means.
Elevated building	(1) The term "elevated building" means a non-basement building: <ul style="list-style-type: none"> <li>a. Built, in the case of a building in zones AI-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zone VI-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water; and</li> </ul>

	<p>b. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.</p> <p>(2) In the case of zones AI-30, AE, A, A99, AO, AH, B, C, X, and D, the term "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with opening sufficient to facilitate the unimpeded movement of floodwaters.</p> <p>(3) In the case of zone VI-30, VE, or V, the term "elevated building" also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls met the standards of section 60.3(e)(5) of the National Flood Insurance Program regulations.</p>
Elevation	A view of a building seen from one side.
<u>Emergency medical services</u>	<u>A service dedicated to the treatment and ambulatory transport of patients with severe illnesses and injuries which prevent the patient from transporting themselves.</u>
Enclosed building	A building surrounded on all sides by walls and with a roof.
Engineer	A person who is duly licensed and registered to engage in the practice of professional engineering in the State of Texas.
Engineer's report	A written report sealed by an engineer, including schematic diagrams as appropriate, addressing and describing utility service, drainage, streets and floodplain issues, and any other items that may be listed in the development packet.
Erected	Includes the terms "constructed," "moved," "located," or "relocated."
Event center	A facility consisting of multipurpose rooms, outdoor courtyards, or recreational facilities used for hosting social gatherings such as weddings, parties, receptions, and dances.
Evergreen	Plant material with foliage that remains green year-round.
Existing construction	For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. The term "existing construction" may also be referred to as "existing structures."
Existing manufactured home park or subdivision	A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of

	concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
Expansion	The addition of square footage to an existing building that is less than the total square footage of the existing building and associated structures.
Expansion to an existing manufactured home park or subdivision	The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
<u>Exterior wall materials</u>	<u>The primary materials covering the outermost portions of a structure's exterior wall; may refer to a veneer such as brick or stone or to a load bearing wall such as concrete tilt-wall or concrete masonry units. As it pertains to this Code, exterior wall materials comprise the remainder of the exterior wall finish not occupied by doors, windows, and trim.</u>
External illumination (of a sign)	Light shining on the outer surface of a sign. Includes backlit signs when shielding is provided.
Extraterritorial jurisdiction (ETJ)	The unincorporated area that is contiguous to the corporate limits of the city as further provided for in the V.T.C.A., Local Government Code § 42.021.
Farm	An area of two or more contiguous acres, used for the growing of usual farm products such as vegetables, fruits, trees and grain, and their storage, as well as the raising thereon of usual farm animals such as horses, cattle, sheep, chickens and swine on a limited basis, and including dairy farms with the necessary accessory uses for treating and storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of the normal activities, and provided further that the term "farm" does not include the commercial raising or pen feeding of animals, or the commercial feeding of offal or garbage to swine or other animals, and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.
Fascia mounted sign	<del>Any sign erected on the fascia of a building. For the purposes of this Chapter 30, a fascia mounted sign is considered to be a type of wall sign.</del> A building sign mounted to the fascia of a building with a pitched roof.
Feed lot	A small area where livestock are confined and fed to fatten them.
Fence	A construction, not considered a structure, which is designed for screening or enclosing.

<u>Fence, lot</u>	<u>A construction, not considered a structure, which is designed for enclosing a lot.</u>
Festoon	A fabric suspended, draped and bound at intervals and suspended between two locations or points.
<u>Finished floor elevation</u>	<u>The lowest floor level of a building that is entirely at or above grade.</u>
Finished grade	The completed elevations of lawns, walks, roads and other surfaces brought to a grade as designed.
Fire wall	A four-hour fire resistant wall, having protective openings, which restricts the spread of fire and extends continuously from the foundation to or through the roof, with sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall.
Flag	Any fabric, banner or bunting used as a symbol of a government, or political subdivision.
Flood (flooding)	A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.
Flood elevation study	An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
Flood insurance rate map (FIRM)	An official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
Flood insurance study	The official report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.
Flood protection system	Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain (or flood-prone area)	That area defined as having a one percent chance of flooding in any given year and shall include all area shown in the 100-year floodplain as designated on the Flood Insurance Study (FIS), as prepared by the Federal Emergency Management Agency or its equivalent agency; any land area susceptible to being inundated by water from any source.
Floodplain management	The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
Floodplain management regulations	Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
Floodproofing	Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
Floodway (regulatory floodway)	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
Floor area, gross (GFA)	The sum of the gross area for each of a building's stories under roof, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, including the following areas:
	(1) The area of each floor of the structure; and
	(2) All attic space having headroom of seven feet, ten inches or more.
Forestry manager	The person who oversees the urban forestry program and all aspects of public tree planting, public tree care, and other duties as provided in chapter 8, article III, <u>or his designated assignee.</u>
Fowl	Any goose, pheasant, chicken, prairie chicken, peacock, guinea, duck, turkey, and other normally undomesticated fowl.
Fowl raising	Domesticating fowl, including any customary buildings and structures.

Freestanding sign	Any sign which is attached to or is a part of a completely self-supporting structure. The supporting structure shall be firmly in or below the ground surface and not attached to any building or other structure, whether portable or stationary.
Freeway	Limited-access highways intended to move high volumes of automobile traffic at relatively high speeds over long distances.
Frontage	The line where a parcel of land, lot or site abuts a street.
Functionally dependent use	A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
Funeral home	An establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses also include mortuaries.
Garage	A structure or part thereof, designed, used or intended to be used for the parking and storage of motor vehicles.
Garage, j-swing	An attached garage for which the entry point from the street is located in front of the house and the garage door is perpendicular to the front of the house.
Garage, rear access	A garage that only has access to an alley and not to a street right-of-way.
Garage, side entry	A garage for which the entry point from the street is a secondary frontage on a side of the house and the garage door is perpendicular to the front of the house.
Garage/yard sale sign	Any sign advertising the sale of personal household goods in a residential zoning district or on the property of a nonprofit organization.
Gas station	An establishment engaged in the sale of motor vehicle fuel. May also include retail sales of goods and food and a car wash.
Gated community	A residential development that contains private streets and has a gated or guarded entrance that permits only residents of the development and their guests to enter the development.
General plan	The planning documents and related materials officially adopted by the city, as amended, containing the goals, objectives and policies pertaining to urban growth, community facilities, housing, infrastructure,

	parks, transportation and other subjects related to the development of the city.
Glazing	The portions of windows or doors containing glass.
Golf course	A tract of land which is laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.
Good standing	All fees, bonds, etc., of a licensee (who is not currently under suspension or revocation) have been paid.
<del>Government facilities</del>	<del>Federal, state, county or city offices, administrative, clerical or public contact services, together with incidental storage and maintenance of necessary vehicles.</del>
Grading	The mechanical or physical act of disturbing, moving, removing, transferring, or redistributing soil or earthen surfaces.
Greenbelt	A series of connected open spaces that may follow natural features such as ravines, creeks, or streams.
Greenhouse	A glass or plastic enclosure used for the protection and cultivation of plants.
Gross floor area (GFA)	The total area in square feet of all floors of a building, measured from the exterior walls <u>or from the centerline of walls separating two buildings.</u> <del>and shall include all attic space used for active commercial space, where applicable.</del>
<del>Gross site area</del>	<del>An encompassed area defined by lot lines that are described by plat or deed.</del>
Groundcover	Plants, other than turf grasses, that have a growth habit ranging from six inches to 18 inches in height at maturity.
Groundcover planting	A groundcover consisting of live plant material that is low growing and spreading that is generally maintained at a height of six inches to 18 inches and is intended to completely cover the area with no bare earth visible between plants when established.
Group home (six or fewer persons)	A home-based facility providing 24-hour care in a protected living arrangement for not more than six residents. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for seniors, and maternity homes. Requires licensing by the state. Does not include post-incarceration facilities or facilities for those who are a danger to themselves or others.

<del>Gymnasiums/sports training facilities</del>	<del>Individual sports training uses conducted within an enclosed building. Typical uses include gymnastics, cheerleading, baseball and rock climbing. Use of the facility is generally limited to participants scheduled for classes or training. Does not include sports arenas, racing facilities, amusement parks, or other spectator oriented venues.</del>
Halation illumination (of a sign)/illumination by halation	Effect given off by cove or reverse channel lighting where the light source is shielded from direct view and illumination of a sign occurs as a result of the light reflecting off an adjacent background.
Hanging sign	Any sign suspended from an awning, canopy, eave or overhang, typically by a chain, hooks, brackets or similar devices intended to affix hanging signs to a building.
Hazardous activities, tree	The activities described in Sec. 8-22 <u>which may endanger the health of a tree.</u>
Hazardous material	Any substance or combination of substances that, because of its quantity, concentration, or physical, chemical or infectious characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term "hazardous material" includes, but is not limited to, explosives and blasting agents, compressed gasses, flammable and combustible fuels and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers, biological agents and other health hazards.
Heavy equipment & large vehicle sales, leasing and repair	Retail sales, leasing and repair of self-propelled vehicles such as construction equipment and large trucks, tractor-trailers, semi-trucks, buses, vans, and other similar vehicles. May include engine repair, servicing, collision repair and painting of vehicles having a gross vehicle weight of 17,000 pounds or more.
Heliport	The area of land, water or structure used or intended to be used for the touchdown and lift-off of helicopters.
Heliport, hospital	A heliport limited to serving helicopters engaged in air ambulance.
Highest adjacent grade	The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
Historic-age sign	A sign that is itself of historic significance, contributes to the historic fabric of the area, or is historically linked with the operation of a

	business. These signs are typically at least 50 years old and may be preserved in place as decorative features.
Historic district	Any district designated according to the procedures in Sec. 10-55.
Historic overlay	Any historic area designated according to the procedures in Sec. 10-55 of this Code.
Historic structure	Any structure that is: <ul style="list-style-type: none"> <li>(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;</li> <li>(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;</li> <li>(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or</li> <li>(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.</li> </ul>
Holiday decorations	Signs or displays including lighting which are a nonpermanent installation celebrating national, state and local holidays or holiday seasons.
Home occupation	Any occupation, profession, business or activity serving as an accessory use of a dwelling that constitutes all or some portion of the livelihood of a person or persons living in the dwelling and is conducted entirely within a dwelling unit or attached garage of the bona fide residence of that person or persons.
Home occupation sign	Home occupation sign. A sign located at a residence that displays the name of a customary home occupation.
Hospital	An institution providing primary health care services, including in-patient medical or surgical care, including related facilities such as out-patient clinics, offices, laboratories, teaching facilities, meeting areas,

	cafeterias, maintenance and parking facilities. Typical uses include medical centers and hospitals.
Hospital, Rehabilitation	An institution health care services to patients recovering from medical procedures who require in-patient medical care, including related facilities such as out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, maintenance and parking facilities. Does not include surgery centers or emergency room facilities.
Hotel/Motel/Lodging	A building or a group of buildings used for provide temporary lodging open to the general public and that may provide additional services such as restaurants, meeting rooms, entertainment, and recreational facilities. A hotel/motel/lodging facility may offer suites, which include kitchen facilities, sitting rooms, and bedrooms.
HUD-code manufactured home	A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term "HUD-code manufactured home" does not include a recreational vehicle as the term is defined by 24 CFR 3282.8(g), as amended.
Illuminance	A measure of the amount of light intercepting an object at a given distance from a light source measured in foot candles.
Illumination (of a sign)	Any sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs, halation, and reflectorized, glowing or radiating signs. Illumination includes light sources such as neon, cold cathode, LED (light emitting diodes) incandescent lamps, fluorescent lamps, high intensity discharge lighting and photo luminescent material.
Impervious surface	Any hard-surfaced, manmade area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks and paved recreation areas.
Improved soils	Soil mixture that is intended to sustain plant growth within planted beds, usually a mixture of one-third organic compost, one-third sandy loam, and one-third native soil.

Improvements	See "Development."
Incidental sign	A small sign, emblem or decal (not otherwise defined herein) containing information incidental to the operation of the business, such as, but not limited to, hours of operation, telephone number, address, accepted credit cards, <del>directory signs</del> , information signs, drive-through menu board signs, and parking signs within a parking lot or garage.
Indoor entertainment activities	Participatory and spectator-oriented recreation and entertainment uses conducted within an enclosed building. Typical uses include bowling alleys, game arcades, pool halls, dance halls, <u>music venues</u> , and movie or other theaters.
Inflatable sign	Any hollow sign or balloon expanded or enlarged by the use of air or gas that contains a commercial message.
Information sign	Bulletin boards, changeable copy directories or temporary signs relating solely to governmental institutions (city, county, state, school district) intended for use by the institution on whose site the sign is located.
<u>Inpatient clinics</u>	<u>A non-hospital medical facility providing inpatient care, not including emergency medical services. Typical uses include rehabilitation clinics.</u>
Internal illumination (of a sign)	Lighting for a sign where conduits are housed within the sign or sign cabinet so that light shines through the surface of the signs. <del>Neon signs shall also be considered to be internally illuminated.</del>
Institution	A facility providing 24-hour supervision and counseling in a protected living arrangement for residents and supervisory personnel. This classification includes soup kitchens, halfway houses for juvenile delinquents and adult offenders, pre-parole detention facilities (not including prisons), halfway houses providing residence in lieu of incarceration, halfway houses providing residence to those needing correctional and mental institutionalization, and residential rehabilitation for alcohol and chemical dependence. This classification also includes overnight shelters for the homeless. Requires licensing by the state.
<u>Irrigation inspector</u>	<u>A person who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor and is required to be licensed under 30 Tex. Admin. Code ch. 30 (relating to occupational licenses and registrations).</u>
Irrigation system	<u>An assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, and/or to reduce dust or control</u>

	<p>erosion. This term does not include a system that is used on or by an agricultural operation as defined by V.T.C.A., Agriculture Code § 251.002. <del>A permanent, automatic, underground water system that is designed to transport and distribute water to landscape plant material.</del></p>
<u>Irrigator</u>	<p><u>A person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, services or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under 30 Tex. Admin. Code ch. 30.</u></p>
Items of information (on a sign)	<p>A word, logo, abbreviation, number, symbol, geometric shape, or similar that is intended to be part of the sign display area.</p>
Journeyman electrician	<p>A person licensed as a journeyman electrician, under the provisions of Chapter 8, article X, division 9, who does electrical work under the supervision, direction, and control of a licensed master electrician.</p>
Kennel, indoor	<p>A facility where small animals are boarded within an enclosed building or where such animals are bred or raised for sale.</p>
Kennel, outdoor	<p>A facility where small animals are boarded within open air structures or where such animals are bred or raised for sale.</p>
Landmark	<p>A structure (including any building) of unusual historical and usually aesthetic interest; especially one that is officially designated in accordance with Sec. 10-55.</p>
Landscape	<p>The improvement and enhancement of an area of land with any combination and placement of plant material (trees, shrubs, vines, groundcover, turf, or flowers), natural elements (berms, rocks, stones, boulders, or water) and/or structural features (not limited to walkways, walls, fences, pools, fountains, outdoor art work, or benches).</p>
Landscape architect	<p>A person who is licensed and registered to engage in the practice of landscape architecture in the state.</p>
Landscaping, interior parking	<p>The landscaping provided for the purpose of buffering and providing visual breaks within parking areas.</p>
Landscaping, perimeter parking	<p>The landscaping provided for the purpose of buffering and screening of parking areas having frontage along public rights of ways and/or private drives.</p>
Levee	<p>A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain,</p>

	control, or divert the flow of water so as to provide protection from temporary flooding.
Levee system	A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
<u>License</u>	<u>An occupational license that is issued by the Texas Commission on Environmental Quality under Title 30, Texas Administrative Code, Chapter 30 to an individual that authorizes the individual to engage in an activity that is covered by 30 Tex. Admin. Code ch. 30.</u>
Licensed electrician	A person licensed and authorized to do electrical work as defined by this code who is currently in good standing status.
Light industrial service, manufacturing and assembly	Firms engaged in the manufacturing, fabrication, assembly, repair, processing or servicing of industrial, business, or consumer machinery, products, or by-products mainly by providing centralized services for separate retail outlets.
	Includes contractors and building maintenance services and similar uses that perform services off-site. Few customers, especially the general public, come to the site. Typical uses include:
	(1) Welding, machine, and tool repair shops;
	(2) Repair of scientific or professional instruments;
	(3) Building, heating, plumbing, or electrical contractors;
	(4) Printing, publishing, and lithography;
	(5) Exterminators;
	(6) Laundry, dry-cleaning, and carpet cleaning plants;
	(7) Photo-finishing laboratories;
	(8) Maintenance facilities;
	(9) Contractors and others who perform services off site, but store equipment and materials or perform fabrication or similar work on-site;
	(10) Vehicle and equipment maintenance facilities;
	(11) Fuel oil distributors;
	(12) Production or fabrication of metals or metal products including enameling and galvanizing;
(13) Large-scale catering establishments;	

	(14) Woodworking, including cabinet makers and furniture manufacturing;
	(15) Clothing or textile manufacturing;
	(16) Movie production facilities;
	(17) Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, and other electrical items;
	(18) Production of artwork and toys; and
	(19) Sign making.
Light pole-mounted banner	A banner mounted on a vertical light pole.
Light source	A single, artificial source of luminescence that emits measurable radiant energy in or near the visible spectrum.
Limits of construction	A line delineating the area within a project site that is to be disturbed or otherwise affected by activities related to construction of such project.
Live/work unit	A structure with a combination of uses where work activities associated with the operations of a business or trade occur as allowed in the zoning district, and includes a dwelling unit for the occupant. Such units shall have only one kitchen, at least one bathroom, and shall be occupied by the person operating the business.
Livestock	Any horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jenny, all species of swine, sheep, goat, llama, all species of cattle, emu, ostrich and rhea.
Livestock raising	Ranching, including any customary buildings and structures, and uses such as animal husbandry.
Living unit equivalent (LUE)	A unit of measurement used to facilitate the sizing of water, reuse water, and wastewater mains. <u>One LUE consumes 450 gallons per day of water and produces 350 gallons per day of wastewater.</u>
Loading dock	A sorting, loading or staging platform area and any loading space associated with the platform used by vehicles for the purpose of loading and unloading merchandise or materials. Also includes truck wells and dock lifts.
Loading space	An off-street space designed on an approved site plan for the parking of a vehicle that exceeds 35 feet in length, while loading or unloading merchandise or materials at locations other than primary public entrances.

Logo	An emblem, letter, character, pictograph, trademark, color scheme, or symbol that is registered, trademarked, or used in media to represent any firm, organization, entity, product, or service.
Lot	A single, legally created parcel of land intended as a unit for transfer of ownership or for development and having frontage on a dedicated street.
Lot area	The area contained within the boundary lines of a lot, excluding any street, easement for street purposes, or street right-of-way.
Lot, corner	A lot located at the intersection of two or more streets.
Lot coverage, maximum	The percentage of lot area allowed to be included within the outside lines of the exterior walls of all buildings located on a lot.
Lot, double frontage	Any lot having frontage on two streets which are nonintersecting.
Lot, flag or panhandle	A lot resulting from the division of a tract of land that, before its division, did not have sufficient width on a street to create more than one lot abutting said street but had sufficient area and depth to be divided into more than one buildable lot.
Lot line	The boundary of a lot.
Lot line, front	A front lot line is the boundary of a building lot that abuts an existing or dedicated street. In cases where two or more lot lines abut an existing or dedicated street, all such lot lines are considered front lot lines for the purposes of calculating building setbacks and meeting other development requirements. In the case of lots with two parallel lot lines meeting the criteria, both shall be considered front lot lines as for the purposes of calculating building setbacks and meeting other development requirements, except where the rear setback requirement is greater than the front setback requirement, in which case one of two opposing setbacks shall be a rear setback.
Lot line, rear	That lot line which is parallel to and most distant from the front lot line of the lot; in the case of a triangular, or an irregular lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the street lot line shall be considered to be the rear lot line. In the case of corner lots, the rear lot line shall be opposite the lot line along which the lot takes access to a street.
Lot line, side	Any lot line other than a front or rear lot line.
Lot of record	An area of land designated as a lot on a subdivision plat duly recorded with the county clerk; or an area of land held in single ownership

	described by metes and bounds upon a deed recorded or registered with said county clerk.
Lot, interior	Any lot other than a corner lot.
Lot, through	A lot other than a corner lot, with frontage on two nonintersecting streets.
Lot, zoning	<p>A parcel of land:</p> <p>(1) Comprised of one or more recorded lots that are contiguous and under the same ownership;</p> <p>(2) Occupied or intended to be occupied by a principal building or buildings, or principal use or uses, along with permitted accessory buildings or uses; and</p> <p>(3) Meeting all of the requirements for area, buildable area, frontage, width, yards, and any other requirements set forth in this Code.</p> <p>Lots separated by streets or alleys shall not be considered contiguous for the purposes of this definition.</p>
Lot width	The width of a lot at the minimum building setback line.
Lowest floor	The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the National Flood Insurance Program regulations.
Low-profile sign	A freestanding sign, with a base measuring 100 percent of the width of the sign which may be placed on a lot five acres or greater with at least 200 feet of contiguous lot frontage and is not required to meet spacing requirements.
Maintenance	The act of keeping in a state of safe operating or occupying condition.
Major recreational equipment	Equipment such as boats and boat trailers, travel trailers, pickup truck campers, camping trailers, tent trailers, converted trucks and buses, recreational vehicles, and other related equipment intended for recreational purposes.
Manufactured home	A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or

	more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. Does not include recreational vehicles or mobile homes.
Manufactured home park or subdivision	A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
Map, zoning	The official zoning map of the City, which may be a single map or a series of smaller maps.
Margin, sign	The area of a sign that is required to be kept free and clear of items of information and may be required around a building sign or around the items of information contained in a sign cabinet's panel in a freestanding sign.
<u>Masonry</u>	<u>A type of construction or veneer made up of natural or man-made brick, stone, or glass products laid unit by unit and set in mortar.</u>
Maximum extent feasible	The point at which all possible measures have been undertaken by the applicant, at which point further measures would involve physical or economic hardships that would render a development project infeasible or would be unreasonable in the judgment of a review or decision-making body.
Mean sea level	For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.
Memorial park (also Cemetery)	Land used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.
<u>Microbrewery</u>	<u>A facility that produces no more than 15,000 barrels of beer annually and which may include a tasting room and retail space.</u>
<u>Microdistillery</u>	<u>A facility that produces no more than 5,000 gallons of spirituous beverages annually and which may include a tasting room and retail space. Also referred to as craft, boutique, or artisanal distilleries.</u>
<u>Microwinery</u>	<u>A facility that produces no more than 50,000 gallons of wine and related beverages annually and which may include a tasting room and retail space, but does not include a vineyard.</u>

Mineral extraction	The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term "mineral extraction" also includes quarrying; well operation; milling, such as crushing, screening and washing; and other preparation customarily done at the extraction site or as part of the extractive activity.
Mini-warehouse	A structure containing separate storage spaces of varying sizes leased or rented as individual leases. This term "mini-warehouse" includes self-service storage facility and mini-storage facility.
Mirrored glass	Glass with a reflectivity of 20 percent or greater.
Mixed-use	The combining of complementary residential and commercial uses in the same building, on the same site, or on the same block.
Mobile food establishment	A motor vehicle or enclosed trailer <u>with walls and a roof inside of which a certified food handler operates kitchen equipment</u> that is used for the purpose of cooking, preparing, and/or assembling food items for sale to the public.
Mobile home	A structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. Does not include manufactured homes or recreational vehicles.
Model home sign	Any sign identifying a model home, as being a builder's or contractor's model open to the public for inspection.
Modular housing	A residential structure that is:
	(1) Designed for the occupancy of one or more families;
	(2) Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
	(3) Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
	The term "modular housing" does not include:

	(1) Housing constructed of a sectional or panelized system that does not use a modular component;
	(2) A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location; or
	(3) Manufactured housing.
<u>Multifamily</u>	<u>For the purposes of water and wastewater impact fees, multifamily shall mean all multi-unit residential buildings, including without limitation, apartments, multifamily houses, townhouses, and single-family attached houses containing two dwelling units.</u>
Native plant	Any species that is indigenous to the central Texas region.
<u>Natural stone</u>	<u>A naturally occurring, minimally processed block masonry product that does not include panels or tiles which are sometimes referred to as manufactured stone, simulated stone, or thin stone.</u>
Neighborhood event signs	Signs promoting drives, events, or meetings related to neighborhood activities sponsored by a homeowners association or neighborhood association.
Neighborhood information kiosks	A sign utilized and maintained by a homeowners association or a neighborhood association with a legal entity for the purpose of conveying information related to association activities to the association members.
Neighborhood road	<u>For the purposes of regulating signs, A</u> any road not listed as a freeway or commercial road in subsection 8-74.
Neon sign	A sign with tubing that is internally illuminated by neon or other electrically charged gas.
New construction	For the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, the term "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision	A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
Noise; noise pollution	Continuous or episodic excessive noise in the human environment that is damaging or otherwise annoying.
Nonconforming building	Any building, or part thereof, lawfully existing or occupied at the effective date of the ordinance from which this Code is derived which does not comply, after the passage of this Code, with the height, yard, parking, loading, coverage area, or screening regulations of the district in which it is located.
Nonconforming lot	Any lot lawfully existing at the effective date of the ordinance from which this Code is derived that does not conform, after the passage of this Code, to the width, depth, and area regulations of the zoning district in which it is located.
Nonconforming sign	A sign which is in conflict with the current provisions of this Code.
Nonpolluting industries	An industry in full compliance with federal and state regulations.
Non-recorded subdivision	A tract that has been divided, for which a plat has not been recorded in the official plat records of the county.
<u>Non-reflective prefinished metal</u>	<u>For the purposes of roofing materials, non-reflective prefinished metal refers to metallic materials (typically steel or aluminum) that have a colored or colorless finish applied by the manufacturer and need no further processing prior to installation. Typical products include standing seam, rib, and snap or lock panels, but not corrugated metal.</u>
Nonresidential private street development	A nonresidential development that contains private streets. Such development shall not contain a gated or guarded entrance.
Novelty sign	A sign which is irregularly shaped, whose structure does not conform to the regulations defining other types of signs.
Occupant frontage	That length of a wall of a building occupied by a single business or by multiple businesses with a single entrance, which faces either a dedicated public street or internally to a parking lot or driveway of a multi-occupant center.
Office	The use of a building or a portion of a building for the provision of executive, consulting, professional, management, or administrative

	<p>services. Typical uses include administrative offices and services including real estate, law, architecture, design, engineering, accounting, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with office services.</p>
Office, medical	<p>A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, or similar practitioners of medical and healing arts for humans <u>on an outpatient basis</u>, licensed for such practice by the state.</p>
Office of the recorder	<p>That office responsible for recording deeds and other legal documents or actions.</p>
Office, public	<p>The use of a building or a portion of a building for business offices of public or community service organizations and associations.</p>
<u>Office/Warehouse</u>	<p><u>An establishment engaged in both the administration and management of, and the storage and movement of, goods for themselves or other firms. Typical uses for the office portion include business functions related to the goods being stored and transferred. A limited amount of on-site sales activity with the customer present is expected. Typical uses for the warehouse portions include storage by retail stores such as furniture and appliance stores, household moving and general freight storage. The office/warehouse facility's typical design has an office entry on the street-facing side of the building and a warehouse and loading entry on the rear of the building. Uses for the warehouse portion shall not include major wholesale distribution centers, cold storage plants including frozen food lockers, storage of weapons and ammunition, truck or air freight terminals, bus barns, parcel services, major post offices, grain terminals, transfer and storage businesses and the stockpiling of sand, gravel or other aggregate materials.</u></p>
Official filing date	<p>The date provided in a schedule adopted by the planning and zoning commission indicating when a concept plan or plat submittal may be filed with the city in order to comply with the planning and zoning commission meeting calendar.</p>
Off-premises sign	<p>Any sign normally used for promoting an interest other than that of a business, individual, products, or service available on the premises where the sign is located.</p>

Off-site	Located outside the boundary area of the <u>subject</u> property <del>to be</del> <u>platted</u> .
On-premises sign	Any sign used for promoting a business, individual, product or service available on the premises where the sign is located.
Open space	Land within or related to a development, not individually owned or dedicated for public use that is designed and intended for the common use or enjoyment of the residents of the development.
Ordinary maintenance and repair	Any work, the sole purpose and effect of which is to correct deterioration, decay, or damage, including repair or damage caused by fire or other disaster and which does not result in a change in the existing appearance and materials of a property. Examples of this work include, but are not limited to the following: (1) Caulking or re-glazing windows; (2) Minor repairs to windows, doors, siding, gutters, etc.; (3) Replacement of existing mechanical equipment; (4) Repairing or repaving of flat concrete work in side and rear yards; (5) Repairing or repaving of existing front yard paving, concrete work and walkways, if material the same or similar in appearance is used; (6) Roofing work, if no change in appearance occurs; (7) Foundation work, if no change in appearance occurs; and (8) Chimney work, if no change in appearance occurs.
Ornamental grasses	<u>A grass-like plant grown in a landscape bed similarly to annuals and perennials which typically requires minimal maintenance and irrigation, and dies back or requires cutting back each winter.</u> <del>A large or small shrub.</del>
Outdoor cooking area	An area outdoors used for the <u>commercial</u> preparation of food such as barbeque pits, grills, pizza ovens, smokers, rotisseries and other similar cooking facilities.
Outdoor entertainment	Participatory and spectator-oriented recreation and entertainment uses conducted in open, partially enclosed, or screened facilities. Typical uses include sports arenas, racing facilities, amusement parks, golf driving ranges, <del>and</del> miniature golf courses, <u>live music venues, and amplified live music performed in association with a restaurant or bar.</u>
Outdoor storage	Any area used for the purposes of trash collection; outdoor loading and unloading spaces; docks or outdoor shipping and receiving areas;

	outdoor storage of bulk materials and/or parts; or areas regularly used for outdoor repair storage and/or storage of vehicles.
Owner	The person having the right of legal title or beneficial interest in or a contractual right to purchase a parcel of land. For the purpose of providing notices required by this Code, the owner is the person who last paid taxes on any parcel as identified by county property tax records.
Paging system, outdoor	Any outdoor speaker system for the provision of <u>drive-through operations</u> , music, advertising, <u>or notification</u> <del>or any order box or other speaker device associated with a drive-through facility.</del>
Pan-faced sign	An internally lit sign with an opaque frame of <u>multi-dimensional</u> extruded structural plastic that is shaped to the content of the sign and where the sign face is sculpted in relief.
Panel (of a sign)	A flat, solid surface containing the raised, recessed, or framed part of the sign display area that is separate and distinct from the background to which it is attached or from the sign's supports.
Parapet	The extension of a false front or wall above a roofline.
Parcel	Any legally described area of land.
Parent tract	The tract or parcel of land from which the property being platted is derived and is owned by the developer of the property being platted; provided however that the developer may exclude from the parent tract any land in excess of 500 acres including the property being platted. The PDS director may determine what portion of the developer's land will be included in the parent tract up to the 500-acre limit.
Park, community	A site of approximately 16 to 500 acres with a service area of several neighborhoods. Facilities included in such a park are tennis courts, separate or multi-purpose sport fields/small complexes, playgrounds, picnic areas, walking/jogging trails, swimming pools, open space, restrooms, lakes, skate parks, and/or other specified facilities (disc golf, etc).
Park, linear/linkage	Usually developed around a natural resource such as a creek, river, or lakeshore. Some potential benefits of a linear park/linkage are:
	(1) Preserve valuable open space and natural habitat;
	(2) Provide a natural environment for walking, jogging, and bicycling trails;

	<p>(3) Provide a transportation corridor linking neighborhoods to parks, schools, and shopping areas; and</p> <p>(4) Provide a variety of passive recreational opportunities all free or relatively free from automobile interference.</p> <p>Linear parks/linkages can also serve as a natural buffer between land uses, serve as utility (underground) easements and can usually be acquired at a relatively inexpensive price due to the potential of flooding.</p>
Park, neighborhood	<p>A site of approximately one to 15 acres which serves the area within one fourth to one half mile radius with both active and passive recreational opportunities. Facilities found in neighborhood parks typically include playgrounds, picnic areas, shelters, pavilions, play courts (tennis/volleyball), open space, benches, walking trails and restrooms if necessary. A playground is defined as combinations of the following: Swings, slides, climbing apparatus and play apparatus. Parking is only along collector or arterial streets for traffic safety.</p>
Park, regional/metropolitan	<p>A site of 500 or more acres which serves the area within an approximate one hour drive time of the park with a wide range of recreational opportunities. Potential facilities include sports fields, tennis courts, basketball courts, swimming pools, campgrounds, bicycle and hiking trails, nature areas, a golf course, recreation center, amenity center (leisure pools, etc.), restrooms, and ample parking. As indicated by the broad range of facilities, such a park should provide both active and passive recreational opportunities.</p>
Parking bay	<p>A single row of parking between the end islands.</p>
Parking, commercial	<p>Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.</p>
Parking, general	<p>Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility that serves a principal use, but is not contiguous to or adjacent to the principal use and due to its location is not considered an accessory to a principal use.</p>
Parking space	<p>An area reserved exclusively for the parking of motorized vehicles, located outside a public right-of-way.</p>
Parks and recreation facilities	<p>Parks, playgrounds, swimming pools, recreation facilities, and open spaces available to the general public and under the management or</p>

	control of a public agency. The term "parks and recreation facilities" also includes golf courses, whether public or private.
Parks director	The director of the parks and recreation department of the city, or an authorized representative.
Park zone	Areas identified on a park zone map adopted by the city council.
Passenger terminal	Facilities for the takeoff and landing of airplanes and helicopters, and terminals for rail or bus service. Typical uses include bus passenger terminals, train passenger terminals, airports, and helicopter landing facilities.
Paved areas	An area surfaced with asphalt, concrete or similar all weather surface, not including gravel.
Peak hour	The time periods on a typical weekday of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., or as otherwise defined by the transportation director.
Pedestal sign	A ground-mounted sign with a height of less than five feet from the finished grade that has a panel mounted on a stand.
Pedestrian way	A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
Pennant	Any lightweight plastic, fabric or other material, whether or not it contains a message of any kind, suspended from a rope, wire or string designed to move in the wind and whether existing in a series or individually.
Permanent building	A building attached to a permanent slab on grade or a pier and beam foundation.
Permanent foundation	An exterior wall and necessary support columns or piers designed to support any building for the usable life of that structure. The exterior wall of a permanent foundation shall conform to the foundation requirements of the building code.
Permit	An official document or certificate issued by the authority having jurisdiction, authorizing performance of a specified activity.
Person	An individual, partnership, firm, corporation, association, governmental body and all other legal entities, or the agent of any of the aforesaid.
Pervious	The ability of a substance to allow water to permeate.
Pillar sign	A sign that is a stream-lined sculptural element of a single geometric shape such as an ellipse, an obelisk, or a column.

Place of worship	A use located in a permanent building, except where otherwise provided for in this Code, providing regular organized religious worship. Parsonages, rectories, and buildings providing classroom space for religious education shall be considered part of the permitted principal use. The term <u>place of worship</u> also includes the following "accessory uses," <del>includes, but is not limited to,</del> <u>which occur on the grounds of the place of worship:</u> principal or secondary educational facilities, offices, community recreational facilities, and day care facilities, <del>including facilities for mother's day out programs.</del>
Planned unit development (PUD)	A <u>zoning district unique to one or more properties</u> <del>tract of land</del> containing <del>any combination of two or more principal</del> <u>a single or mixed</u> uses <del>permitted by right or as a conditional use in the</del> <u>as approved in the PUD's adopting ordinance, and which typically contains alternative development standards not accommodated by strict interpretation of a base zoning district.</u> <del>PUD district in which the development is proposed.</del> Development may be done as a whole or in a definitely programmed series of development phases.
<u>Planning and</u> <del>D</del> <u>development</u> <del>S</del> <u>services</u> director ( <u>PDS</u> director)	The person appointed by the city manager to <del>head</del> <u>oversee</u> the planning and development services department.
Planning and zoning commission <del>or commission</del>	The planning and zoning commission of the city which under state law has responsibility for plat approval within the corporate limits and within the ETJ. <u>For the purposes of zoning and subdivisions, also referred to as commission.</u>
<u>Plastic (signs)</u>	<u>For the purpose of regulating signs, a synthetic material made from a wide range of organic polymers such as polycarbonate, acrylic, or a non-rigid material sometimes referred to as flex face or flex panel. Banners do not qualify as plastic under this definition.</u>
Plat	The map describing an addition, subdivision or replat including any streets, alleys, squares, parks or parts of a tract intended to be dedicated to public use. The plat shall also describe private streets not intended to be dedicated to public use.
Plat, amending	A change to a recorded plat as permitted in this Code.
Plat, final	The plat that is presented to the planning and zoning commission for final approval.

Plat, minor subdivision final	The plat that is <del>presented</del> <u>submitted</u> to the <del>planning and zoning commission</del> <u>PDS director</u> for final approval without the submission of a concept plan or preliminary plat.
Plat, preliminary	The plat indicating the proposed layout of the subdivision or addition that is presented to the planning and zoning commission for preliminary approval.
Plat, recorded	The duly approved final plat filed in the official plat records of the county.
Plat vacation	A recorded plat which is vacated through the procedures described in this Code.
Political campaign sign	Any sign that displays information which references an election or referendum, or pertains to or advocates political views and policies that may be considered during an election or referendum.
Poultry farm	An area where fowl are confined and fed to fatten them for commercial purposes or areas where laying fowl are confined and fed for their eggs for commercial purposes.
Portable sign	Any sign not permanently affixed to a building, structure or the ground that is designed or installed in a manner allowing the sign to be moved or relocated without any structural or support changes. This term specifically includes an advertising display affixed to or installed on a vehicle or other mobile unit, such as a trailer, wheel, or skid.
Post/panel sign	A freestanding sign that is not internally illuminated where the sign face is a panel that is raised off the ground by two poles with a clearance of less than four feet between the finished grade and the sign display area.
<del>Pre-submittal meeting</del> <del>development conference</del>	A meeting of the developer and/or his engineer with the PDS director and other department representatives to identify and evaluate items to be addressed with the initial submittal through the review of a sketch plan.
Primary facade	The building frontage designated to bear the address and principal entrance to the building.
Private drive	Any street or road that is not publicly owned, dedicated or intended to be dedicated, and maintained and used for access by the occupants of the development, their guests, and the general public.
Private school, primary or secondary	A private, parochial or charter school offering instruction at the elementary, middle (junior) and/or high school level in the branches of

	learning and study required to be taught in the public schools of the state.
Private street	A street located within a gated community or a non-residential private street development which is not dedicated to the public for maintenance, operation, or ownership, and which are designated as special purpose lots on a plat.
Projecting sign	A sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign perpendicular to a wall attached by a bracket or similar device intended to affix this type of sign to a building.
Promotional signs	Signs and/or banners promoting drives or events of civic, philanthropic, educational, or religious organizations, or those promoting special events lawfully permitted pursuant to Chapter 34.
Property line	A line bounding a parcel which divides one parcel from another or from a street or any other public or private space (same as "lot line").
Protected tree	A tree eight inches in diameter or greater, except as otherwise provided in Sec. 8-17. The following species of trees are not included in the definition of protected tree: <i>Celtis occidentalis</i> (Hackberry), <i>Melia azedaragh</i> (China-Berry), <i>Sapium sebiferum</i> (Chinese Tallow), <i>Maclura pomifera</i> (Osabe-orange) and <i>Juniperus ashei</i> (Texas Common Cedar).
Protected tree removal permit	Written authorization granted by the forestry manager, under the provisions of Sec. 8-19, for the removal or transplanting of a protected tree.
Public improvement	Any improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, drainage, public or private utilities, parks or recreational area or use, energy or similar essential public services and facilities, for which the city may ultimately assume the responsibility for maintenance and operation or ownership, or both. Public improvements include but are not limited to the following: grading, drainage facilities, streets and other rights-of-way, potable water system, reuse water system, sanitary sewerage system, survey monuments, illumination including street lights, traffic control signs and traffic signalization, landscaping and irrigation, walls, fire protection, sidewalks and curb ramps, street name signs, traffic control signs, street pavement markings, and parkland improvements.

<u>Public safety facility</u>	<u>A facility owned or operated by a governmental entity for the purpose of public safety and emergency services. Typical facilities include police and fire stations.</u>
Public school, elementary or middle	A public school offering instruction at the elementary or middle school level in the branches of learning and study required to be taught in the public schools of the state.
Public school, high	A public school offering instruction at the senior high school level in the branches of learning and study required to be taught in the public schools of the state.
Public utility	An enterprise which provides to the public a utility service deemed necessary for the public health, safety and welfare; and includes all buildings, structures and facilities relating thereto.
Public view	A view to a subject property from <u>an adjacent parking lot, drive aisle, or at-grade public street</u> <del>or an adjacent property, or from portions of a subject property</del> that <del>are</del> <u>is</u> utilized by the general public.
Pylon sign	A freestanding sign, that is supported by a structure extending from and permanently attached to the ground by a foundation or footing where the width of the sign structure measures less than 75 percent of the width of the sign.
Raceway (on a sign)	An electrical enclosure which may also serve as a mounting device for individual letters in a sign and other elements of display that are items of information.
Real estate marketing sign	Any nonpermanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name and address, price and amenities, identity of seller or broker, and similar information.
Recordation	The act of recording a plat, which has been approved by the city as required by this Code, as an official record in the plat records of the office of the county clerk.
Recreational vehicle	A unit designed as temporary living quarters for recreational, camping or travel use that has a body width not exceeding eight feet and a body length not exceeding 40 feet. Units may have their own power, or be designed to be drawn or mounted on an automotive vehicle. The term "recreational vehicle" includes motor homes, travel trailers, truck campers, camping trailers, converted buses, house boats or other similar units as determined by the zoning administrator. A recreational

	vehicle may or may not include an individual toilet and bath. Does not include manufactured or mobile homes.
Redevelopment or redeveloping	Construction activities that result in a significant modification to a previously developed site. Any one of the following activities will be considered redevelopment:
	(1) Replacing a previously demolished building with a newly constructed building;
	(2) Demolishing a parking lot and replacing it with a newly constructed parking lot; or
	(3) The removal and replacement of water and wastewater utilities to serve a more intense development.
Reflectivity, <del>20 percent</del>	The degree of transparency of glass, as measured by the manufacturer's specifications.
Registered landscape architect	An individual currently registered or licensed by the state to practice landscape architecture.
Regulatory floodway	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
Regulatory sign	Signs or notices erected and maintained by public officers or governmental agencies.
Removal, tree	As it applies to a protected tree, the uprooting, severing the main trunk or any activity which causes or may reasonably be expected to cause a tree to die. Activities are included, such as, but not limited to, damage inflicted upon the root system by machinery, storage of materials, or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or impervious materials within the dripline in a manner which may reasonably be expected to destroy the tree.
Replat	To re-subdivide all or any part of a recorded plat, which does not require the vacation of the entire preceding plat, but not including an amending plat.
Research and development	A business that engages in research and/or development of innovative ideas and products. The business may include testing laboratories for product development, including the construction and testing of prototypes. Typical uses include biotechnology, pharmaceuticals,

	medical instrumentation or supplies, communications and information technology, electronics and instrumentation and computer hardware and software. Allowed uses do not include the mass manufacture, fabrication, processing or on-site retail sale of products. Research involving the use of animals or human cadavers is <del>prohibited</del> <b>permitted</b> unless conducted wholly within a building.
Reserve specialist	An individual holding the designation of a "reserve specialist" issued by the Community Associations Institute.
Residential to office conversion	A single-family or two-family residential structure that is converted into an office or medical office.
Restaurant / Bar	An establishment engaged in the preparation and retail sale of food and beverages for on-premises <u>sale or</u> consumption. Uses include sit-down restaurants, fast food restaurants with or without drive through lanes, diners, cafeterias, bars, <u>brewpubs</u> , and taverns.
Retail sales and service	An establishment primarily engaged in the sale, lease or rent of new or used products to the general public, including those providing personal services, entertainment, product repair or sales of consumer goods, but excluding those establishments more specifically defined in this section. The following are typical uses:
<i>Sales-oriented:</i>	Stores selling, leasing, or renting consumer, home, and business goods including alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, medical supplies, musical instruments, pet food and/or pets, pharmaceuticals, photo finishing, picture frames, plants, <u>prepared foods</u> , printed material, produce, sporting goods, stationery, tobacco and related products, vehicle parts, and videos.
<i>Personal service-oriented:</i>	Banks;
	Business, driving, martial arts and other trade schools;
	Dance, art, or music studios or classes;
	Security services;
	Dry-cleaning and laundry drop-off establishments;
	Hair, tanning, and personal care services;
	Athletic or health clubs;

	Laundromats;
	Mortuaries;
	Photographic studios;
	Photocopy, blueprint, and quick-sign services;
	Psychics and mediums;
	<u>Small animal day care, training, and grooming facilities;</u>
	Taxidermists;
<i>Entertainment-oriented:</i>	Membership clubs and lodges;
	Private lodges or service clubs.
<i>Repair-oriented:</i>	Locksmith;
	Repair of appliances, bicycles, canvas products, clocks, computers, guns, jewelry, musical instruments, office equipment, radios, shoes, televisions, and watches;
	Tailor;
	Upholsterer.
Retail sales and service consisting of predominantly outdoor storage or consumer loading areas	An establishment primarily engaged in the sale, lease or rent of new or used products to the general public that consists of goods that are stored and distributed outdoors. <del>A</del> Typical uses <del>is</del> include <u>lumber yards and wholesale landscaping materials sales.</u>
Right-of-way (ROW)	A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, trail, water line, sanitary sewer, and/or other public utilities or facilities.
Riverine	Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
Road type	The hierarchy of roadways used herein to regulate sign types and sizes.
Roadway	The paved area of a street between the face of the curb lines, including the driving, parking and bicycle lanes.
Roof-mounted sign	Any sign erected upon a roof or roof-mounted structure and extending above the roof or parapet of a building or structure, with the exception of building signs that are attached flush to the parapet, on a mansard roof, and signs mounted on a building canopy but do not extend above the top of the wall or parapet.

Root collar, tree	An encircling structure of swollen tissue or a marked color change (from the tree bark) located at the highest part of the root system joining the trunk of a tree at or slightly below the soil line.
Rough-in work	Initial work of installing, altering, repairing or maintaining of electrical wires, conduits, apparatus or other electrical installation, performed so that all such work is easily visible and may be easily corrected or changed.
Row house	Multiple housing units often two or 2½ stories tall and often having a narrow front facade with raised front steps off the sidewalk to access the main entrance built adjacent to one another with common walls, separate access to each unit from the street and parking access from the rear.
<del>Sidewalk sign</del> <u>Sandwich board</u>	A moveable, portable, pedestrian-oriented, temporary sign that is supported by its own frame, and that is not secured or attached to the ground or surface upon which it is located. <u>Sometimes referred to as A-frame signs.</u>
School, business or trade	A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college, university, or public or private educational facility.
Screening	A method of visually obscuring nearby structures or land uses (i.e., parking, vehicle use areas, outdoor storage) from another land use by using one or a combination of fencing, walls, dense vegetation, and berming.
Self-enclosed monopole, WTF	A wireless transmission facility (WTF) constructed as a freestanding structure which consists of a single vertical pole, fixed into the ground and/or attached to a foundation with no guy wires, containing one or more antennas and associated equipment no larger than 36 inches in diameter at any given point with no externally mounted or visible antennae.
Self-service storage	Storage services primarily for personal and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehouses.
Senior housing	Housing that is occupied solely by seniors; or that houses at least one person who is age 55 or older in at least 80 percent of the total number of residential units, and which adheres to a policy that demonstrates an

	intent to house persons who are 55 years of age or older. <u>Sometimes referred to as independent living.</u>
Seniors	Persons <del>62</del> 55 years of age or older.
Service area	The area on site used by a business to service the building with deliveries or other necessary services associated with the maintenance and operation of the building and may include, but is not limited to, a loading space, loading dock, or outdoor storage, trash dumpster and mechanical equipment.
<u>Service unit</u>	<u>One Living Unit Equivalent (LUE)</u>
Setback, front	A setback extending the full width of a lot between the street lot line and the front building line.
Setback, rear	A setback extending the full width of the lot in the area between the rear lot line and the rear building line.
Setback, side	A setback extending the full length of the lot in the area between a side lot line and a side building line.
Setback (of a sign)	The horizontal distance between a sign and the front or side property line, as measured from any part of the sign, including its extremities, supports, and sign structure.
Setback, street side	A setback extending the full width of a lot between the street lot line and a side building line.
Setback line (Building line)	The line or lines within a lot created by the intersection of the vertical planes of a building and the ground. The required building setback line is measured from the property line.
Sewage treatment plant, public	Any facility designed for the collection, removal, treatment, and disposal of waterborne sewage that serves in excess of two dwelling units and is operated by a publicly regulated board/organization.
Shade structure	Gazebos, arbors, pergolas or similar structures intended as decorative features to provide respite from the sun and partial protection from the elements while still out of doors. Shade structures may include vines that are native or adapted to the central Texas region.
Shared parking	A parking facility such as a parking lot or parking garage that is used jointly by one or more uses, in accordance with an executed shared parking agreement.
<u>Shooting and archery range</u>	<u>A facility at which archery is practiced and firearms, as defined in Chapter 6, Article IV of the Code of Ordinances, are discharged at targets and which is designed so that projectiles fired from firearms at</u>

	<p><u>targets are prevented, by means of backstops or other barriers, from going beyond the boundaries of the area for the discharge of firearms. This definition excludes an archery range where only toy bows and soft rubber tip arrows are used.</u></p>
Shrub, large	<p>A woody, ornamental landscape plant whose natural form is generally maintained at a height and spread of <u>greater than <del>more than three</del>six</u> feet and is a species that is native or adapted to the central Texas region.</p>
Shrub, medium	<p><del>Any woody, ornamental landscape plant whose natural form species of plant material, typically multi-stemmed, that reaches</del> is generally maintained at a height of three to <u>a height of six feet to ten feet upon maturity</u> and is a species that is native or adapted to the central Texas region.</p>
Shrub, small	<p>A woody, ornamental landscape plant whose natural form is generally maintained at a height and spread of three feet or less and is a species that is native or adapted to the central Texas region.</p>
Sight visibility triangle	<p>Where one street intersects with another street or a <del>driveway</del><u>primary vehicle circulation route for large retail developments</u>, the triangular area formed by extending two curb lines a distance of 40 feet from their point of intersection, and connecting these points with an imaginary line, thereby making a triangle. If there are no curbs existing, the triangular area shall be formed by extending the property lines a distance of 30 feet from their point of intersection, and connecting these points with an imaginary line, thereby making a triangle. Where a street intersects with an alley or driveway, the sight visibility triangle is the triangular area formed by measuring eight <u>(8)</u> feet to a point along the property lines and adjoining said points with an imaginary line, thereby making a triangle.</p>
Sign	<p>Any device or surface on which letters, numbers, illustrations, designs, figures or other symbols are painted, printed, stamped, raised, projected or in any manner outlined or attached that is used for the purpose of advertisement, announcement, declaration, demonstration, way-finding, display, identification or expression, The sign shall include any device, or structure supporting the same, or any other device of similar nature design to attract attention outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof.</p>

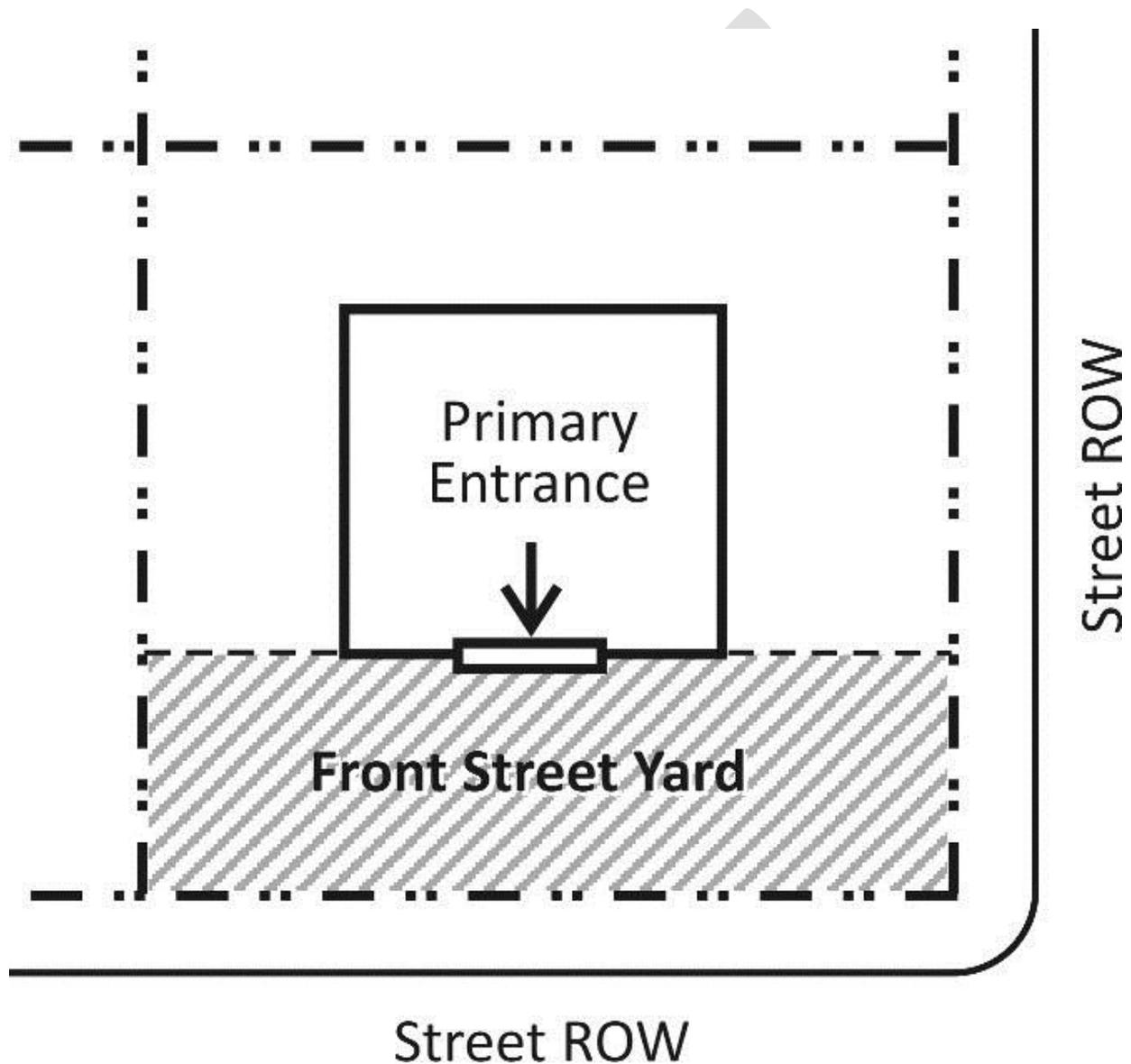
Sign display area	The surface or face of a sign, as measured in accordance with Sec. 8-43, that can be used to identify, display, advertise, communicate, or otherwise represent items of information, exclusive of the sign structure.
Sign structure	Any pole, pylon, post, foundation or other supporting materials or fixtures, including decorative elements, which are used to hold, secure or support a sign, or part thereof to the finished grade and is not considered part of the sign display area when items of information are not displayed on it.
<u>Simulated stone</u>	<u>A manufactured cementitious masonry product a minimum of one and a half inches thick set in mortar such as to appear as natural stone. Thin veneer products applied to a lath or panel with adhesive or by a tongue-and-groove system shall not qualify as simulated stone under this definition.</u>
Single-family, attached	A single dwelling unit located on its own lot which shares one or more common or abutting walls with one other dwelling unit.
Single-family, detached	A single dwelling unit located by itself on a single lot with no other dwelling units attached.
Single-family, village residential	A single dwelling unit located on its own lot not attached to any other dwelling unit, and with a rear-access garage.
Single-family, zero lot line	A single dwelling unit located on its own lot not attached to any other dwelling unit and set on or within two feet of one interior side lot line.
Single-story mixed use residential	A residential unit in a single-story building containing non-residential uses.
Site	A parcel of land for which a permit is issued pursuant to this Code.
Site furniture	Permanently installed commercial grade site features such as benches, tables, trash receptacles, bike racks with a minimum of five spaces, umbrellas, and similar features.
Site plan, small project	<p>A site plan with a limited development scope that does not require a traffic impact analysis, a floodplain analysis, and construction of subdivision improvements, and consists of at least one of the following development activities:</p> <p>(1) The construction on a vacant legal lot or redevelopment of a previously developed legal lot with an area of .5 acres or less;</p> <p>(2) The expansion or addition of not more than 20 percent of the existing building square footage of a previously developed legal lot;</p>

	(3) The conversion of a single-family or two-family residence to a commercial use;
	(4) The expansion or addition of a parking lot; or
	(5) The construction of a temporary building or a wireless telecommunication facility.
Site plan, standard	A site plan with a complex development scope that requires any of the following:
	(1) A traffic impact analysis;
	(2) A floodplain analysis;
	(3) Construction of subdivision improvements;
	(4) Construction on a lot that is larger than .5 acres that is either vacant or being redeveloped; or
	(5) An expansion or addition of more than 20 percent of the existing building square footage of a previously developed site.
Sleep clinic	A medical office for the diagnosis and monitoring of sleep and/or respiratory breathing disorders, where patients may be monitored for symptoms during an overnight stay at the clinic.
<del>Small animal day care and training facility</del>	<del>A facility providing services for small animals, such as day care, obedience classes, training and grooming.</del>
<del>Small animal grooming facility</del>	<del>A facility providing bathing, clipping, combing and other grooming services for small animals for aesthetic or health purposes.</del>
<u>Small scale-alcohol production</u>	<u>The production of limited amounts of alcoholic beverages for on-site and/or off-site consumption. Includes facilities such as microbreweries, microdistilleries, and microwineries, plus brewpubs in which the restaurant aspect of the establishment is accessory to the brewing aspect.</u>
<u>Solar energy system</u>	<u>A system of components designed to produce electrical or mechanical power by collecting, transferring or storing solar-generated energy.</u>
<del>Southwest downtown area</del>	<del>The geographic area bounded by Interstate Highway 35 to the west, Round Rock Avenue to the north, Mays Street to the east, McNeil Road to the southeast and Lake Creek to the southwest.</del>
Spacing, sign	The distance required between signs of the same category or, between freestanding signs located on the same lot or multi-occupant center.

Special area, sign	Areas of the city identified in this Code as having different requirements than and superseding those requirements associated with road type, as identified in Sec. 8-74.
Sports training facility / specialty gym	A facility designed for individual training in team sports or fitness-related activities. Includes baseball, gymnastics, martial arts, <del>and</del> cheerleading, <u>and fitness</u> facilities.
Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348))	Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
Stealth wireless transmission facility (stealth WTF)	A wireless transmission facility (WTF) that is screened, disguised, concealed or otherwise camouflaged as a natural structure, or part of a structure, such that the WTF is indistinguishable from other natural structures, or the structure that it is attached to or within.
Stop work order	An order issued by the zoning administrator to the owner to cease and desist with work being performed on a site.
Storm water	The runoff or flow of water caused by rainfall.
Storm water drainage facilities	The system of pipes, appurtenances and open channels used to collect and transport storm water.
Storm water management	The control and management of storm water to minimize the detrimental effects of <del>storm</del> <u>urface</u> water runoff.

Storm water runoff	Surplus surface water generated by rainfall that does not seep into the earth but flows overland to flowing or stagnant bodies of water, measured in depth of inches.
Story	A set of rooms on one floor level of a building.
Story, half	A space under a sloping roof that has the line of intersection of the roof and wall face not more than three feet above the floor level, and in which space the possible floor area with head room of five feet or less occupies at least 40 percent of the total floor area of the story directly beneath.
Street	Street shall mean the right-of-way or, for private streets, a special purpose lot, and all associated improvements including, but not limited to, driveways, sidewalks, curbs, gutters, storm sewers, drainage facilities, medians, roadway and landscaped areas. As used herein, the term "street" shall include private streets as well as public streets.
Street, arterial	Continuous routes intended to serve high volume needs of both the local area and the region. Arterial streets are identified on the Transportation Master Plan Map.
Street, collector	An intermediate major vehicular thoroughfare that is typically designed to carry moderate volumes of traffic from local streets to arterial streets.
Street, cul-de-sac	A street having one open end to vehicular traffic and the other end permanently closed with a vehicular turnaround.
Street design	The location of streets, alignment of streets, grades, and widths of streets, alignment of easements, grades and widths of easements, alignment and right-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.
Street right-of-way line	The dividing line between a privately owned lot or parcel of land and the outside boundary of a public or private street.
Street, stub	A nonpermanent dead end street intended to be extended in conjunction with the subdivision and development of the adjacent unplatted land.
Street tree landscaping	The placement of large canopy trees in a linear or staggered layout that visually creates a corridor along or within a public right-of-way or private drive.
Street yard	For the purpose of this Code, the area of a lot which lies between the property line adjacent to street or right-of-way and any wall line of the

	building, as such building wall line extends from the outward corners of the building, parallel to the street.
Street yard, front	For the purpose of this Code, the area of a lot which lies between the property line adjacent to street or right-of-way and the wall line of the Primary Façade of the building, as such building wall line extends from the outward corners of the building, parallel to the street.



Term	Definition
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Structural alterations	Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.
Structure	Anything manmade constructed, erected, or placed, which has location in or on the ground or is attached to something having a location on the ground. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
<u>Stucco</u>	<u>An exterior wall finish made of an aggregate, a binder, and water which is applied over a lathe in a minimum of two coats.</u>
Subdivision	The division of a lot, tract or parcel of land into two or more parts.
Subdivision development permit	A permit issued by the PDS director, after the recording of a final plat, authorizing a developer to proceed with the next step in the development process of the lot(s) within the recorded final plat, as set forth in subsection 10-28(f).
Subdivision improvement construction plans	Engineering plans required by the city for the construction and installation of public improvements necessary to provide required services for proper development including, but not limited to, plans for grading, drainage facilities, water, reuse water and sewer, open space, parks or other recreational space, streets and illumination of streets.
Substantial damage	Damage of any origin sustained by a structure whereby the cost of restoring the structure to the condition it was in prior to becoming damaged would equal or exceed 50 percent of the market value of the structure before the damage occurred.
Substantial improvement	Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:  (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or  (2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Surround (of a sign)	The area framing the sign display area that is typically constructed of the same material of the sign's supports for freestanding signs and is required when using a cabinet sign.
Surrounding (see Adjacent or Abutting)	Surrounding shall mean properties located immediately adjacent to or abutting the subject property.
Surveyor	A person who is a registered professional land surveyor and licensed by the State of Texas.
Swooper flag sign	A temporary, freestanding, vertical sign consisting of a loose poly-knit sign face that flutters in the wind from a harpoon-style pole or staff driven into the ground for support.
TCEQ	The Texas Commission on Environmental Quality or its successor.
Tagline sign	A secondary sign that is rectilinear in shape with rounded <del>corners</del> <u>ends</u> and displays a single line of text where the text size is too small to use channel letters.
Temporary building	An enclosed building which complies with the provisions of Sec. 2-92 or an enclosed building, the use of which is incidental to construction work on the premises, which enclosed building shall be removed upon the completion or abandonment of construction work and which complies with the provisions of Sec. 2-92.
Temporary sign	Any sign which conforms to the requirements stated in this Code and the use of which is for a limited time.
Temporary tree protection device	Physical barriers, at least <del>four</del> <u>five (5)</u> feet in height, installed prior to construction for the purpose of preventing damage to trees. <u>Tree protection fencing consists of a</u> <del>Such devices include</del> chain link fence, <u>with tee posts located at a maximum spacing of 10 feet installed in a manner</u> <del>vinyl construction fencing or other similar temporary barrier</del> that is nonintrusive to <del>the</del> <u>any</u> tree canopy and critical root zone.
Theater	Movie or other theaters that meet the definition of an indoor entertainment activity in this section.
Townhouse	A residential structure consisting of three or more dwelling units sharing one or more wall(s) with an abutting unit, each unit occupying space from ground to roof and having front and rear walls open directly to the outside for access.
Townhouse, common-lot	A townhouse development having more than one dwelling unit per lot.
Townhouse, single-lot	A townhouse development having only one dwelling unit per lot.

Traffic, average daily (ADT)	The average number of vehicles that pass a specified point during a 24-hour period.
Traffic Impact Analysis (TIA)	A report analyzing current and future traffic movements with and without an addition's or subdivision's impact, which includes an analysis of mitigation measures and which shall be prepared by a licensed professional engineer.
Trailhead	The point or place where a trail begins.
Transportation director	The director of the transportation services department of the city, or an authorized representative.
Tree	A self-supporting, woody perennial plant usually having a single trunk with a diameter of no less than two inches at maturity, measured at one foot above grade, and which normally grows to an overall height of no less than 12 feet in central Texas.
Tree, champion	The largest tree of a species that is registered by the forestry manager in the champion tree registry, is designated as a monarch tree by the city council, and shall serve as the guide for the designation of other monarch trees of that same species.
Tree inventory	A drawing showing the tag number, species, size, and approximate location of all existing protected trees.
Tree, large	Any species of tree that typically reaches a height of 40 feet or more upon maturity, and is included in the city's list of approved large species trees as identified in the tree technical manual.
Tree, medium	Any species of tree that typically reaches a height of 25 feet to 40 feet upon maturity, and is included in the city's list of approved medium species trees as identified in the tree technical manual.
Tree, monarch	(1) A tree of a specific size or species that is designated as a monarch tree pursuant to Sec. 8-18; (2) A champion tree; (3) A tree of historic or unique significance that is specifically designated as a monarch tree by the city council; <u>or-</u> (4) <u>A tree whose monarch designation requires additional restrictive protections over and above those described for protected trees.</u>
Tree protection plan	A plan submitted by the owner in a form or manner specified by the forestry manager, or zoning administrator or planning and zoning commission, whichever is applicable, providing the method of protecting trees during construction that may or may not include protection details, standards, notes and construction plans in

	accordance with generally accepted methods such as those provided in the tree technical manual.
Tree removal	Uprooting, severing the main trunk of the tree, or any act which causes or may reasonably be expected to cause the tree to die including, without limitation, damage inflicted on the root system by machinery, storage of materials or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.
Tree replacement plan	A plan submitted by the owner in a form and manner specified by the forestry manager, or zoning administrator or planning and zoning commission, whichever is applicable, providing the method of replacement for the proposed protected trees to be removed that <del>may or may not</del> includes a plan that identifies the location, size, and species of all new trees proposed as replacement for the protected trees being removed and fees in lieu of replacement trees.
Tree, small	Any species of tree that typically reaches a height of eight feet up to 25 feet upon maturity, and is included in the city's list of approved small species trees as identified in the tree technical manual.
Tree, specimen	A tree that is of exceptional quality in terms of form, structure, health and general condition, from the city's list of approved species trees in the tree technical manual, or is otherwise approved by the zoning administrator. A specimen tree shall have a caliper of at least six inches at the time of planting.
Tree survey	A drawing of the proposed preliminary plat, <u>subdivision improvement permit</u> , or site <del>plan</del> <u>development permit</u> showing the size, location, species, critical root zone of all existing protected trees, any protected tree to be removed or transplanted, a table summarizing all protected trees and the total number of caliper inches of protected trees, in accordance with generally accepted methods such as those provided in the tree technical manual.
Tree survey, partial	A drawing showing all protected trees within the limits of construction, easements, rights-of-way, and a 20-foot strip abutting rights-of-way.
Tree technical manual	The standards and specifications based on generally accepted practices developed by the forestry manager for sound arboricultural practices, techniques and procedures which shall serve as guidelines for trees regulated by this article, including but not limited to, tree selection, planting, pruning, alteration, treatment, protection, and

	removal, as approved by city council <u>and</u> , maintained by the city clerk <del>and available through the forestry manager.</del>
Tree topping	The severe cutting back of limbs to stubs larger than three inches in diameter within the crown of a tree to such a degree that removal of the top canopy disfigures and invites disease to the tree.
<u>Trim</u>	<u>Portions of an exterior wall not finished by the primary exterior wall materials, doors, or windows. Also referred to as an accent feature.</u>
Tuck under garage	A garage that is fully incorporated into a residential structure at ground level and is located below the living levels.
Ultimate <u>1% annual chance</u> <del>100-year</del> floodplain ( <del>100-year floodplain</del> )	The area of land that would be inundated by a flood having a one percent chance of occurring in any given year based on the expected fully developed state of the upstream contributing drainage area.
Ultimate <u>4% annual chance</u> <del>25-year</del> floodplain ( <del>25-year floodplain</del> )	The area of land that would be inundated by a flood having a four percent chance of occurring in any given year based on the expected fully developed state of the upstream contributing drainage area.
Unsafe building	Any building or structure that has any of the following conditions, such that the life, health, property or safety of its occupants or the general public are endangered:
	(1) Any means of egress or portion thereof that is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
	(2) Any means of egress or portion thereof, such as, but not limited to, fire doors, closing devices and fire resistive ratings, that is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
	(3) The stress in any material, member or portion thereof, due to all imposed loads including dead load, that exceeds the stresses allowed in the International Building Code for new buildings.
	(4) The building, structure or portion thereof that has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the International Building Code for new buildings.
	(5) Any exterior appendage or portion of the building or structure that is not securely fastened, attached, or anchored such that it is capable of

	resisting wind, seismic or similar loads as required by the International Building Code for new buildings.
	(6) If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
	(7) The building, structure or portion thereof as a result of decay, deterioration or dilapidation is such that it is likely to fully or partially collapse.
	(8) The building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the International Codes or of a city, county or state law.
	(9) Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance.
	(10) Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.
Upper-story residential	Dwelling units located on the <u>upper</u> <del>second</del> floors in a building with ground-level nonresidential uses.
<u>Urgent care facility</u>	<u>A medical facility staffed and equipped for the reception and treatment of persons with conditions requiring immediate medical care, such as broken bones, severe illness or trauma, which may require ambulatory transport to a hospital. Such establishments are detached from a hospital and are typically located in commercial centers or as freestanding structures on pad sites. Includes uses such as urgent care clinics and local emergency rooms.</u>
<u>Use, principal</u>	The purpose or activity for which land, or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained.
Use, accessory	A use that:
	(1) Is subordinate to and services a principal building or a principal use legally existing on the same zoning lot;
	(2) Is subordinate in area, extent and purpose to the principal building or principal use;

	(3) Contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served; and
	(4) Is located on the same zoning lot as the principal structure or principal use served.
Use, temporary	A use established for a fixed period of time with the intent to discontinue the use upon the expiration of the time.
Utility director	The director of the water/wastewater utility department of the city, or an authorized representative.
Utility, intermediate	Services necessary to support principal development and involve only minor structures, such as lines, poles, minor electrical switching facilities, lift stations, and gas regulated facilities.
Utility, major	Primary substations, generating plants, water treatment plants, wastewater treatment plants and similar facilities.
Utility, minor	Service necessary to support a principal development and involving only ground-mounted mechanical equipment.
Vacation	The termination of or termination of an interest in, an easement, right-of-way, or public dedication of land.
Variance	<u>For zoning purposes, a relief granted by the zoning board of adjustment from the literal requirements of the zoning and development regulations where strict enforcement would result in unnecessary hardship.</u> <del>For flood damage prevention purposes, a grant of relief to a person from the requirements of Chapter 8, article X, division 12, when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by the aforementioned division. For full requirements, see section 60.6 of the National Flood Insurance Program regulations.</del>
Vehicle reclamation yard	Any area, lot, land or parcel used for the storage, collection, processing, purchase, sale, or abandonment of inoperable motor vehicles.
Vehicle service canopy	A covered structure which shelters a vehicle service use and is detached from the building to which it is an accessory, and is open on two or more sides.
Vehicle storage and towing	Includes short-term (six months or less) storage of operable vehicles for sale or lease. Includes towing service and associated storage.

Vehicle trip	A single directional trip that has one origin and one destination regardless of the number of occupants in the vehicle.
Vehicular use areas	Paved surface areas used for the purpose of vehicular circulation, parking and storage.
Veterinary clinic, livestock	A facility for the care, diagnosis and medical treatment by a licensed veterinarian for livestock and small animals.
Veterinary clinic, small animals	A facility for the care, diagnosis and medical treatment by a licensed veterinarian for small animals.
Violation	For flood damage prevention purposes, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d) (3), (e) (2), (e) (4), or (e) (5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.
Wall sign	Any sign, erected flush against <del>an</del> the exterior wall <u>of a building</u> , supported by the wall, and having the sign face parallel to the wall or painted directly onto a wall. <del>For the purposes of this Chapter 30, a fascia mounted sign is considered to be a type of wall sign.</del>
Warehouse and freight movement	An establishment engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Typical uses include:
	Separate warehouses used by retail stores such as furniture and appliance stores;
	Household moving and general freight storage;
	Cold storage plants, including frozen food lockers;
	Storage of weapons and ammunition; major wholesale distribution centers;
	Truck, or air freight terminals;
	Bus barns;
	Parcel services;
	Major post offices;
	Grain terminals;

	<p>Transfer and storage businesses where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred; and</p> <p>The stockpiling of sand, gravel or other aggregate materials.</p>
Waste-related service	<p>Uses that receive solid or liquid waste from others for transfer to another location; uses that collect sanitary waste; or uses that manufacture or produce goods or energy from the composting of organic material. Typical uses include solid or liquid waste transfer or composting facilities and recycling centers.</p>
Wastewater	<p>Solids, liquids, or gaseous materials discharged into an approved wastewater collection and treatment system.</p>
<u>Wastewater facility</u>	<p><u>A capital improvement or facility expansion for providing wastewater service including but not limited to, land or easements, treatment facilities, lift stations, and interceptor mains. The term "wastewater facility" does not include wastewater lines or mains which are constructed by developers, the costs of which are reimbursed from charges paid by subsequent users of facilities and which are maintained in dedicated trusts. The term "wastewater facility" also does not include dedication of easement or rights-of-way or easements or construction or dedication of on-site wastewater collection facilities required by valid ordinances of the city and necessitated by and attributable to new development.</u></p>
Wastewater system	<p>The system of pipes and appurtenances used to collect and transport wastewater.</p>
<u>Water</u>	<p><u>Potable water and/or reuse water.</u></p>
<u>Water conservation</u>	<p><u>For the purposes of regulating irrigation systems, the design, installation, service, and operation of an irrigation system in a manner that prevents the waste of water, promotes the most efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust, and control erosion.</u></p>
<u>Water facility</u>	<p><u>Improvements for providing water and/or reuse water service including but not limited to, land or easements, water and/or reuse water supply facilities, treatment facilities, pumping facilities, storage facilities or transmission mains. The term "water facility" does not include water and/or reuse water lines or mains constructed by developers, the costs of which are reimbursed from charges paid by subsequent users of the</u></p>

	<u>facilities maintained in dedicated trusts. The term "water facility" also does not include dedication of rights-of-way or easements or construction or dedication of on-site water and/or reuse water distribution facilities required by valid ordinances of the city and necessitated by and attributable to new development.</u>
Water surface elevation	The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
Wholesale trade	An establishment engaged in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Typical uses include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware.
Window, area of	The area of a single window including all of the window panes in a larger frame that is separated by mullions or other dividers.
Window sign	Any items of information affixed in any manner to a window or exterior glass door such that is intended to be viewable from the exterior.
Wireless transmission facility (WTF)	An antenna and associated equipment intended for transmitting or receiving television, AM/FM radio, digital, microwave cellular, telephone or similar forms of electronic communication.
Written notice	A notification in writing delivered in person to the individual or parties intended, or delivered at, or sent by certified mail or registered mail to the last residential or business address of legal record.
Zoning administrator	The director of planning and development services who is appointed by the city manager and who has the duty of administering this development code.
Zoning board of adjustment	The board that has been created by the city council to hear and determine appeals of administrative decisions, special exceptions and variances.

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## Chapter 2 ZONING DISTRICTS AND USE REGULATIONS

### ARTICLE I. IN GENERAL

#### Sec. 2-1. Purpose.

(a) This chapter, supplemented with the subsequent chapters in this code, provides for the division of land into different districts that, in combination with the regulations pertaining to such districts, are written in accordance with the goals of the general plan to fulfill the following purposes:

- (1) Promote the beneficial and appropriate development of all land and the most desirable use of land in accordance with a well-considered plan;
- (2) Prevent or minimize land use incompatibilities and conflicts among different land uses;  
and
- (3) Maintain property values by stabilizing expectations and ensuring predictability in development.

#### **Sec. 2-2. Establishment of districts.**

(a) *Districts.* For the purpose of this code, portions of the city, as specified on the official zoning map of the city, are hereby divided into the following zoning districts:

Base Zoning Districts	
<i>Residential Zoning Districts</i>	
AG	Agricultural
SF-R	Single Family – Rural
SF-1	Single Family – Large Lot
SF-2	Single Family – Standard Lot
<u>SF-3</u>	<u>Single Family – Mixed Lot</u>
SF-D	Single Family – Downtown
MH	Manufactured Housing
TF	Two Family
TH	Townhouse
SR	Senior
MF-1	Multifamily – Low Density
MF-2	Multifamily – Medium Density

MF-3	Multifamily – Urban
<i>Commercial Zoning Districts</i>	
C-1	General Commercial
C-1a	General Commercial – Limited
C-2	Local Commercial
<i>Employment and Industrial Zoning Districts</i>	
<u>OF-1</u>	<u>General Office</u>
<u>OF-2</u>	<u>Mid-Rise Office</u>
BP	Business Park
LI	Light Industrial
I	Industrial
MI	Mining
<i>Public and Civic Use Zoning Districts</i>	
PF-1	Public Facilities – Low Intensity
PF-2	Public Facilities – Medium Intensity
PF-3	Public Facilities – High Intensity
OS	Open Space
<i>Mixed-Use and PUD Districts</i>	
MU-1	Mixed-Use Historic Commercial Core
MU-2	Mixed-Use Downtown Medium Density
MU-L	Mixed-Use Limited
<u>MU-R</u>	<u>Mixed-Use Redevelopment and Small Lot</u>
<u>MU-G</u>	<u>Mixed-Use Greenfield and Large Lot</u>
PUD	Planned Unit Development
<i>Overlay Zoning Districts</i>	
H	Historic Overlay
CT	Chisholm Trail Overlay
PV	Palm Valley Overlay

(b) *Official zoning map.*

- (1) The city is hereby divided into the zoning districts provided in subsection (a) of this section, as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. The official zoning map shall be identified by the signature of the mayor attested by the city secretary and bearing the seal of the City of Round Rock under the following words:

"This is to certify that this is the official zoning map referred to in section 2-1(b) of the Code of Ordinances, City of Round Rock, Texas, 2010."

- (2) If, in accordance with the provisions of this chapter and V.T.C.A., Local Government Code § 211.006, changes are made in the district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map within five business days after the amendment has been approved by the city council and signed by the mayor.
- (3) Approved zoning changes shall be entered on the official zoning map by the zoning administrator and each change shall be identified on the map with the date and number of the ordinance making the change.
- (4) No change of any nature shall be made on the official zoning map or matter shown thereon except in conformity with procedures set forth in this code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this code and punishable as provided under chapter 1, article II of this code.
- (5) Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the zoning administrator, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city. The official zoning map shall be available to the public at all hours when the city hall is open to the public.

(c) *Replacement of official zoning map.*

- (1) In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature and/or number of changes and additions, the city council shall, by ordinance, adopt a new official zoning map, which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor, attested by the city secretary, and bearing the seal of the city and date under the following words:

"This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as part of Ord. No. \_\_\_\_\_ of the City of Round Rock, Texas."

- (2) Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.
- (d) *Rules for interpretation of district boundaries.* Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:
- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
  - (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  - (3) Boundaries indicated as approximately following city limits shall be construed as following such city limits.
  - (4) Boundaries indicated as following railroad lines shall be construed to be midway between the rails of the main line.
  - (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
  - (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (d)(1) through (5) of this section shall be so construed. Distances not specifically indicated in a classification amendment shall be determined by the scale of the map.
  - (7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (d)(1) through (6) of this section, the zoning administrator shall interpret the district boundaries.
- (e) *Uniform application of district regulations.* The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:
- (1) Except for residential uses in SF-R, SF-1, SF-2, SF-3, SF-D, and TF districts, no person shall initiate any development or construction activity, including site preparation, foundation forming, sign erection, construction, improvement, repair or demolition within the city limits without first applying for and obtaining a certificate of zoning compliance as required in Sec. 10-2.

- (2) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

**Sec. 2-3. Treatment of property without a zoning classification.**

Property that was annexed without a zoning classification, or property existing within the city limits without a zoning classification, shall be treated as follows:

- (a) A parcel of land that is less than ten acres shall be treated as if it were zoned SF-R (Single Family – Rural); and
- (b) A parcel of land that is ten acres or more shall be treated as if it were zoned AG (Agricultural).

**Sec. 2-4. ~~District summaries~~ Permitted and prohibited uses.**

The following sections describe the types of permitted uses, density and development standards, and any other development standards for each zoning district:

- (a) *Permitted uses.*
  - (1) *Uses permitted by right (P).* Uses listed as permitted by right are permitted. Such uses are subject to all other applicable regulations of this code.
  - (2) *Uses permitted subject to special standards (P/S).* Uses listed as permitted with conditions are permitted, provided that the use meets the supplementary use standards referenced in the far right special standards column of the summary table contained within each zoning category. Such uses are subject to all other applicable regulations of this code.
  - (3) *Special exceptions (SE).* Uses listed as permitted subject to special exception criteria are allowed only if approved as a special exception by the zoning board of adjustment in accordance with the procedures of Sec. 10-53. Special exception uses are subject to all other applicable regulations of this code, including the additional listed standards contained in Sec. 2-91.
  - (4) *Special standards.* The final column titled special standards contains a cross-reference to supplementary use standards that apply to specific uses in Sec. 2-91 or other applicable standards elsewhere in this chapter.
  - (5) *Uses not allowed.* Any use, structure, or improvement not specifically permitted is not allowed.
  - (6) *Uses not listed.* The zoning administrator shall use the criteria in subsection (b) of this section to assist in determining how an unlisted use should be treated.

(b) *Considerations regarding principal uses.*

- (1) Determination of the appropriate category for a proposed principal use shall be made by the zoning administrator in accordance with the provisions of Sec. 10-4.
- (2) The following shall be used to determine the appropriate classification of any use not listed in this chapter and whether a use is considered principal or accessory:
  - a. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.
  - b. The relative amount of site area or floor space and equipment devoted to the activity.
  - c. Relative amounts of sales from each activity.
  - d. The customer type for each activity.
  - e. The relative number of employees in each activity.
  - f. Hours of operation.
  - g. Building and site arrangement.
  - h. Vehicles used and their parking requirements.
  - i. The relative number of vehicle trips generated.
  - j. Required signage.
  - k. How the use is advertised.
  - l. The likely impact on surrounding properties.
  - m. Whether the activity is likely to be found independent of the other activities on the site.
- (3) When considering appropriate districts for a use not listed in the use table, the district purpose statements shall be taken into consideration.

(c) *Multiple principle uses on a single parcel or lot.* Where more than one principal use is permitted in the following use tables, such uses may be developed on a single site. Where such mixed uses include any use subject to special exception review, the entire project shall be subject to the special exception review process. Any supplementary use standards shall continue to apply in a mixed-use development.

(d) Prohibited uses~~Uses not permitted~~. The following uses ~~shall not be permitted~~are prohibited, as determined by the zoning administrator, building official, or fire marshal:

- (1) Uses which constitute a hazard, danger or nuisance to the public because of noise, odor, glare, particulate matter, traffic impediments or similar reasons;
- (2) Uses which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illnesses; and

- (3) Uses which involve hazardous materials, as defined in section 1-50, and by the national fire protection association guide or any successor publication thereto officially used by the building official or fire marshal.
- (e) *Other uses, structures, or improvements* ~~not permitted~~prohibited. The following uses are considered noxious and/or inappropriate and are therefore ~~not permitted~~prohibited within the city limits:
- (1) Battery manufacturing or recycling;
  - (2) Concrete and asphalt batch plants (except temporary units for the express purpose of constructing SH 45 and SH 130);
  - (3) Intensive agriculture and animal husbandry;
  - (4) Meat packing;
  - (5) Petroleum drilling, refining and terminal storage;
  - (6) Plastics manufacturing;
  - (7) Pulp and paper manufacturing;
  - (8) Rubber manufacturing;
  - (9) Tanneries;
  - (10) Temporary buildings and structures except those described in section 2-92;
  - (11) Toxic waste storage or disposal;
  - (12) Vehicle recycling and reclamation yards; ~~and~~
  - (13) Off-premises signs and billboards; ~~and~~
  - (14) Outdoor kennels.

#### **Sec. 2-5. Interpretation.**

Any use that is not specifically listed as permitted by this code shall be prohibited. Appeals may be made in writing to the zoning administrator in accordance with Sec. 10-4. Appeals of the zoning administrator's interpretation regarding permitted and prohibited uses shall be made to the zoning board of adjustment.

#### **Sec. 2-6. Transitional provisions and vested rights.**

- (a) *Violations continue.* Any violation of the previous zoning regulations of the city shall continue to be a violation under this code and shall be subject to penalties and enforcement under article II of this code, administration, unless the use, development, construction or other activity is consistent with the express terms of this code, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before the effective date of the ordinance from which this code is derived.
- (b) In accordance with V.T.C.A., Local Government Code ch. 245, a completed application submitted prior to the effective date of the ordinance from which this code is derived will be reviewed on the

basis of any regulations or requirements in effect at the time the completed application is filed; unless, at the applicant's option, the applicant elects to proceed under the new regulations or requirements.

- (c) Vested rights. Any applicant that claims exception from any provision of this code based upon a claim of vested rights shall file a request for vested rights determination with the zoning administrator demonstrating:
- (1) In reliance upon properly issued permits or approvals:
    - a. The applicant made substantial financial commitments or assumed substantial financial obligations within the purview of the activities authorized by said permit or approval; and
    - b. The applicant has proceeded in good faith, and no approvals or permits have lapsed or been revoked; or
    - c. The applicant has established any other factor which may establish vested rights under state or federal law; or
  - (2) The applicant used its property or filed an application as provided in V.T.C.A., Local Government Code § 43.002 prior to annexation, and that the regulations against which vested rights are claimed are not subject to an exemption as provided in V.T.C.A., Local Government Code § 43.002(c); or
  - (3) The applicant filed an application as provided in V.T.C.A., Local Government Code ch. 245 prior to adoption of the regulations against which vested rights are claimed, that the regulations against which vested rights are claimed are not subject to an exemption as provided in V.T.C.A., Local Government Code § 245.004 and that the project has not become dormant as defined in V.T.C.A., Local Government Code § 245.005 and this code.
- (d) After receiving a request for vested rights determination, the zoning administrator shall review the request and approve, deny or request additional information to be provided for consideration of the request within 20 working days. Upon review of the request, if the zoning administrator finds that the applicant has provided sufficient information to establish that one or more permits exists on a project, the administrator shall issue a certificate to the applicant recognizing vested rights for the project and the terms and conditions required for the continuance of the vested rights.
- (e) This section shall not extend the time of validity for any permit. Any rights recognized by the application of this section shall not extend beyond the time periods prescribed for the validity or the permit or permits that were submitted for recognition except by the granting of a variance from the time limit as provided herein.

- (f) Projects from which no completed application has been submitted prior to the effective date of the ordinance from which this code is derived shall be subject to all requirements and standards of this code.

**Secs. 2-7 – 2-10. Reserved.**

## **ARTICLE II. RESIDENTIAL DISTRICTS**

### **Sec. 2-11. In general.**

Residential zoning districts provide for dwelling units of varying densities. Single family neighborhoods are preserved and protected by compatibility buffers from more intense development, while townhouse, low-density multifamily, and senior living developments serve as transitional uses between single family neighborhoods and areas of commercial and employment activity.

### **Sec. 2-12. AG (Agricultural) district**

- (a) *Purpose.* To establish and preserve areas of low-intensity land use primarily devoted to agricultural activities and having the potential of becoming urban areas in the future.
- (b) *Permitted uses.* Uses permitted in the AG district may be found in Sec. 2-25.
- (c) *Lot and building dimensional standards.* Property and buildings in the AG district shall conform to the standards found in Sec. 2-26.
- (d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this code, the following regulations apply to the AG district:
- (1) *Limits on residential buildings.* For parcels having 40 acres or less, a maximum of two buildings may be used for residential purposes. For parcels more than 40 acres, one building per 20 acres, with a maximum of five buildings, may be used for residential purposes.
  - (2) *Livestock structures.* For new development of barns, stables, corrals, sheds, pens, or other similar structures where livestock may be housed, fed, or confined, or where food for livestock is stored shall not be located within 150 feet of the property line of any residence, business or commercial establishment or office (other than the livestock owner's residence, business or commercial establishment or office), grocery store, school building, church, hospital, assisted living home, or restaurant or other food service establishment.
  - (3) *Confinement of livestock.* Livestock shall be enclosed with adequate fences or barriers that will prevent such livestock from damaging shrubbery or other property situated on

adjacent property. Such fences or barriers shall be sufficient to prevent the livestock from escaping the enclosure.

### **Sec. 2-13. SF-R (Single Family - Rural) district**

- (a) *Purpose.* To establish and preserve areas of low-intensity land use primarily devoted to large lot rural residential development.
- (b) *Permitted uses.* Uses permitted in the SF-R district may be found in Sec. 2-25.
- (c) *Lot and building dimensional standards.* Property and buildings in the SF-R district shall conform to the standards found in Sec. 2-26, with the following supplementary notes:
  - (1) No accessory buildings of any kind are permitted in any street yard.
- (d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the SF-R district:
  - (1) *Exterior wall materials.* Metal of any type is ~~prohibited~~~~not permitted~~ except horizontal pre-finished aluminum siding. Accessory buildings are exempt from this requirement.
  - (2) *Garage conversions.* Where otherwise permitted, garage conversions are subject to the following requirements:
    - a. The converted area shall not operate as a separate dwelling unit.
    - b. The converted area shall not include additional utility meters.
    - c. The converted area shall not include an exterior entry door.
    - d. If garage doors are removed, they must be replaced with a wall with new exterior materials that match the existing structure's primary exterior materials. If the replaced doors are less than 14 linear feet, then at least one window is required. If the replaced doors are 14 linear feet or more, then at least two windows are required. If only one window is installed, it shall be centered on the wall. If two or more windows are installed, they shall be installed symmetrically on the wall.
  - (3) *Fence requirements and maintenance.*
    - a. These regulations shall apply only to fences that:
      - 1. face a public street, a public park, a public recreation facility, a school, a library, or a government office; or
      - 2. are adjacent to a public drainage facility and are visible from a public street.
    - b. Fences are not required in the SF-R district. However, the owners of fences subject to this section shall maintain fences in a safe condition and in good repair, with all components free from deterioration, dilapidation, rot, rust,

loosening, or leaning. Fences shall be able to withstand the wind load for which they were designed. In addition, the following regulations shall apply:

1. A fence shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence, with the exception of fencing measuring four (4) feet or less in height, which vertical alignment shall not be more than six (6) inches from the vertical measured at the top of the fence.
2. A fence shall not have any broken, loose, damaged or rotted components having a combined total area of twenty (20) square feet or more, said area being calculated over any 50 contiguous linear foot section of fence.
3. A fence shall not have any missing posts, panels, or pickets.
4. Painted fence components shall be regularly maintained to prevent rusting, peeling, or blistering surfaces.
5. If the city determines a fence is unsafe, dilapidated or a public nuisance, or otherwise in violation of this chapter, it shall be repaired, replaced or demolished within 60 days upon first notification of non-compliance. Repairs shall be made with materials comparable in composition, color, size, shape and quality to the original fence. Products not intended to be used as fencing are prohibited from being used in the repair of a fence.

#### **Sec. 2-14. SF-1 (Single Family – Large Lot) district**

- (a) *Purpose.* To establish and preserve areas of low-intensity land use primarily devoted to large lot single family residential development.
- (b) *Permitted uses.* Uses permitted in the SF-1 district may be found in Sec. 2-25.
- (c) *Lot and building dimensional standards.* Property and buildings in the SF-1 district shall conform to the standards found in Sec. 2-26.
- (d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the SF-1 district:

- (1) *Exterior wall materials.* Metal of any type is ~~prohibited~~not permitted except horizontal pre-finished aluminum siding. Accessory buildings not exceeding 150 square feet in gross floor area are exempt from this requirement.
- (2) *Garage conversions.* Where otherwise permitted, garage conversions are subject to the following requirements:
  - a. The converted area shall not operate as a separate dwelling unit.
  - b. The converted area shall not include additional utility meters.

- c. The converted area shall not include an exterior entry door.
  - d. If garage doors are removed, they must be replaced with a wall with new exterior materials that match the existing structure's primary exterior materials. If the replaced doors are less than 14 linear feet, then at least one window is required. If the replaced doors are 14 linear feet or more, then at least two windows are required. If only one window is installed, it shall be centered on the wall. If two or more windows are installed, they shall be installed symmetrically on the wall.
- (3) *Fence requirements and maintenance.*
- a. These regulations shall apply only to fences that:
    - 1. face a public street, a public park, a public recreation facility, a school, a library, or a government office; or
    - 2. are adjacent to a public drainage facility and are visible from a public street.
  - b. Fences are not required in the SF-1 district. However, the owners of fences subject to this section shall maintain fences in a safe condition and in good repair, with all components free from deterioration, dilapidation, rot, rust, loosening, or leaning. Fences shall be able to withstand the wind load for which they were designed. In addition, the following regulations shall apply:
    - 1. A fence shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence, with the exception of fencing measuring four (4) feet or less in height, which vertical alignment shall not be more than six (6) inches from the vertical measured at the top of the fence.
    - 2. A fence shall not have any broken, loose, damaged or rotted components having a combined total area of twenty (20) square feet or more, said area being calculated over any 50 contiguous linear foot section of fence.
    - 3. A fence shall not have any missing posts, panels, or pickets.
    - 4. Painted fence components shall be regularly maintained to prevent rusting, peeling, or blistering surfaces.
    - 5. If the city determines a fence is unsafe, dilapidated or a public nuisance, or otherwise in violation of this chapter, it shall be repaired, replaced or demolished within 60 days upon first notification of non-compliance. Repairs shall be made with materials comparable in composition, color, size, shape and quality to the original fence. Products not intended to be used as fencing are prohibited from being used in the repair of a fence.

**Sec. 2-15. SF-2 (Single Family – Standard Lot) district**

- (a) *Purpose.* To establish and preserve areas of low intensity land use primarily devoted to traditional single family residential development.
- (b) *Permitted uses.* Uses permitted in the SF-2 district may be found in Sec. 2-25.
- (c) *Lot and building dimensional standards.* Property and buildings in the SF-2 district shall conform to the standards found in Sec. 2-26, with the following supplementary notes:
  - (1) Side-entry garages may have may have a 15-foot setback from the street (ROW).
  - (2) Where SF-2 lots are subdivided abutting existing homes on lots 10,000 square feet or larger, the SF-2 lots that abut the large lots shall be a minimum of 10,000 square feet.
- (d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the SF-2 district:
  - (1) *Exterior wall materials.* Metal of any type is ~~prohibited~~~~not permitted~~ except horizontal pre-finished aluminum siding. Accessory buildings not exceeding 150 square feet in gross floor area are exempt from this requirement.
  - (2) *Garage door width.* The garage doors facing a public street shall not exceed a total of 18 feet in width.
  - (3) *Garage conversions.* Where otherwise permitted, garage conversions are subject to the following requirements:
    - a. The converted area shall not operate as a separate dwelling unit.
    - b. The converted area shall not include additional utility meters.
    - c. The converted area shall not include an exterior entry door.
    - d. If garage doors are removed, they must be replaced with a wall with new exterior materials that match the existing structure's primary exterior materials. If the replaced doors are less than 14 linear feet, then at least one window is required. If the replaced doors are 14 linear feet or more, then at least two windows are required. If only one window is installed, it shall be centered on the wall. If two or more windows are installed, they shall be installed symmetrically on the wall.
  - (4) *Fence requirements and maintenance.*
    - a. These regulations shall apply only to fences that:
      - 1. face a public street, a public park, a public recreation facility, a school, a library, or a government office; or
      - 2. are adjacent to a public drainage facility and are visible from a public street.
    - b. Fences are not required in the SF-2 district. However, the owners of fences subject to this section shall maintain fences in a safe condition and in good repair, with all components free from deterioration, dilapidation, rot, rust,

loosening, or leaning. Fences shall be able to withstand the wind load for which they were designed. In addition, the following regulations shall apply:

1. A fence shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence, with the exception of fencing measuring four (4) feet or less in height, which vertical alignment shall not be more than six (6) inches from the vertical measured at the top of the fence.
2. A fence shall not have any broken, loose, damaged or rotted components having a combined total area of twenty (20) square feet or more, said area being calculated over any 50 contiguous linear foot section of fence.
3. A fence shall not have any missing posts, panels, or pickets.
4. Painted fence components shall be regularly maintained to prevent rusting, peeling, or blistering surfaces.
5. If the city determines a fence is unsafe, dilapidated or a public nuisance, or otherwise in violation of this chapter, it shall be repaired, replaced or demolished within 60 days upon first notification of non-compliance. Repairs shall be made with materials comparable in composition, color, size, shape and quality to the original fence. Products not intended to be used as fencing are prohibited from being used in the repair of a fence.

(5) Landscaping. Landscaping requirements apply to the development of new single family homes as outlined in Sec. 8-10(l).

(e) *Special standards for zero lot line.*

- (1) *Open space requirement.* Although lot size and dimensions may be reduced for zero lot line lots, the reduced lot size shall be compensated by providing common open space equal to the difference between the minimum required lot area for conventional single family lots and the smaller lots. This common open space requirement is not credited toward the parkland dedication requirements specified in the City subdivision ordinance.
- (2) *Eaves.* The eaves on the side of a house with a reduced setback may project a maximum of 24 inches over the adjacent property line. In this case, an easement for the eave projection shall be recorded on the deed for the lot where the projection occurs.
- (3) *Maintenance easement.* An easement between the two property owners to allow for maintenance or repair of the house is required when the eaves or side wall of the house are less than five (5) feet from the adjacent property line. The easement on the adjacent property shall provide at least five (5) feet of unobstructed space between the furthest projection of the structure and the edge of the easement.
- (4) *Privacy.* If the side wall of the house is on the property line, or within three (3) feet of the property line, windows or other openings that allow for visibility into the side setback of the adjacent lot are ~~prohibited~~**not permitted**. Windows that do not allow visibility into the

side setback of the adjacent lot, such as a clerestory window or a translucent window, are permitted.

- (5) One side setback may be zero (0) feet; the other side setback shall be at least 12 feet.
- (6) Accessory buildings are permitted in a side or rear street yard.

(f) *Special standards for village residential.*

- (1) All village residential lots shall provide garages with rear access to an alley.
- (2) Garages on village residential lots may not face or have direct access to the front right-of-way.
- (3) Garage doors shall be set back a minimum of 20 feet from the alley.
- (4) Fencing located within 10 feet of an alley right-of-way or common lot boundary shall be constructed of materials which will not impede the visibility of drivers backing into the alley.
- (5) The minimum setback for an accessory building shall be five (5) feet, except that common walls are not required to have a setback.

**Sec. 2-16. SF-3 (Single Family – Mixed Lot) district**

(a) Purpose. To establish and preserve areas of low intensity land use primarily devoted to low density residential development on lots of various sizes and with increased design standards than other single family residential zoning districts. This district is intended for subdivisions that can accommodate a variety of lot sizes and detached housing types.

(b) Permitted uses. Uses permitted in the SF-3 district may be found in Sec. 2-25.

(c) Lot and building dimensional standards. Property and buildings in the SF-3 district shall conform to the standards found in Sec. 2-26, with the following supplementary notes:

(1) Alleys. Lots less than 45 feet in width shall provide garages with rear access to an alley.

(2) Minimum dwelling area. The living area of the primary residential structure exclusive of porches and garages.

(3) Compatibility standard. Where SF-3 lots are subdivided abutting existing homes on lots 10,000 sq. ft. and over, the SF-3 lots that immediately abut the large lots shall be a minimum of 10,000 sq. ft.

(4) Lot composition. Except as provided below, each new subdivision with SF-3 zoning shall meet the following lot size composition:

a. Estate lots shall compose no less than 40% of the total number of residential lots.

b. Standard lots shall compose no less than 30% of the total number of residential lots.

- c. Small lots shall compose no more than 30% of the total number of residential lots.
- d. A subdivision may contain fewer estate lots or more small lots than outlined above if it has a connectivity index of 1.4 or greater and includes a minimum of three (3) of the following features, as further described in subsection (e) below:
  - 1. Arterial and collector road landscaping;
  - 2. Enhanced detention facilities and bridge/culvert design;
  - 3. Usable open spaces (such as parks, amenity centers, and trails) which exceed the parkland requirement by a minimum of 25%; or
  - 4. Brick or natural stone subdivision walls.

(d) Supplementary development standards. In addition to the standards found in chapter 8 of this Code, the following regulations apply to the SF-3 district:

(1) Exterior wall materials.

- a. The exterior wall finish shall be a minimum 75% stone, simulated stone, brick, or stucco. No more than 50% shall be stucco. Up to 25% of the exterior wall finish may be fiber cement siding (excluding flat, unarticulated panels).
- b. An alternative wall finish consisting of 100% stucco may be permitted only in conjunction with a tile roof.
- c. The use of materials such as wood shingles, wood siding, and architectural steel or metal shall be limited to accent features.
- d. Accessory buildings not exceeding 150 square feet in gross floor area are exempt from the percentage and materials requirements listed above.

(2) Garage and driveway treatment.

- a. The garage doors facing a public street shall not exceed a total of 18 feet in width.
- b. A street-facing garage shall not extend beyond the front building façade.
- c. An upgraded garage door, defined as a metal door with the addition of window panels, a faux wood garage door with decorative hardware, or a wood clad garage door, shall be required for all garages facing the street.
- d. Swing in, side entry garages are permitted as a primary garage or 3rd car garage with the following standards:
  - 1. The exterior wall of the garage facing any public street shall include a minimum of one (1) three-foot (3') by five-foot (5') window for every nine (9) linear feet in width; and
  - 2. There shall be a minimum of 30 feet between garage doors and the side lot line which they face.

(3) Fencing.

- a. Single family lot fencing shall be constructed of the following materials: brick, stone, reinforced concrete, decorative masonry, wrought iron, tubular steel,

redwood, or cedar with a picket size of 1" x 6" with metal posts and treated rails, or other equivalent materials approved by the Zoning Administrator.

b. Fences that abut parks, trails, or similar public or private open spaces shall be of wrought iron or tubular steel. Masonry bases not exceeding three (3) feet in height and/or masonry columns are permitted in conjunction with a wrought iron or tubular steel fence.

c. Fence requirements and maintenance.

1. These regulations shall apply only to fences that:

i. face a public street, a public park, a public recreation facility, a school, a library, or a government office; or

ii. are adjacent to a public drainage facility and are visible from a public street.

2. Fences are not required in the SF-3 district. However, the owners of fences subject to this section shall maintain fences in a safe condition and in good repair, with all components free from deterioration, dilapidation, rot, rust, loosening, or leaning. Fences shall be able to withstand the wind load for which they were designed. In addition, the following regulations shall apply:

i. A fence shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence, with the exception of fencing measuring four (4) feet or less in height, which vertical alignment shall not be more than six (6) inches from the vertical measured at the top of the fence.

ii. A fence shall not have any broken, loose, damaged or rotted components having a combined total area of twenty (20) square feet or more, said area being calculated over any 50 contiguous linear foot section of fence.

iii. A fence shall not have any missing posts, panels, or pickets.

iv. Painted fence components shall be regularly maintained to prevent rusting, peeling, or blistering surfaces.

v. If the city determines a fence is unsafe, dilapidated or a public nuisance, or otherwise in violation of this chapter, it shall be repaired, replaced or demolished within 60 days upon first notification of non-compliance. Repairs shall be made with materials comparable in composition, color, size, shape and quality to the original fence. Products not intended to be used as fencing are prohibited from being used in the repair of a fence.

(5) Landscaping. Landscaping requirements apply to the development of new homes in the SF-3 district as outlined in Sec. 8-10(l).

(e) Subdivision features.

- (1) Arterial and collector road landscaping is defined as the following:
  - a. A minimum 10-foot landscape easement from each side of the right-of-way to the abutting public utility easement. Exceptions may be granted by the zoning administrator for limited site specific variations where a reduction of the 10 feet is requested. The landscape easement shall contain sidewalks, street tree plantings, plant beds, subdivision walls, and neighborhood entry monuments.
  - b. The landscaping within the landscape easement shall comply with Sec. 8-10(g)(1)b.1 and 8-10(g)(1)b.2.
  - c. Meandering five (5) foot sidewalks shall be provided along both sides of the arterial and collector streets. The sidewalks shall be permitted to meander inside and outside the collector right-of-way and landscape easement.
- (2) Enhanced detention facilities includes the following: limestone cladding on cement walls; a minimum of 25% greater trees and shrubs than is required by the code; and if any permanent bodies of water are proposed they shall be curvilinear, non-rectangular shapes and which provide passive or active recreation opportunities. Enhanced bridge/culvert design includes colored concrete or a masonry veneer to complement the subdivision walls.
- (3) The size and number of usable open spaces shall be clearly defined in the preliminary plat of the subdivision.
- (4) The brick or natural stone subdivision wall shall conform to the regulations found in Sec. 4-30.

#### **Sec. 2-17. SF-D (Single Family – Downtown) district**

- (a) *Purpose.* To establish and preserve areas of land use primarily devoted to low density residential development. This district provides for traditional residential development and includes standards to reinforce the scale and design of an established residential neighborhood with numerous historic structures.
- (b) *Permitted uses.* Uses permitted in the SF-D district may be found in Sec. 2-25.
- (c) *Lot and building dimensional standards.* Property and buildings in the SF-D district shall conform to the standards found in Sec. 2-26, with the following supplementary notes:
  - (1) The front setback from the street shall be the same as adjacent buildings +/- 5 feet. If the two setbacks on either side of the subject property are greater than 10 feet different from one another, the owner of the subject property may choose which adjacent property to use to establish the contextual setback.
  - (2) All portions of a garage and garage doors shall be set back a minimum of 5 feet from the front elevation of the main structure.

- (3) Floor to floor heights shall be the same as adjacent structures in a block.
  - (4) Fences may be up to eight (8) feet in height to accommodate topographical changes, as approved by the zoning administrator.
- (d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the SF-D district:
- (1) *Parking requirements.*
    - a. Parking and access shall be permitted only on improved surfaces.
    - b. On-site parking is not required for single-family dwelling units, but is required for the following uses:
      - 1. A bed and breakfast shall provide one on-site parking space for each guest room.
      - 2. Other uses shall provide on-site parking in accordance with chapter 8, article VI.
    - c. Garages shall not be required. When a garage is constructed, it shall be complementary in materials and design to the primary structure on the lot.
    - d. Where an alley exists and is clear of man-made obstructions, new garages shall be oriented toward the alley. If no alley exists, new garages shall be oriented toward an available secondary frontage. If the garage is oriented toward the secondary frontage, the facade that faces the primary frontage shall include articulation such as windows.
    - e. A driveway constructed to access a new garage shall be no wider than 18 feet within the setback, and no wider than the garage at any point.
    - f. The garage doors facing a public street shall not exceed 18 feet in width.
    - g. On-site parking placement.
      - 1. Where access is available from an alley or secondary frontage, parking shall be located at the rear of the property behind the principal structure.
      - 2. If a property has an existing driveway, it may be utilized to meet any on-site parking requirement but may not be expanded in the street yard to accommodate additional parking. Slight modifications may be made to the existing driveway to access additional parking located at the rear of the structure. A driveway shall be no wider than 18 feet within the required front or side setback.
  - (2) *Exterior wall finish.*
    - a. Permitted exterior wall materials include wood siding (novelty, tongue and groove, shiplap, or equivalent), stone (such as rough-faced limestone), brick, and lapped fiber cement siding that is smooth and without a drop in the panel (not cottage lap).

- b. Stone and masonry bonding patterns, size, and color shall be similar to existing structures in the district. Limestone shall have an ashlar pattern, and other stone shall be installed in uniform patterns and shapes.
  - c. Exterior insulation and finishing systems (EIFS), concrete tilt-wall, concrete block, artificial brick, simulated stone, and synthetic wood shingles are prohibited.
  - d. Accessory structures less than 150 square feet are exempt from exterior wall finish requirements.
  - e. Day-Glo, luminescent, neon, or similar types of color finishes are prohibited.
- (3) Height, massing and placement requirements.
- a. Front facades of the primary structure shall be parallel to the street.
  - b. The scale of a new building or addition shall reflect the scale of adjacent buildings.
  - c. The scale and placement of façade elements such as doors, windows, porches, columns, and other architectural features shall be similar to surrounding buildings.
- (4) *Additions to the primary structure on a lot.* Additions shall be compatible and secondary in size, design, proportion, and detail to the primary residential structure on a lot.
- (5) *Roofs.*
- a. Roof pitch shall be a minimum of 4:12.
  - b. Synthetic wood shingles or synthetic clay tile roofs are prohibited.
- (6) *Lot fencing.*
- a. Fences shall be constructed of the following materials: brick, stone, wrought iron, or wood. Other decorative masonry materials, reinforced concrete, or wrought iron equivalents may be approved by the zoning administrator.
  - b. Fence posts shall be constructed of wood, rust-resistant metal parts, concrete-based masonry or concrete pillars.
  - c. Fence posts and fence panels for non-wood fences shall be capped.
  - d. All fences shall provide a finished face to all public rights-of-way.
  - e. Fences shall not conflict with sight triangles at street intersections or obstruct views from adjacent driveways.
- (7) *Fence requirements and maintenance.*
- a. These regulations shall apply only to fences that:
    - 1. face a public street, a public park, a public recreation facility, a school, a library, or a government office; or
    - 2. are adjacent to a public drainage facility and are visible from a public street.
  - b. Fences are not required in the SF-D district. However, the owners of fences subject to this section shall maintain fences in a safe condition and in good repair, with all components free from deterioration, dilapidation, rot, rust, loosening, or leaning. Fences shall be able to withstand the wind load for which they were designed. In addition, the following regulations shall apply:

1. A fence shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence, with the exception of fencing measuring four (4) feet or less in height, which vertical alignment shall not be more than six (6) inches from the vertical measured at the top of the fence.
2. A fence shall not have any broken, loose, damaged or rotted components having a combined total area of twenty (20) square feet or more, said area being calculated over any 50 contiguous linear foot section of fence.
3. A fence shall not have any missing posts, panels, or pickets.
4. Painted fence components shall be regularly maintained to prevent rusting, peeling, or blistering surfaces.
5. If the city determines a fence is unsafe, dilapidated or a public nuisance, or otherwise in violation of this chapter, it shall be repaired, replaced or demolished within 60 days upon first notification of non-compliance. Repairs shall be made with materials comparable in composition, color, size, shape and quality to the original fence. Products not intended to be used as fencing are prohibited from being used in the repair of a fence.

(8) *Mechanical equipment and trash receptacles for non-residential uses.*

- a. Roof-mounted equipment shall be set back from the edges of roofs and screened so as not to be visible from public view.
- b. No mechanical or service areas shall be placed in the street yard.
- c. Trash receptacles shall be screened from the street and pedestrian areas with fencing or appropriate height landscaping.

**Sec. 2-18. MH (Manufactured Housing) district**

- (a) *Purpose.* To establish and provide for the inclusion of manufactured housing on single lots at locations which are suitable for such housing and to provide adequate space and site diversification for residential purposes.
- (b) *Permitted uses.* Uses permitted in the MH district may be found in Sec. 2-25, with the following supplementary note:
  - (1) Mobile homes are prohibited within the corporate limits of the City.
- (c) *Lot and building dimensional standards.* Property and buildings in the MH district shall conform to the standards found in Sec. 2-26, with the following supplementary notes:
  - (1) Side-entry garages may have a 15-foot setback from the street (ROW).
  - (2) Stacking of manufactured homes is prohibited.

- (3) Where manufactured housing lots are subdivided abutting existing homes on lots 10,000 square feet and over, the manufactured housing lots that immediately abut the large lots shall be a minimum of 10,000 square feet.
- (4) All manufactured housing shall be constructed on lots subdivided in conformance with the subdivision regulations of this code.

(d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the MH district:

- (1) *Exterior wall materials.* Metal of any type is ~~prohibited~~~~not permitted~~ except horizontal prefinished aluminum siding. Accessory buildings not exceeding 150 square feet in gross floor area are exempt from this requirement.
- (2) *Garage door width.* The garage doors facing a public street shall not exceed a total of 18 feet in width.
- (3) *Garage conversions.* Where otherwise permitted, garage conversions are subject to the following requirements:
  - a. The converted area shall not operate as a separate dwelling unit.
  - b. The converted area shall not include additional utility meters.
  - c. The converted area shall not include an exterior entry door.
  - d. If garage doors are removed, they must be replaced with a wall with new exterior materials that match the existing structure's primary exterior materials. If the replaced doors are less than 14 linear feet, then at least one window is required. If the replaced doors are 14 linear feet or more, then at least two windows are required. If only one window is installed, it shall be centered on the wall. If two or more windows are installed, they shall be installed symmetrically on the wall.
- (4) *Fence requirements and maintenance.*
  - a. These regulations shall apply only to fences that:
    1. face a public street, a public park, a public recreation facility, a school, a library, or a government office; or
    2. are adjacent to a public drainage facility and are visible from a public street.
  - b. Fences are not required in the MH district. However, the owners of fences subject to this section shall maintain fences in a safe condition and in good repair, with all components free from deterioration, dilapidation, rot, rust, loosening, or leaning. Fences shall be able to withstand the wind load for which they were designed. In addition, the following regulations shall apply:
    1. A fence shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence, with the exception of fencing measuring four (4) feet or less in height, which vertical alignment shall not be more than six (6) inches from the vertical measured at the top of the fence.

2. A fence shall not have any broken, loose, damaged or rotted components having a combined total area of twenty (20) square feet or more, said area being calculated over any 50 contiguous linear foot section of fence.
3. A fence shall not have any missing posts, panels, or pickets.
4. Painted fence components shall be regularly maintained to prevent rusting, peeling, or blistering surfaces.
5. If the city determines a fence is unsafe, dilapidated or a public nuisance, or otherwise in violation of this chapter, it shall be repaired, replaced or demolished within 60 days upon first notification of non-compliance. Repairs shall be made with materials comparable in composition, color, size, shape and quality to the original fence. Products not intended to be used as fencing are prohibited from being used in the repair of a fence.

**Sec. 2-19. TF (Two Family) district**

- (a) *Purpose.* To establish and preserve areas of low-medium intensity land use primarily devoted to moderate density residential development.
- (b) *Permitted uses.* Uses permitted in the TF district may be found in Sec. 2-25.
- (c) *Lot and building dimensional standards.* Property and buildings in the TF district shall conform to the standards found in Sec. 2-26, with the following supplementary notes:
  - (1) The minimum lot size of 3,500 square feet depicted in Sec. 2-26 is for a fee simple lot containing one dwelling unit in a two dwelling unit building.
  - (2) The side and rear setbacks shall be five (5) feet, except that common walls are not required to have a setback.
- (d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the TF district:
  - (1) *Exterior wall materials.* Metal of any type is ~~not permitted~~ prohibited except horizontal prefinished aluminum siding. Accessory buildings not exceeding 150 square feet in gross floor area are exempt from this requirement.
  - (2) *Garage door width.* The garage doors facing a public street shall not exceed a total of 18 feet in width.
  - (3) *Garage conversions.* Where otherwise permitted, garage conversions are subject to the following requirements:
    - a. The converted area shall not operate as a separate dwelling unit.
    - b. The converted area shall not include additional utility meters.

- c. The converted area shall not include an exterior entry door.
  - d. If garage doors are removed, they must be replaced with a wall with new exterior materials that match the existing structure's primary exterior materials. If the replaced doors are less than 14 linear feet, then at least one window is required. If the replaced doors are 14 linear feet or more, then at least two windows are required. If only one window is installed, it shall be centered on the wall. If two or more windows are installed, they shall be installed symmetrically on the wall.
- (4) *Fence requirements and maintenance.*
- a. These regulations shall apply only to fences that:
    - 1. face a public street, a public park, a public recreation facility, a school, a library, or a government office; or
    - 2. are adjacent to a public drainage facility and are visible from a public street.
  - b. Fences are not required in the TF district. However, the owners of fences subject to this section shall maintain fences in a safe condition and in good repair, with all components free from deterioration, dilapidation, rot, rust, loosening, or leaning. Fences shall be able to withstand the wind load for which they were designed. In addition, the following regulations shall apply:
    - 1. A fence shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence, with the exception of fencing measuring four (4) feet or less in height, which vertical alignment shall not be more than six (6) inches from the vertical measured at the top of the fence.
    - 2. A fence shall not have any broken, loose, damaged or rotted components having a combined total area of twenty (20) square feet or more, said area being calculated over any 50 contiguous linear foot section of fence.
    - 3. A fence shall not have any missing posts, panels, or pickets.
    - 4. Painted fence components shall be regularly maintained to prevent rusting, peeling, or blistering surfaces.
    - 5. If the city determines a fence is unsafe, dilapidated or a public nuisance, or otherwise in violation of this chapter, it shall be repaired, replaced or demolished within 60 days upon first notification of non-compliance. Repairs shall be made with materials comparable in composition, color, size, shape and quality to the original fence. Products not intended to be used as fencing are prohibited from being used in the repair of a fence.
- (5) *Landscaping. Landscaping requirements apply to the development of new homes in the TF district as outlined in Sec. 8-10(l).*

**Sec. 2-20. TH (Townhouse) district**

- (a) *Purpose.* To establish and preserve areas of medium intensity land use devoted to moderate density residential development. This district often provides a transition between lower intensity residential uses and more intensive uses. Townhouses may be developed in either a common-lot or single-lot (fee simple) configuration.
- (b) *Permitted uses.* Uses permitted in the TH district may be found in Sec. 2-25.
- (c) *Lot and building dimensional standards.* Property and buildings in the TH district shall conform to the standards found in Sec. 2-26, with the following supplementary notes:
- (1) Townhouses shall not exceed 12 dwelling units per acre.
  - (2) A side setback of zero feet is allowed only for internal attached units with a common wall.
  - (3) End units shall have a 10 foot side setback.
  - (4) Accessory buildings shall have a five (5) foot setback, except that common walls are not required to have a setback.
  - (5) Parking areas for common-lot townhouses shall be separated from adjacent properties by a 15-foot wide landscape buffer, in accordance with Sec. 8-10.
  - (6) Recreational uses with overhead illumination such as swimming pools, tennis courts, ballfields, or playground areas ~~shall not be permitted~~ are prohibited within 50 feet of any adjacent SF-R, SF-1, SF-2, SF-3, SF-D, or TF district lot line.
- (d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the TH district:
- (1) *Garages.* Garages shall not face a public street, nor shall garages be permitted in any street yard.
  - (2) *Fences.* Lot Ffences shall be constructed of the following materials: brick, natural stone, simulated stone, architectural CMU, or wrought iron. ~~A brick, natural stone, simulated stone, or architectural CMU fence shall be installed abutting single family or two-family, or other townhouse developments uses. Wrought iron or an equivalent view fencing material shall be installed where abutting a park, trail, or open space. reinforced concrete, or other masonry materials, redwood, cedar, preservative treated wood or other equivalent materials approved by the Development Services Office.~~
  - (3) *Light fixture height.* The height of a light fixture shall not exceed 20 feet.
- (e) *Townhouse design standards.* The following design standards apply to all buildings in the TH district. These standards are intended to ensure an attractive built environment in Round Rock. These standards supplement any district-specific standards. Alternative design standards may be approved by the zoning administrator in order to permit a more flexible or creative design.

- (1) *Building elevation variation.* Any wall in excess of 60 feet in length shall include offsets of at least two feet in depth, to preclude a box design. There shall be no less than one offset for every 40 feet of horizontal length.
- (2) *Exterior wall color finishes.* Day-glo, luminescent, iridescent, neon or similar types of color finishes are ~~not permitted~~ prohibited.
- (3) *Exterior wall materials.* The exterior finish of all buildings shall be ~~masonry, except for door, windows and trim. Masonry shall mean~~ natural stone, simulated stone, brick, stucco, ~~or horizontally installed cement-based~~ fiber cement siding (excluding flat, unarticulated panels), or architecturally finished steel or metal, except for doors, windows and trim. ~~Horizontally installed cement-based siding and stucco shall not comprise more than 50 percent of the exterior finish (breezeways and patio or balcony insets are not included in this calculation), except that 100 percent stucco may be permitted in conjunction with tile roofs.~~ The use of other materials shall be limited to accent features. Other wall finishes or recognized architectural styles not explicitly permitted by this section may be approved in writing by the zoning administrator.
  - a. The ground floor of all buildings shall be a minimum of 75 percent natural stone, simulated stone, or brick.
  - b. A minimum of two different materials shall be used on each structure, and each material used shall comprise no less than 20 percent of the exterior wall finish.
  - c. No more than 33 percent of the building facade may be fiber cement siding or architecturally finished steel or metal.
- (4) *Glass.* Mirrored glass with a reflectivity of 20 percent or more is ~~not permitted~~ prohibited on the exterior walls and roofs of all buildings and structures.
- (5) *Orientation requirements.* Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows and/or entrance areas.
- (6) *Windows.* Windows shall be provided with trim. Windows shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, header and sill.
- (7) *Roofing materials.* Roofing materials shall consist of 25-year architectural dimensional shingles, tile (clay, cement, natural or ~~manufactured-simulated~~ stone), non-reflective prefinished metal, or reflective metal such as copper or other similar metals as approved by the zoning administrator. Portions of the roof shall be permitted to be flat to provide for mechanical equipment wells or roof decks, provided that such flat areas are screened by pitched sections of the roof that meet the roofing material requirements.
- (8) *Special design features.* All buildings, other than garages, shall be designed to include varied relief to provide interest and variety and to avoid monotony. This shall include details that create shade and cast shadows to provide visual relief to the buildings. A minimum of five (5) features from the following list shall be incorporated into the building design. ~~The following list contains a partial list of features that may be used as part of an integrated, comprehensive design:~~
  - a. Bow window.

- b. Bay window.
- c. Arched window.
- d. Gable window.
- e. Oval or round windows.
- f. Shutters.
- g. Arched entry, balcony or breezeway entrance.
- h. Stone or brick accent wall.
- i. Decorative stone or brick band.
- j. Decorative tile.
- k. Veranda, terrace, porch or balcony.
- l. Projected wall or dormer.
- m. Variation of roof lines on the building.
- n. Decorative caps on chimneys.
- o. Other feature as approved by the zoning administrator.

(f) Amenities. At least one (1) amenity accessible to all residents shall be provided for each new townhouse development with 30 or more dwelling units. Additional amenities shall be included at the following rate:

<u>Number of dwelling units</u>	<u>Minimum number of amenities</u>
<u>0-29</u>	<u>0</u>
<u>30-59</u>	<u>1</u>
<u>60-89</u>	<u>2</u>
<u>90-120</u>	<u>3</u>
<u>greater than 120</u>	<u>4</u>

Amenities include but are not limited to the following:

- (1) Playground equipment,
- (2) Fenced dog park, to measure no smaller than 2,500 square feet, with minimum depth 25 feet,
- (3) Private fitness facility\*,
- (4) Picnic area, to contain no fewer than two tables and two cooking grills,
- (5) Swimming pool,
- (6) Business center, to contain no less than one computer, printer, fax machine, copier, and scanner (printer, fax machine, copier, and scanner may be integrated into a single device), available for resident use\*,
- (7) Tennis court,
- (8) Basketball court,
- (9) Volleyball court,
- (10) Kitchen available for resident use\*,
- (11) Social room available for resident use\*,

\* These amenities may be located in the amenity center and each one qualifies toward the amenity requirement.

(fg) *Single-lot (fee simple unit) additional restrictions.*

(1) *Garage requirements.* Garages shall not protrude toward the street greater than six (6) feet beyond the ground floor of the front building façade. All garages that protrude beyond the ground floor of the front building façade shall contain living space above them. ~~be located to face an alley (public or private).~~

~~(2) — Alley fencing. Fencing located within ten feet of an alley right-of-way or common lot boundary shall be constructed of materials which will not impede the visibility of drivers backing into the alley.~~

### **Sec. 2-21. SR (Senior) district**

(a) *Purpose.* To establish and provide locations for living facilities that primarily serve the community's aging population. This district serves as an additional option for transition from lower intensity residential uses to commercial uses. Proximity to neighborhood commercial activities is desired.

(b) *Permitted uses.* Uses permitted in the SR district may be found in Sec. 2-25.

(c) *Lot and building dimensional standards.* Property and buildings in the SR district shall conform to the standards found in Sec. 2-26, with the following supplementary notes:

(1) The maximum height shall be four (4) stories with the exception of facilities that share a common lot line with a single family or two family use, in which case the maximum height shall be three (3) stories.

(2) Accessory buildings shall have a five (5) foot setback, except that common walls are not required to have a setback.

(3) Parking shall be permitted in the setback more than 15 feet from the property line where a compatibility buffer is required.

(4) Recreational uses with overhead illumination such as swimming pools, tennis courts, ballfields, or ~~playground areas~~ similar facilities shall not be permitted ~~are prohibited~~ within 50 feet of any adjacent SF-R, SF-1, SF-2, SF-3, SF-D, or TF district lot line.

(d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the SR district:

~~(1) — Off-street Parking. Parking requirements shall be determined by the zoning administrator to reflect the mobility needs of the targeted population of a specific development.~~

- (1) Covered parking. A minimum of 25% of the required parking spaces for senior apartment developments shall be covered. Garage enclosed spaces shall count toward this requirement.
- (2) Light fixture height. The height of a light fixture shall not exceed 20 feet.
- (e) Senior design standards. The following design standards apply to all buildings in the SR district. These standards are intended to ensure an attractive built environment in Round Rock. These standards supplement any district-specific standards. Alternative design standards may be approved by the zoning administrator in order to permit a more flexible or creative design.
- (1) Building elevation variation. Any wall in excess of 60 feet in length shall include offsets of at least two feet in depth, to preclude a box design. There shall be no less than one offset for every 40 feet of horizontal length.
- (2) Exterior wall color finishes. Day-Glo, luminescent, iridescent, neon or similar types of color finishes are ~~not permitted~~ prohibited.
- (3) Exterior wall materials. The exterior finish of all buildings shall be ~~masonry, except for door, windows and trim. Masonry shall mean natural~~ stone, simulated stone, brick, stucco, or horizontally installed cement-based fiber cement siding (excluding flat, unarticulated panels), or architecturally finished steel or metal except for doors, windows and trim. Horizontally installed cement-based siding, and stucco, and architectural steel or metal shall not comprise more than 50 percent of the exterior finish (breezeways and patio or balcony insets are not included in this calculation), except that 100 percent stucco may be permitted in conjunction with tile roofs. The use of other materials shall be limited to accent features. Other wall finishes or recognized architectural styles not explicitly permitted by this section may be approved in writing by the zoning administrator.
- a. The ground floor of all buildings shall be a minimum of 75 percent natural stone, simulated stone, or brick.
- b. A minimum of two different materials shall be used on each structure, and each material used shall comprise no less than 20 percent of the exterior wall finish.
- c. No more than 33 percent of the building facade may be fiber cement siding or architecturally finished steel or metal.
- (4) Glass. Mirrored glass with a reflectivity of 20 percent or more is ~~not permitted~~ prohibited on the exterior walls and roofs of all buildings and structures.
- (5) Orientation requirements. Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows and/or entrance areas.
- (6) Windows. Windows shall be provided with trim. Windows shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, header and sill.
- (7) Roofing materials. Roofing materials shall consist of 25-year architectural dimensional shingles, tile (clay, cement, natural or ~~manufactured~~ simulated stone), non-reflective

prefinished metal, or reflective metal such as copper or other similar metals as approved by the zoning administrator. Portions of the roof shall be permitted to be flat to provide for mechanical equipment wells or roof decks, provided that such flat areas are screened by pitched sections of the roof that meet the roofing material requirements.

- (8) *Special design features.* All buildings, other than garages, shall be designed to include varied relief to provide interest and variety and to avoid monotony. This shall include details that create shade and cast shadows to provide visual relief to the buildings. A minimum of five (5) features from the following list shall be incorporated into the building design: ~~The following list contains a partial list of features that may be used as part of an integrated, comprehensive design:~~

- a. Bow window.
- b. Bay window.
- c. Arched window.
- d. Gable window.
- e. Oval or round windows.
- f. Shutters.
- g. Arched entry, balcony or breezeway entrance.
- h. Stone or brick accent wall.
- i. Decorative stone or brick band.
- j. Decorative tile.
- k. Veranda, terrace, porch or balcony.
- l. Projected wall or dormer.
- m. Variation of roof lines on the building.
- n. Decorative caps on chimneys.
- o. Other feature as approved by the zoning administrator.

#### **Sec. 2-22. MF-1 (Multifamily – Low Density) district**

- (a) *Purpose.* To establish and preserve areas of medium intensity land use primarily devoted to low density multifamily residential development that is compatible with abutting and nearby single family neighborhoods, ~~and with a density not to exceed 12 units per acre.~~
- (b) *Permitted uses.* Uses permitted in the MF-1 district may be found in Sec. 2-25.
- (c) *Lot and building dimensional standards.* Property and buildings in the MF-1 district shall conform to the standards found in Sec. 2-26, with the following supplementary notes:
  - (1) The minimum lot area shall be 10,000 sq. ft. for buildings with four (4) or fewer units and 20,000 sq. ft. for buildings with more than four (4) units.

- (2) Accessory buildings shall be setback 20 feet from abutting SF and TF zoned property when a pre-cast concrete panel fence is used and 15 feet from abutting SF and TF zoned property when a masonry fence is used.
- (3) For all properties abutting SF and TF zoned property a minimum 15 foot landscape buffer is required. No other use is permitted within the buffer.
- (4) A side setback of zero (0) feet is permitted only for internal attached units with a common wall. End units shall have a 10 foot side setback.

(d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the MF-1 district:

- (1) *Unit limit.* Density shall not exceed 12 units per acre. No more than 120 dwelling units shall be permitted in any single apartment complex. No more than ~~eight (8)~~ 12 dwelling units shall be permitted in any single residential structure.
- (2) *Low density multifamily separation requirement.* No more than 120 apartment units can be grouped on the same or separate but adjacent lots unless they are separated by open space, natural features such as a creek or stand of trees, or OF or C-2 zoning (with the exception of a gas station use). If the separation requirement is fulfilled in the form of open space, it shall comply with the following standards:
  - a. The open space shall measure no smaller than 100 feet wide on average and at no point shall be less than 75 feet wide.
  - b. The open space shall contain a minimum of one (1) large tree and one (1) medium tree for every 5,000 square feet.
  - c. The open space may be used as space for an outdoor recreational amenity for the abutting low density multifamily complexes.
  - d. The open space shall comply with all compatibility standards.
- (3) *Amenities.* At least one (1) amenity accessible to all residents shall be provided for each low density multifamily complex with 30 or more dwelling units. ~~Additional a~~ Amenities shall be included at the following rate:

Number of dwelling units	Minimum number of amenities
0-29	0
30-59	1
60-89	2
90-120	3

Amenities include but are not limited to the following:

- a. Playground equipment,
- b. Fenced dog park, to measure no smaller than 2,500 square feet, with minimum depth 25 feet,
- c. Private fitness facility\*,

- d. Picnic area, to contain no fewer than two tables and two cooking grills,
- e. Swimming pool,
- f. Business center, to contain no less than one computer, printer, fax machine, copier, and scanner (printer, fax machine, copier, and scanner may be integrated into a single device), available for resident use\*,
- g. Tennis court,
- h. Basketball court,
- i. Volleyball court,
- j. Kitchen available for resident use\*,
- k. Social room available for resident use\*,

\* These amenities may be located in the amenity center and each one qualifies toward the amenity requirement.

- (4) *Garage requirements.* Garages shall comply with the following standards:
  - a. Garages shall not be located within 15 feet of any SF or TF property.
  - b. Only garages that are integrated within the dwelling structures shall be permitted to face a public street, and they shall not extend beyond the front building facade of the dwelling structure.
  - c. Street-facing garage doors shall not comprise more than 50 percent of the facade width of each dwelling unit.
  - d. Street-facing driveways located adjacent to one another shall be separated by a landscaped area measuring a minimum of six (6) feet wide.
  - e. Detached garages ~~shall not be permitted~~ are prohibited in the front street yard and shall be constructed with the same materials and with similar architectural features as the residential structure.
  - f. No garage door shall face a SF or TF district or lot within 200 feet, with the exception of SF or TF lots located across an adjacent public street.
  - g. Garages contained within a detached structure shall contain no more than eight (8) parking spaces.
- (5) *Additional parking.* Additional parking that is not within a garage ~~shall not be permitted~~ is prohibited in any street yard, with the exception of parking on driveways in front of garages that have been integrated into the dwelling structures. Additional parking shall not be located within 15 feet of any SF or TF property line.
- (6) *Landscaping.* In addition to the regulations located in Sec. 8-10, a linear area with improved soils and planted with annuals, perennials, and small shrubs shall be installed and maintained along the foundation of all elevations facing the public right-of-way. This area shall measure a minimum of four (4) feet wide on average, and at no point shall be less than two (2) feet wide. This requirement shall not apply where sidewalks and driveways meet the building perpendicularly.
- (7) *Lot fencing.* A wrought-iron or equivalent fence in the front street yard shall be permitted to reach a height of six (6) feet.

- (8) *Light fixture height.* The height of a light fixture shall not exceed 20 feet in parking areas and 12 feet in pedestrian areas.
- (e) *Low density multifamily design standards.* The following design standards apply to all residential buildings in the MF-1 (Multifamily - Low Density) district. Other recognized architectural designs may be approved by the zoning administrator in order to permit a more flexible, compatible or creative design:
- (1) *Building orientation.* Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows and/or entrance areas.
  - (2) *Building elevation variation.* Any wall in excess of 40 feet in length shall include offsets of at least two feet in depth. There shall be no less than one offset for every 30 feet of horizontal length.
  - (3) *Building design variation.* The design of individual buildings within multi-building developments shall vary. No two identical buildings shall be located adjacent to one another.
  - (4) *Exterior wall color finishes.* Day-Glo, luminescent, iridescent, neon or similar types of color finishes are ~~not permitted~~ prohibited.
  - (5) *Exterior wall materials.* The exterior finish of all buildings shall be ~~masonry~~ natural stone, simulated stone, brick, 3-step hard coat stucco, fiber cement siding (excluding flat, unarticulated panels), glass, or architecturally finished steel or metal, ~~or a combination thereof~~, except for doors, windows, accents and trim. ~~Masonry shall be defined as stone, simulated stone, or brick.~~ The use of other materials shall be limited to accent features. Other wall finishes or recognized architectural styles not explicitly permitted by this section may be approved in writing by the zoning administrator.
    - a.        The ground floor of all buildings shall be a minimum of 75 percent ~~masonry~~ natural stone, simulated stone, or brick.
    - b.        A minimum of two different materials shall be used on each structure, and each material used shall comprise no less than 20 percent of the exterior wall finish.
    - c.        No more than 33 percent of the building facade may be fiber cement siding or architecturally finished steel or metal.
  - (6) *Exterior stairwells.* Exterior stairwells shall be permitted provided that the design, color, and materials complement the architectural theme of the dwelling structure. Final exterior stairwell design shall be approved by the zoning administrator.
  - (7) *Glass.* Mirrored glass with a reflectivity of 20 percent or more is ~~not permitted~~ prohibited on the exterior walls and roofs of all buildings and structures.
  - (8) *Windows.* Windows shall be incorporated on every elevation that is visible from a public street. Windows shall be provided with trim and shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, header and sill.

- (9) *Roofing materials.* Roofing materials shall consist of 25-year architectural dimensional shingles, tile (clay, cement, natural or ~~manufactured~~ simulated stone), non-reflective prefinished metal, or reflective metal such as copper or other similar metals as approved by the zoning administrator. Portions of the roof shall be permitted to be flat to provide for mechanical equipment wells or roof decks, provided that such flat areas are screened by pitched sections of the roof that meet the roofing material requirements.
- (10) *Special design features.* A minimum of five (5) features from the following list shall be incorporated into the building design:
- a. Bay window.
  - b. Arched window.
  - c. Gable window.
  - d. Oval or round windows.
  - e. Shutters.
  - f. Arched entry, balcony or breezeway entrance.
  - g. Stone or brick accent wall.
  - h. Decorative stone or brick band.
  - i. Decorative tile.
  - j. Veranda, terrace, patio, porch or balcony.
  - k. Projected wall or dormer.
  - l. Variation of roof lines on the building.
  - m. Decorative caps on chimneys.
  - n. Other feature as approved by the zoning administrator.
- (f) *Multifamily house design standards.* A multifamily house is a structure that is designed to appear as a large, custom-built single-family home but may contain up to six (6) dwelling units inside. Individual dwelling units are indistinguishable within the larger building form. Design aspects not specifically addressed below shall be regulated by subsection (e) above. Other recognized architectural designs may be approved by the zoning administrator in order to permit a more flexible, compatible or creative design.
- (1) *Access.* Each building shall have a singular principal entryway on the front that is in scale with the overall mass of the building. Secondary entrances shall be located along the rear or side of the building.
  - (2) *Additional setback requirements.* Chimneys, roof overhangs, bay windows, and other architectural elements approved by the zoning administrator may encroach into the setback by a maximum of 24 inches. Porches and patios may encroach into the front setback by up to eight (8) feet and into the side setback by up to five (5) feet.
  - (3) *Porch/patio/balcony requirement.* Each unit shall have a minimum of 60 square feet of outdoor living space in the form of a patio, porch or balcony adjacent to its principal living space. The minimum depth of the space shall be six (6) feet. This space shall qualify as one of the required special design features.

- (g) *Applicability to PUDs.* Design and development standards specifically addressed in planned unit developments (PUDs) adopted prior to October 25, 2012 shall prevail.

**Sec. 2-23. MF-2 (Multifamily – Medium Density) district**

- (a) *Purpose.* To establish and preserve areas of medium intensity land use primarily devoted to medium density multifamily residential development ~~not to exceed 20 units per acre.~~
- (b) *Permitted uses.* Uses permitted in the MF-2 district may be found in Sec. 2-25.
- (c) *Lot and building dimensional standards.* Property and buildings in the MF-2 district shall conform to the standards found in Sec. 2-26, with the following supplementary notes:
  - (1) Detached garages shall be set back from the street a minimum of 50 feet.
  - (2) Residential structures shall be permitted to reach four (4) stories in height provided that the first level is garage parking and the upper three (3) stories are dwelling units. In situations where there is a natural gradient change that can accommodate walk-out living units, the zoning administrator may permit four (4) stories of dwelling units. In no case shall a structure exceed four (4) stories.
- (d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the MF-2 district:
  - (1) *Unit limit.* Density shall not exceed 20 units per acre. Apartments shall not exceed 400 units per complex. Any parcel with MF (Multi-family) district zoning prior to October 25, 2012 is not subject to this limit.  
The open space shall comply with all compatibility standards.
  - (2) *Amenities.* At least one amenity accessible to all residents shall be provided for each medium density multifamily complex with 50 or more dwelling units. Additional amenities shall be included at the following rate:

Number of dwelling units	Minimum number of amenities
0-49	0
50-99	1
100-149	2
150-199	3
200-249	4
250 or more	5

Amenities include but are not limited to the following:

- a. Playground equipment.
- b. Fenced dog park, to measure no smaller than 2,500 square feet, with minimum depth 25 feet.
- c. Private fitness facility\*.
- d. Picnic area, to contain no fewer than two tables and two cooking grills.
- e. Swimming pool.
- f. Business center, to contain no less than one computer, printer, fax machine, copier, and scanner (printer, fax machine, copier, and scanner may be integrated into a single device), available for resident use\*.
- g. Tennis court.
- h. Basketball court.
- i. Volleyball court.
- j. Kitchen available for resident use\*.
- k. Social room available for resident use\*.

\* These amenities may be located in the amenity center and each one qualifies toward the amenity requirement.

(3) *Off-street parking requirements.*

- a. No less than 50 percent of the required residential parking shall be covered or in garages, and no less than 25 percent of all required residential parking shall be in garages.
- b. No parking shall be permitted in any street yard. ~~Additionally, parking is prohibited between any street right-of-way and a boundary formed by a line connecting the corners of each adjacent building that faces a street. The connecting points of the boundary shall delineate the shortest distance from each building's corner which is both visible from the street and furthest from the street.~~
- c. Driveways in front of "tuck under" garages, if they are at least 20 feet deep, shall count toward the required residential parking.
- d. If a flat roof is installed as a canopy for covered parking it shall have a minimum six-inch wide decorative banding.

(4) *Garage requirements.* Garages shall comply with the following standards:

- a. Detached garages shall be constructed of the same exterior materials and include similar roof pitch to the residential structures.
- b. Detached garages shall not consist of more than six (6) garage doors, with the exception of double-sided garages that have doors on opposite sides of the structure with a dividing wall in the middle, for a maximum total of 12 garage doors on a single structure.
- c. No detached garage shall be placed between a residential building and its adjacent drive aisle.
- d. Where a detached garage is placed adjacent to a residential building, a landscaped area no less than 10 feet wide shall be installed between the garage and the building.

- e. No garage door shall face a single family home within 250 feet or be permitted in a street yard.
- (5) *Landscaping.* In addition to the regulations located in Sec. 8-10, a linear area with improved soils and planted with annuals, perennials, and small shrubs shall be installed and maintained along the foundation of all elevations facing the public right-of-way. This area shall measure a minimum of four (4) feet wide on average, and at no point shall be less than two (2) feet wide. This requirement shall not apply where sidewalks and driveways meet the building perpendicularly.
- (6) *Lot fencing.* A wrought-iron or equivalent fence in the front street yard shall be permitted to reach a height of six (6) feet.
- (7) *Light fixture height.* The height of a light fixture shall not exceed 20 feet in parking areas and 12 feet in pedestrian areas.
- (e) *Multifamily design standards.* The following design standards apply to all residential buildings in the MF-2 (Multifamily - medium density) district:
- (1) *Building elevation variation.* Any wall in excess of 60 feet in length shall include offsets of at least two feet in depth. There shall be no less than one offset for every 40 feet of horizontal length.
- (2) *Exterior wall color finishes.* Day-Glo, luminescent, iridescent, neon or similar types of color finishes are ~~not permitted~~ prohibited.
- (3) *Exterior wall materials.* The exterior finish of all buildings shall be ~~masonry~~ natural stone, simulated stone, brick, 3-step hard coat-stucco, fiber cement siding (excluding flat, unarticulated panels), glass, architecturally finished steel or metal ~~with a minimum 30-year warranty~~, or a combination thereof, except for doors, windows, accents and trim. ~~Masonry shall be defined as stone, simulated stone, or brick. The use of other materials shall be limited to accent features. Other wall finishes or recognized architectural styles not explicitly permitted by this section may be approved in writing by the zoning administrator.~~
- a. \_\_\_\_\_ The ground floor of all buildings shall be a minimum of 75 percent ~~masonry~~ natural stone, simulated stone, or brick.
- b. \_\_\_\_\_ A minimum of two different materials shall be used on each structure, and each material used shall comprise no less than 20 percent of the exterior wall finish.
- c. \_\_\_\_\_ No more than 33 percent of the building facade may be fiber cement siding or architectural steel or metal. ~~The use of materials such as wood shingles or wood siding shall be limited to accent features. Other wall finishes, accent materials, or recognized architectural styles may be approved by the zoning administrator.~~
- (4) *Exterior stairwells.* Exterior stairwells facing the public right-of-way shall comply with the following standards:
- a. They shall be concealed within a fully enclosed structure, except for appropriately sized cutouts to allow for ventilation and pedestrian access;

- b. The landing shall be recessed a minimum of five (5) feet into said structure; and
  - c. The stairwell structure shall not protrude more than eight (8) feet beyond the facade of the residential structure.
- (5) *Glass.* Mirrored glass with a reflectivity of 20 percent or more is ~~not permitted~~ prohibited on the exterior walls and roofs of all buildings and structures.
- (6) *Orientation requirements.* Buildings adjacent to a public street shall be oriented such that their longest facade faces the street, unless a building is located on the corner of a lot where two (2) streets intersect. Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows, balconies and/or stairwells. Alternative orientation due to physical site constraints such as topography or natural features may be approved by the zoning administrator.
- (7) *Windows.* Windows shall be provided with trim and shall not be flush with exterior wall treatment unless approved by the zoning administrator as part of a recognized architectural style.
- (8) *Roofing materials.* Roofing materials shall consist of 25-year architectural dimensional shingles, tile (clay, cement, natural or ~~manufactured~~ simulated stone), non-reflective prefinished metal, or reflective metal such as copper or other similar metals as approved by the zoning administrator. Portions of the roof shall be permitted to be flat to provide for mechanical equipment wells or roof decks, provided that such flat areas are screened by pitched sections of the roof that meet the roofing material requirements. Alternative roof designs associated with recognized architectural styles may be permitted by the zoning administrator.
- (9) *Special design features.* A minimum of five (5) features from the following list shall be incorporated into the building design:
- a. Bay window.
  - b. Arched window.
  - c. Gable window.
  - d. Oval or round windows.
  - e. Shutters.
  - f. Arched entry, balcony or breezeway entrance.
  - g. Stone or brick accent wall.
  - h. Decorative stone or brick band.
  - i. Decorative tile.
  - j. Veranda, terrace, porch or balcony.
  - k. Projected wall or dormer.
  - l. Variation of roof lines on the building.
  - m. Decorative caps on chimneys.
  - n. Entry onto the public facade for ground floor units facing the public ROW.
  - o. Other feature as approved by the zoning administrator.

- (f) *Applicability to PUDs.* Design and development standards specifically addressed in planned unit developments (PUDs) adopted prior to October 25, 2012 shall prevail.

**Sec. 2-24. MF-3 (Multifamily – Urban) district**

- (a) *Purpose.* To establish and preserve areas of high intensity land use primarily devoted to high density residential development combined with general commercial and office activities by means of a planned unit development (PUD).
- (b) *Permitted uses.* Uses permitted in the MF-3 district shall be found in each PUD.
- (c) *Lot and building dimensional standards.* Property and buildings in the MF-3 district shall conform to the standards found in each PUD.
- (d) *Supplementary development standards.* In addition to the standards found in each PUD, the following elements are required of each MF-3 development. Certain elements may be waived or altered at the discretion of the zoning administrator in order to properly implement the specific features and infrastructure of each PUD.
- (1) *Structured parking.* All required residential parking shall be provided within a parking structure that is directly attached to the residential structure.
- (2) *Balconies.* No less than 25 percent of all dwelling units shall have a balcony.
- (3) *Stairways.* All stairways shall be located completely within the residential structure.
- (4) *Amenities.* At least one amenity accessible to all residents shall be provided for each urban multifamily complex. Additional amenities are required at the following rate:

Number of dwelling units	Minimum number of amenities
0-99	1
100-199	2
200-299	3
300 or more	4

Amenities include but are not limited to the following:

- a. Playground equipment.
- b. Fenced dog park, to measure no smaller than 2,500 square feet, with minimum depth 25 feet.
- c. Private fitness facility\*.
- d. Picnic area, to contain no fewer than two tables and two cooking grills.
- e. Swimming pool.

- f. Business center, to contain no less than one computer, printer, fax machine, copier, and scanner (printer, fax machine, copier, and scanner may be integrated into a single device), available for resident use\*.
- g. Tennis court.
- h. Basketball court.
- i. Volleyball court.
- j. Kitchen available for resident use\*.
- k. Social room available for resident use\*.

\* These amenities may be located in the amenity center and each one qualifies toward the amenity requirement.

- (5) *Open space.* A landscaped open space shall be provided immediately adjacent to or across a local street from each residential building containing 100 or more dwelling units. If located across a local street, a pedestrian crosswalk shall be provided.
  - (6) *Special streetscape and landscape features.* A minimum of four (4) of the following streetscape and landscape features shall be installed along the public right-of-way:
    - a. Benches.
    - b. Bicycle racks.
    - c. Public art to be installed or displayed along the primary street frontage.
    - d. Courtyards or plazas.
    - e. Decorative paving.
    - f. Water features such as fountains.
    - g. Other feature as approved by zoning administrator.
- (e) *Applicability to existing PUDs.* Design and development standards specifically addressed in planned unit developments (PUDs) adopted prior to October 25, 2012 shall prevail.

**Sec. 2-25. Permitted Uses in the Residential Districts**

Summary use table by residential zoning district

Use	Zoning District													Supplementary Use Standard
	AG	SF-R	SF-1	SF-2	SF-3	SF-D	MH	TF	TH	SR	MF-1	MF-2		
P = Permitted P/S = Permitted with supplementary use standards SE = Special Exception needed - = <b>Not permitted</b> <u>Prohibited</u>														
<b>Residential Uses</b>														
Apartment	-	-	-	-	-	-	-	-	-	P/S	P	P	2-91(c)	
Assisted Living	-	-	-	-	-	-	-	-	-	P/S	-	-	2-91(d)	
Group Home (six or fewer persons)	-	P/S	P/S	P/S	<u>P/S</u>	P/S	P/S	P/S	P/S	-	P/S	P/S	2-91(o)	
Modular Housing	-	<b>P</b>	<b>P</b>	<b>P</b>	-	-	P	<b>P</b>	-	-	-	-		
Multifamily House	-	-	-	-	-	-	-	-	-	-	P	-		
Single Family, Attached	-	-	-	-	-	-	-	P	-	-	-	-		
Single Family, Detached	P	P	P	P	<u>P</u>	P	-	P/S	-	-	-	-	2-91(hh)	
Single Family, Detached Manufactured Home	-	-	-	-	-	-	P	-	-	-	-	-		
Single Family, Zero Lot Line	-	-	-	P	-	-	-	-	-	-	-	-		
Single Family, Village Residential	-	-	-	P	-	-	-	-	-	-	-	-		
Townhouse, <u>Single Lot or Common Lot</u>	-	-	-	-	-	-	-	-	P	P/S	P	P	2-91(jj)	
<b>Public and Civic Uses</b>														
Amenity Center	-	P/S	P/S	P/S	<u>P/S</u>	-	P/S	P/S	P/S	P/S	P	P	2-91(b)	
Community/ <u>Government Service</u>	-	-	-	-	-	-	-	-	-	P/S	-	-	2-91(k)	
Day Care (in home), Six or Fewer Children	-	P/S	P/S	P/S	<u>P/S</u>	P/S	P/S	P/S	P/S	-	-	-	2-91(l)	
Day Care, all other	-	-	-	-	-	-	-	-	-	-	P/S	P/S	2-91(l)	
Park, Community	-	P/S	P/S	P/S	<u>P/S</u>	P	P/S	P/S	P/S	P	P/S	P/S	2-91(x)	
Park, Linear/Linkage	-	P/S	P/S	P/S	<u>P/S</u>	P	P/S	P/S	P/S	P	P/S	P/S	2-91(y)	
Park, Neighborhood	-	P	P	P	<u>P</u>	P	P	P	P	P	P	P		
Place of Worship	-	P	P	P	<u>P</u>	P	P	P	P	P	P	P		
Place of Worship (with accessory uses not exceeding 2,500 sq. ft.)	-	P/S	P/S	P/S	<u>P/S</u>	-	P/S	P/S	P/S	-	P/S	P/S	2-91(aa)	
Place of Worship (with accessory uses between 2,500 sq. ft. and 10,000 sq. ft.)	-	-	-	-	-	-	-	-	-	-	P/S	P/S	2-91(aa)	
<u>Public Safety Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Private School, Primary or Secondary</u>	-	-	P/S	P/S	<u>P/S</u>	-	-	-	-	-	-	-	2-91(ff)	
Public School, Elementary or Middle	-	-	P/S	P/S	<u>P/S</u>	P/S	P/S	P/S	P/S	-	P/S	P/S	2-91(ff)	
Self-Enclosed Monopole	-	P/S	P/S	P/S	<u>P/S</u>	P/S	-	-	-	-	-	-	2-91(gg)	
Utility, Minor	P/S	P/S	P/S	P/S	<u>P/S</u>	P/S	P/S	P/S	P/S	P/S	P/S	P/S	2-91(mm)	
Utility, Intermediate	P/S	P/S	P/S	P/S	<u>P/S</u>	P/S	P/S	P/S	P/S	P/S	P/S	P/S	2-91(mm)	
WTF, Attached	P/S	P/S	P/S	P/S	<u>P/S</u>	P/S	P/S	P/S	P/S	P/S	P/S	P/S	2-91(qq)	
WTF, Stealth	P/S	P/S	P/S	P/S	<u>P/S</u>	P/S	P/S	P/S	P/S	P/S	P/S	P/S	2-91(qq)	

Commercial Uses													
Bed and Breakfast	-	P/S	-	P/S	-	P/S	-	-	-	-	-	-	2-91(h)
Other Uses													
Agricultural Operations	P	-	-	-	-	-	-	-	-	-	-	-	
Fowl Raising	P	-	-	-	-	-	-	-	-	-	-	-	
Livestock Raising	P	P/S	-	-	-	-	-	-	-	-	-	-	Chapter 8

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

Residential zoning districts lot and building dimensional standards chart

Description	Zoning District																
	AG	SF-R	SF-1	SF-2			SF-3			SF-D	MH	TF	TH		SR	MF-1	MF-2
				Conventional	Zero Lot Line	Village Residential	<u>Estate Lot</u>	<u>Standard Lot</u>	<u>Small Lot</u>				Single-lot (fee simple units)	Common-lot			
Minimum lot area	10 acres	2 acres	10,000 sq. ft.	6,500 sq. ft.	5,500 sq. ft.	5,000 sq. ft.	<u>10,000 sq. ft.</u>	<u>6,500 sq. ft.</u>	<u>5,000 sq. ft.</u>	4,356 sq. ft.	6,500 sq. ft.	3,500 sq. ft.	2,500 sq. ft./ unit	20,000 sq. ft.	20,000 sq. ft.	10,000 sq. ft. / 20,000 sq. ft.	1 acre
Minimum lot width	200 ft.	200 ft.	70 ft.	50 ft.	45 ft.	40 ft.	<u>70 ft.</u>	<u>50 ft.</u>	<u>40 ft.</u>	-	50 ft.	35 ft.	25 ft. / unit	150 ft.	50 ft.	100 ft.	200 ft.
Minimum lot depth	-	-	-	-	-	-	<u>110 ft.</u>	-	-	-	-	-	-	-	-	-	-
Minimum width of principal building	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	<u>50 ft.</u>	<u>35 ft.</u>	<u>30 ft.</u>	-	20 ft.	-	-	-	-	-	-
Minimum dwelling unit area	-	-	-	-	-	-	<u>2,000 sq. ft.</u>	-	-	-	-	-	-	-	-	-	-
Minimum setback from street (ROW)	50 ft.	50 ft.	30 ft.	20 ft.	15 ft.	15 ft.	<u>20 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	Contextual	20 ft.	20 ft.	15 ft.	15 ft.	25 ft.	20 ft.	15 ft.
Minimum garage setback from street (ROW)	50 ft.	50 ft.	35 ft.	25 ft. / 15 ft.	25 ft. / 15 ft.	50 ft.	<u>25 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>	25 ft. / 15 ft.	25 ft. / 15 ft.	25 ft.	25 ft.	25 ft.	-	25 ft.	50 ft.
Minimum garage setback from street (ROW) for side entry garages	-	-	-	-	-	-	<u>20 ft.</u>	<u>20 ft.</u>	-	-	-	-	-	-	-	-	-
Minimum rear setback	50 ft.	50 ft.	20 ft.	20 ft.	15 ft.	50 ft.	<u>20 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>	5 ft.	20 ft.	20 ft.	20 ft.	20 ft.	25 ft.	20 ft.	25 ft.
Minimum rear setback adjacent to SF/TF lots when pre-cast concrete panel fence is used	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1 story: 25 ft. 2 stories: 50 ft. 3 stories: 75 ft. 4 stories: Not permitted	25 ft.	1 story: 25 ft. 2 stories: 50 ft. 3 stories: 80 ft. 4 stories: 100 ft.
Minimum rear setback adjacent to SF/TF lots when masonry fence is used	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1 story: 20 ft. 2 stories: 40 ft. 3 stories: 65 ft. 4 stories: Not permitted	20 ft.	1 story: 20 ft. 2 stories: 40 ft. 3 stories: 80 ft. 4 stories: 100 ft.
Minimum side setback	20 ft.	20 ft.	5 ft.	5 ft.	0 ft. / 12 ft.	5 ft.	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>	5 ft.	5 ft.	0 ft. / 5 ft.	5 ft. / 20 ft.	10 ft. / 20 ft.	25 ft.	10 ft.	25 ft.
Minimum side setback adjacent to SF/TF lots when pre-cast concrete fence is used	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1 story: 25 ft. 2 stories: 50 ft. 3 stories: 75 ft. 4 stories: Not permitted	25 ft.	1 story: 25 ft. 2 stories: 50 ft. 3 stories: 80 ft. 4 stories: 100 ft.

Minimum side setback adjacent to SF/TF lots when masonry fence is used	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1 story: 20 ft. 2 stories: 40 ft. 3 stories: 65 ft. 4 stories: Not permitted	20 ft.	1 story: 20 ft. 2 stories: 40 ft. 3 stories: 80 ft. 4 stories: 100 ft.
Minimum setback for accessory building	20 ft.	20 ft.	5 ft.	5 ft.	5 ft.	0 ft. / 5 ft.	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>	5 ft.	5 ft.	0 ft. / 5 ft.	0 ft. / 5 ft.	5 ft.	0 ft. / 5 ft.	15 ft. / 20 ft.	15 ft.	
Maximum height of principal building	2.5 stories	2.5 stories	2.5 stories	2.5 stories	2 stories	2.5 stories	<u>2.5 stories</u>	<u>2.5 stories</u>	<u>2.5 stories</u>	2.5 stories	2.5 stories	2.5 stories	2.5 stories	2.5 stories	4 stories	2.5 stories	4 stories	
Maximum height of accessory building	35 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	
Maximum lot coverage for buildings	10%	10%	40%	40%	50%	50%	<u>40%</u>	<u>50%</u>	<u>55%</u>	60%	40%	50%	50%	50%	40%	40%	40%	

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.

**Secs. 2-27. – 2-30. Reserved.**

## ARTICLE III. COMMERCIAL DISTRICTS

### Sec. 2-31. In general.

The commercial zoning districts provide for areas of commercial activity serving regional, local, and neighborhood users. General commercial districts accommodate a wide variety of uses, intensities, and a depth of goods and services not available in neighborhood shopping centers. The nature of the uses that locate in general commercial districts are active at most times of day, particularly in evenings, making them more suited for property along freeways, highways, and designated arterial roadways and in limited areas near residential neighborhoods. The local commercial district serves as a lower intensity district accommodating smaller commercial sales and services as well as offices. Such uses are active only during the day and are not disruptive to local residents, making it a suitable transitional use along collectors and some arterials.

### **Sec. 2-32. C-1 (General Commercial) district**

- (a) *Purpose.* To establish and preserve areas of medium intensity land use primarily devoted to general commercial activities.
- (b) *Permitted uses.* Uses permitted in the C-1 district may be found in Sec. 2-35.
- (c) *Lot and building dimensional standards.* Property and buildings in the C-1 district shall conform to the standards found in Sec. 2-36, with the following supplementary notes:
  - (1) *Additional setback requirement.* All uses which contain structures in excess of 20 feet in height and which also abut SF (Single Family) or TF (Two Family) zoned property, shall be required to meet the following additional setback requirement: for each one foot of height in excess of 20 feet, the structure shall be set back from said abutting property line one extra foot in addition to the minimums set forth in the lot and building dimensional standards in Sec. 2-36.
- (d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the C-1 district:
  - ~~(1) *Fire access requirement.* At least one face of the tallest segment of a multi-story building shall front on a designated fire lane.~~
  - (12) *Light fixture height.* The height of a light fixture shall not exceed 3025 feet, however if a light fixture is within 25 feet of a residential lot line, it shall not exceed 20 feet in height. Developments in existence prior to the adoption of this code which have light fixtures exceeding 25 feet may maintain the existing fixture height.

(e) *General commercial design standards.* The following design standards apply to all buildings in the C-1 district. These standards are intended to ensure an attractive built environment in Round Rock. ~~These standards supplement any district-specific standards.~~ Alternative designs ~~standards~~ may be approved in writing by the zoning administrator in order to implement a specific, recognized architectural style not accommodated by the design standards below, excluding corporate architecture. Additions to sites and projects with existing buildings may continue the design style that has been previously established. ~~permit a more flexible or creative design.~~

- (1) *Exterior wall materials.* The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. Building materials shall be harmonious and compatible with adjacent developments. The following standards shall apply to every side of a building exposed to public view.
  - a. The exterior finish of all buildings shall be ~~masonry~~ natural stone, simulated stone, brick, ~~except for doors, windows and trim. Masonry shall mean stone, simulated stone, brick,~~ stucco, ~~horizontally installed cement based~~ fiber cement siding (excluding flat, unarticulated panels), decorative architectural concrete masonry units (CMU), glass with steel framing, or architecturally finished steel or metal, ~~or standard abuse-resistant exterior insulation and finish systems (EIFS), for exterior finish above eight feet, and abuse-resistant EIFS for exterior finish below eight feet~~ except for doors, windows and trim. The use of other materials such as wood singles or wood siding shall be limited to accent features.
  - b. A minimum of 66% of the total exterior wall finish shall consist of natural stone, simulated stone, brick, architectural CMU, or stucco.
  - c. Architectural CMU shall have an ashlar pattern.
  - d. Where stucco exceeds 66% of the total exterior wall finish, a wainscot of stone, simulated stone, or brick shall be incorporated.
  - e. Except where a building is 100% glass with steel framing, said material shall not exceed 33% of the total exterior wall finish.
- (2) *Exterior color.* Day-Glo, luminescent, neon, or similar types of color finishes are prohibited. ~~Color schemes shall be harmonious and compatible with adjacent developments. Accent colors shall be compatible with the main color theme.~~
- (3) *Orientation requirements.* Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows and/or entrance areas.
- (4) *Building articulation.* All buildings shall be designed to include varied relief to provide interest and variety and to avoid monotony. This shall include details that create shade and cast shadows to provide visual relief to the buildings. Horizontal and vertical elements of exterior walls should vary in height, design and projection to provide substantial architectural interest and style. A minimum of five (5) features from the following list shall be incorporated into the building design: ~~Such interest and style shall be provided through, but not limited to the following:~~
  - a. Arcades.

- b. Cornices.
- c. Eaves.
- d. Sloped or unique roof features (e.g., parapets, mansard).
- e. Variation of roof lines.
- ~~e. Architectural focal points (e.g., entry ways, window treatments).~~
- f. Arched and/or recessed entryway.
- g. Arched windows.
- h. Gable windows.
- i. Oval or round windows.
- j. Transom windows.
- k. Stone coursing around windows.
- l. Stone or brick accent wall.
- m. Decorative stone or brick band.
- n. Decorative tile or metal.
- o. Awnings.
- p. Canopies
- q. Shopfronts.

(5) *Building elevation variation.* The length of walls facing public streets shall be broken into smaller planes. Wall planes shall not extend more than an average of 35 feet without an offset or interruption by a pilaster or structural frames, change in roof line or architectural materials.

~~(5) *Architectural offsets.* To preclude a box design, any wall facing a public right-of-way in excess of 100 feet in length shall incorporate wall plane projections or recesses having a depth of at least two (2) feet and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.~~

**Sec. 2-33. C-1a (General Commercial - Limited) district**

- (a) *Purpose.* To establish and preserve areas of low-medium intensity land use primarily devoted to limited general commercial activities.
- (b) *Permitted uses.* Uses permitted in the C-1a district may be found in Sec. 2-35.
- (c) *Lot and building dimensional standards.* Property and buildings in the C-1a district shall conform to the standards found in Sec. 2-36, with the following supplementary notes:
  - (1) *Additional setback requirement.* All uses which contain structures in excess of 20 feet in height and which also abut SF (Single Family) or TF (Two Family) zoned property, shall be required to meet the following additional setback requirement: for each one foot of height in excess of 20 feet, the structure shall be set back from said abutting property line

one extra foot in addition to the minimums set forth in the lot and building dimensional standards in Sec. 2-36.

- (d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the C-1a district:

~~(1) Fire access requirement. At least one face of the tallest segment of a multi-story building shall front on a designated fire lane.~~

(12) Light fixture height. The height of a light fixture shall not exceed 25 feet, however if a light fixture is within 25 feet of a residential lot line, it shall not exceed 20 feet in height.

- (e) *General commercial – limited design standards.* The following design standards apply to all buildings in the C-1a district. These standards are intended to ensure an attractive built environment in Round Rock. ~~These standards supplement any district-specific standards.~~ Alternative designs ~~standards~~ may be approved in writing by the zoning administrator in order to implement a specific, recognized architectural style not accommodated by the design standards below, excluding corporate architecture. Additions to sites and projects with existing buildings may continue the design style that has been previously established. ~~permit a more flexible or creative design.~~

(1) *Exterior wall materials.* The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. Building materials shall be harmonious and compatible with adjacent developments. The following standards shall apply to every side of a building exposed to public view.

- a. The exterior finish of all buildings shall be ~~masonry natural stone, simulated stone, brick, except for doors, windows and trim. Masonry shall mean stone, simulated stone, brick, stucco, horizontally installed cement based~~ fiber cement siding (excluding flat, unarticulated panels), decorative architectural concrete masonry units (CMU), glass with steel framing, or architecturally finished steel or metal, or standard exterior insulation and finish systems (EIFS) for exterior finish above eight feet, and abuse resistant EIFS for exterior finish below eight feet, except for doors, windows and trim. The use of other materials such as wood singles or wood siding shall be limited to accent features.
- b. A minimum of 66% of the total exterior wall finish shall consist of natural stone, simulated stone, brick, architectural CMU, or stucco.
- c. Architectural CMU shall have an ashlar pattern.
- d. Where stucco exceeds 66% of the total exterior wall finish, a wainscot of stone, simulated stone, or brick shall be incorporated.
- e. Except where a building is 100% glass with steel framing, said material shall not exceed 33% of the total exterior wall finish.

- (2) *Exterior color.* Day-Glo, luminescent, neon, or similar types of color finishes are prohibited. ~~Color schemes shall be harmonious and compatible with adjacent developments. Accent colors shall be compatible with the main color theme.~~
- (3) *Orientation requirements.* Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows and/or pedestrian entrance areas.
- (4) *Building articulation.* All buildings shall be designed to include varied relief to provide interest and variety and to avoid monotony. This shall include details that create shade and cast shadows to provide visual relief to the buildings. Horizontal and vertical elements of exterior walls should vary in height, design and projection to provide substantial architectural interest and style. A minimum of five (5) features from the following list shall be incorporated into the building design: ~~Such interest and style shall be provided through, but not limited to the following:~~
- a. Arcades.
  - b. Cornices.
  - c. Eaves.
  - d. Sloped or unique roof features (e.g., parapets, mansard).
  - e. Variation of roof lines.
  - f. Arched and/or recessed entryway.
  - g. Arched windows.
  - h. Gable windows.
  - i. Oval or round windows.
  - j. Transom windows.
  - k. Stone coursing around windows.
  - l. Stone or brick accent wall.
  - m. Decorative stone or brick band.
  - n. Decorative tile or metal.
  - o. Awnings.
  - p. Canopies
  - q. Shopfronts.
- ~~e. Architectural focal points (e.g., entry ways, window treatments).~~
- (5) *Building elevation variation.* The length of walls facing public streets shall be broken into smaller planes. Wall planes shall not extend more than an average of 35 feet without an offset or interruption by a pilaster or structural frames, change in roof line or architectural materials. ~~Architectural offsets. To preclude a box design, any wall facing a public right-of-way in excess of 100 feet in length shall incorporate wall plane projections or recesses having a depth of at least two feet and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.~~
- (6) *Roofing materials.* Roofing materials for pitched roofs shall consist of 25-year architectural dimensional shingles, tile (clay, cement, natural or ~~manufactured~~ simulated stone), non-reflective prefinished metal, or reflective metal such as copper or other

similar metals as approved by the zoning administrator. ~~Portions of the roof shall be permitted to be flat to provide for mechanical equipment wells or roof decks, provided that such flat areas are screened by pitched sections of the roof that meet the roofing material requirements.~~

#### Sec. 2-34. C-2 (Local Commercial) district

- (a) *Purpose.* To establish and preserve areas of low-medium to medium intensity land use primarily devoted to local commercial and office uses on sites of two (2) acres or less. Development projects larger than two (2) acres may be permitted if comprehensively designed as a village center.
- (b) *Permitted uses.* Uses permitted in the C-2 district may be found in Sec. 2-35.
- (c) *Lot and building dimensional standards.* Property and buildings in the C-2 district shall conform to the standards found in Sec. 2-36.
- (d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the C-2 district:
- (1) *Light fixture height.* The height of a light fixture shall not exceed 20 feet.
- (e) *General commercial – limited design standards.* The following design standards apply to all buildings in the C-2 district. These standards are intended to ensure an attractive built environment in Round Rock. ~~These standards supplement any district-specific standards.~~ Selection of materials, color, building orientation, articulation, and windows shall reflect the design themes established in the neighborhood which the proposed development borders. Alternative design standards may be approved in writing by the zoning administrator in order to implement a specific, recognized architectural style not accommodated by the design standards below, excluding corporate architecture. Additions to sites and projects with existing buildings may continue the design style that has been previously established. ~~permit a more flexible or creative design.~~
- (1) *Exterior wall materials.* The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. ~~Building materials shall be harmonious and compatible with adjacent developments.~~
- a. The exterior finish of all buildings shall be ~~masonry~~ natural stone, simulated stone, brick, ~~except for doors, windows and trim.~~ Masonry shall mean stone, simulated stone, brick, ~~stucco,~~ horizontally installed cement based fiber cement siding (excluding flat, unarticulated panels), architecturally finished steel or metal, ~~or decorative architectural~~ concrete masonry units (CMU), ~~standard exterior~~

- ~~insulation and finish systems (EIFS) for exterior finish above eight feet, and abuse resistant EIFS for exterior finish below eight feet~~except for doors, windows and trim. The use of other materials ~~such as wood singles or wood siding~~ shall be limited to accent features.
- b. Stucco, ~~horizontally installed cement based siding, decorative~~architecturally finished steel or metal, or architectural ~~concrete masonry units (CMU) and EIFS~~ shall not comprise more than 50 percent of the total exterior finish (breezeways are not included in this calculation). However, 100 percent stucco may be permitted in conjunction with tile roofs.
  - c. Fiber cement siding shall not comprise more than 25% of the exterior wall finish.
  - d. Architectural CMU shall have an ashlar pattern.
- (2) *Exterior color.* Day-Glo, luminescent, neon, or similar types of color finishes are prohibited. ~~Color schemes shall be harmonious and compatible with adjacent developments. Access colors shall be compatible with the main color theme.~~
- (3) *Glass.* Mirrored glass with a reflectivity of 20 percent or more is ~~not permitted~~prohibited on the exterior walls and roofs of all buildings and structures.
- (4) *Orientation requirements.*
- a. Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows and/or entrance areas.
  - b. Main entrances shall be visible to pedestrians from the street or a public plaza on the primary frontage.
  - c. Buildings with multiple street frontages shall be designed with primary facades facing each public street.
- (5) *Building articulation.* All buildings shall be designed to include varied relief to provide interest and variety and to avoid monotony. This shall include details that create shade and cast shadows to provide visual relief to the buildings. Horizontal and vertical elements of exterior walls should vary in height, design and projection to provide substantial architectural interest and style. A minimum of five (5) features from the following list shall be incorporated into the building design: ~~Such interest and style shall be provided through, but not limited to the following:~~
- a. Arcades.
  - b. Cornices.
  - c. Eaves.
  - d. ~~Architectural focal points (e.g., entry ways, window treatments).~~
  - ed. Offset in building elevation.
  - e. Variation of roof lines.
  - f. Arched and/or recessed entryway.
  - g. Arched windows.
  - h. Gable windows.
  - i. Oval or round windows.
  - j. Transom windows.

- k. Stone coursing around windows.
- l. Stone or brick accent wall.
- m. Decorative stone or brick band.
- n. Decorative tile or metal.
- o. Awnings.
- p. Canopies
- q. Shopfronts.

- ~~(6) *Roofing materials.* Roofing materials shall consist of 25-year architectural dimensional shingles, tile (clay, cement, natural or manufactured stone), non-reflective prefinished metal, or reflective metal such as copper or other similar metals as approved by the zoning administrator. Portions of the roof shall be permitted to be flat to provide for mechanical equipment wells or roof decks, provided that such flat areas are screened by pitched sections of the roof that meet the roofing material requirements.~~
- ~~(7) *Pitched roof.* Pitched roof sections shall have a pitch equal to or greater than a four to 12 pitch.~~

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**Sec. 2-35. Permitted Uses in the Commercial Districts**

Summary use table by commercial zoning district

Use	Zoning District			
	C-1	C-1a	C-2	Supplementary Use Standard
P = Permitted P/S = Permitted with supplementary use standards SE = Special Exception needed - = <del>Not permitted</del> Prohibited				
Residential Uses				
<u>Accessory Dwelling Unit</u>	-	-	<u>P/S</u>	2-91(a)
Single Family, Attached	P/S	P/S	-	2-91(hh)
Single Family, Detached	P/S	P/S	-	2-91(hh)
Upper-Story Residential	P/S	P/S	P/S	2-91(kk)
Public and Civic Uses				
<del>Amenity Center</del>	-	-	<del>P/S</del>	<del>2-91(a)</del>
Colleges and Universities	P	P	-	
<u>Community/Government Service</u>	P	P	P/S	2-91(i)
Day Care	P	P	P/S	2-91(j)
Day Care over 10,000 sq. ft. located on an arterial roadway	P	P	SE	
Funeral Home	P	P	-	
Park, Community	P	P	P	
Park, Linear/Linkage	P	P	P	
Park, Neighborhood	P	P	P	
Passenger Terminal	P/S	P/S	-	2-91(z)
Place of Worship	P	P	P	
Place of Worship (with accessory uses not exceeding 2,500 sq. ft.)	P/S	P/S	P/S	2-91(aa)
Place of Worship (with accessory uses between 2,500 sq. ft. and 10,000 sq. ft.)	P/S	P/S	-	2-91(aa)
<u>Public Safety Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Schools: Business and Trade	P	P	-	
Self-Enclosed Monopole	P/S	P/S	-	2-91(qq)
Utility, Minor	P/S	P/S	P/S	2-91(mm)
Utility, Intermediate	P/S	P/S	P/S	2-91(mm)
WTF, Attached	P/S	P/S	P/S	2-91(qq)
WTF, Stealth	P/S	P/S	P/S	2-91(qq)
Commercial Uses				
Auto Body and Painting Shops	SE	-	-	
Auto Sales, Rental, or Leasing Facilities	P/S	P/S	-	2-91(f)
Auto Service Facilities	P/S	P/S	<del>P/S</del>	2-91(g)
Bed and Breakfast	P/S	-	P/S	2-91(h)
Carwash	P/S	P/S	-	2-91(i)
<u>Dog Day Care, Indoor Kennel, Grooming, and Training Facility</u>	<u>P</u>	<u>P</u>	<u>P/S</u>	<u>2-91(m)</u>
<u>Event Center</u>	<u>P</u>	<u>P</u>	-	
<u>Fuel Sales</u>	<u>P</u>	<u>P</u>	<u>P/S</u>	<u>2-91(ee)</u>
Hotel/Motel/Lodging	P	P	-	
Indoor Entertainment Activities	P	P	-	

<u>Indoor Shooting and Archery Ranges</u>	<u>P/S</u>	<u>P/S</u>	-	<u>Chapter 6, Article IV</u>
<u>Microbrewery (with annual production not exceeding 6,000 barrels)</u>	<u>P</u>	<u>P</u>	-	
<u>Microbrewery (with annual production between 6,000-15,000 barrels)</u>	<u>SE</u>	<u>SE</u>	-	
Office	P	P	P/S	2-91(u)
Office, Medical	P/S	P/S	P/S	2-91(v)
<u>Office/Warehouse</u>	<u>P</u>	-	-	
Outdoor Entertainment	SE	SE	-	<u>2-91(w)</u>
Parking, Commercial	P/S	P/S	-	2-91(j)
Residential to Office Conversion	P/S	P/S	P/S	2-91(cc)
Restaurants/Bars	<u>P/S</u>	P/S	P/S	2-91(dd)
Retail Sales and Services	<u>P/S</u>	P/S	P/S	2-91(ee)
Self-Service Storage	P/S	-	-	2-91(gg)
Sexually Oriented Businesses	P/S	-	-	Chapter 6, article III
Shooting and Archery Ranges	SE	SE	-	
<u>Small-Scale Alcohol Production</u>	<u>P</u>	<u>P</u>	-	
Sports Training Facilities/Specialty Gyms	P	P	-	
<u>Urgent Care Facility</u>	<u>P/S</u>	<u>P/S</u>	-	<u>2-91(ll)</u>

**Sec. 2-36. Commercial Lot and Building Dimensional Standards.**

Commercial zoning districts lot and building dimensional standards chart

Description	Zoning District				
	C-1		C-1a		C-2
	Standard	IH-35/SH-45 frontage	Standard	IH-35/SH-45 frontage	
Minimum lot width	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Minimum setback from street (ROW)	15 ft.	25 ft.	15 ft.	25 ft.	20 ft.
Minimum rear setback	0 ft./10 ft	0 ft./10 ft.	0 ft./10 ft.	0 ft./10 ft.	0 ft./10 ft.
Minimum rear setback adjacent to SF/TF lots when a precast concrete panel fence is used	50 ft.	50 ft.	50 ft.	50 ft.	50 ft. for 1-story buildings; 100 ft. for buildings with 2 or more stories
Minimum rear setback adjacent to SF/TF lots when a masonry fence is used	40 ft.	40 ft.	40 ft.	40 ft.	40 ft. for 1-story buildings; 80 ft. for buildings with 2 or more stories
Minimum side setback	0 ft./10 ft.	0 ft./10 ft.	0 ft./10 ft.	0 ft./10 ft.	0 ft./10 ft.
Minimum side setback adjacent to SF/TF lots when a	50 ft.	50 ft.	50 ft.	50 ft.	50 ft. for 1-story buildings;

precast concrete panel fence is used					100 ft. for buildings with 2 or more stories
Minimum side setback adjacent to SF/TF lots when a masonry fence is used	40 ft.	40 ft.	40 ft.	40 ft.	40 ft. for 1-story buildings; 80 ft. for buildings with 2 or more stories
Minimum setback for accessory building	0 ft./5 ft.				
Maximum height of principal building	5 stories	12 stories	5 stories	12 stories	2 stories
Maximum height of accessory building	15 ft.				

Additional notes:

- (1) Special purpose lots, including but not limited to landscape lots and utility lots, may be exempted from these requirements.
- (2) All required setbacks shall be free from any encroachments, including but not limited to, accessory buildings or structures, eaves, roof overhangs, box windows, and fireplaces. Air conditioning units and other similar ground-mounted equipment are exempt from this requirement.
- (3) The minimum rear and side setbacks shall be 10 feet, except that common walls are not required to have a setback. The setback may be increased based on current fire and building codes.
- (4) The minimum setback for accessory buildings shall be five (5) feet, except that common walls are not required to have a setback.
- (5) Accessory buildings and structures are ~~not permitted~~ prohibited in any street yard, with the exception of portable buildings being used by public or private schools or places of worship, which may be located in a side or rear street yard.

**Secs. 2-37. – 2-40. Reserved.**

**ARTICLE IV. EMPLOYMENT AND INDUSTRIAL DISTRICTS**

**Sec. 2-41. In general.**

The employment and industrial districts are intended to serve as areas where large numbers of people are employed on a daily basis. These areas see slightly less activity during midday hours than commercial districts and little activity during evening and overnight hours. They accommodate a range of buildings including single offices, business parks, and industrial parks, and uses that include professional services, call centers, research and development, and manufacturing and assembly, among others. Compatibility buffers are always required for the less intense developments that are adjacent to residential neighborhoods, and more intense developments are prohibited from locating adjacent to neighborhoods altogether.

**Sec. 2-42. OF-1 (General Office) district.**

- (a) *Purpose.* To establish and preserve areas of medium intensity land use primarily devoted to offices and related accessory uses. This district often serves as a transition between more intense commercial uses and residential areas.
- (b) *Permitted uses.* Uses permitted in the OF-1 district may be found in Sec. 2-48.
- (c) *Lot and building dimensional standards.* Property and buildings in the OF-1 district shall conform to the standards found in Sec. 2-49.
- (d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the OF-1 district:
- (1) *Light fixture height.* The height of a light fixture shall not exceed 20 feet.
- (e) *General office design standards.* The following design standards apply to all buildings in the OF-1 district. These standards are intended to ensure an attractive built environment in Round Rock. ~~These standards supplement any district-specific standards.~~ Alternative designs ~~standards~~ may be approved in writing by the zoning administrator in order to implement a specific, recognized architectural style not accommodated by the design standards below, excluding corporate architecture. Additions to sites and projects with existing buildings may continue the design style that has been previously established. ~~permit a more flexible or creative design.~~
- (1) *Exterior wall materials.* The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. Building materials shall be harmonious and compatible with adjacent developments.
- a. The exterior finish of all buildings shall be ~~masonry natural stone, simulated stone, brick, except for doors, windows and trim. Masonry shall mean stone, simulated stone, brick, stucco, horizontally installed cement based~~ fiber cement siding (excluding flat, unarticulated panels), architecturally finished steel or metal, glass with steel framing, or decorative architectural concrete masonry units (CMU), standard exterior insulation and finish systems (EIFS) for exterior finish above eight feet, and abuse resistant EIFS for exterior finish below eight feet, except for doors, windows and trim. The use of other materials ~~such as wood singles or wood siding~~ shall be limited to accent features.
- b. Stucco, ~~horizontally installed cement based siding, decorative~~ architecturally finished steel or metal, or architectural concrete masonry unit (CMU), and EIFS, shall not comprise more than 50 percent of the total exterior finish (breezeways are not included in this calculation). However, 100 percent stucco may be permitted in conjunction with tile roofs.

- c. Fiber cement siding shall not comprise more than 25% of the exterior wall finish.
- e. Architectural CMU shall have an ashlar pattern.
- (2) *Exterior color.* Day-Glo, luminescent, neon, or similar types of color finishes are prohibited. ~~Color schemes shall be harmonious and compatible with adjacent developments. Access colors shall be compatible with the main color theme.~~
- (3) *Glass.* Mirrored glass with a reflectivity of 20 percent or more is ~~not permitted~~ prohibited on the exterior walls and roofs of all buildings and structures.
- (4) *Orientation requirements.* Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows and/or pedestrian entrance areas.
- (5) *Building articulation.* Architectural relief shall be used in building design to provide interest and variety and to avoid monotony. Details that create shade and cast shadows can be used to provide visual relief to the building. Horizontal and vertical elements of exterior walls should vary in height, design and projection to provide substantial architectural interest and style. A minimum of five (5) features from the following list shall be incorporated into the building design. ~~Such interest and style shall be provided through, but not limited to the following:~~
- a. Arcades.
  - b. Cornices.
  - c. Eaves.
  - ~~d. Architectural focal points (e.g., entry ways, window treatments).~~
  - ~~d~~e. Offset in building elevation.
  - e. Variation of roof lines.
  - f. Arched and/or recessed entryway.
  - g. Arched windows.
  - h. Gable windows.
  - i. Oval or round windows.
  - j. Transom windows.
  - k. Stone coursing around windows.
  - l. Stone or brick accent wall.
  - m. Decorative stone or brick band.
  - n. Decorative tile or metal.
  - o. Awnings.
  - p. Canopies
  - q. Shopfronts.
- (6) *Building elevation variation.* The length of walls facing public streets shall be broken into smaller planes. Wall planes shall not extend more than an average of 35 feet without an offset or interruption by a pilaster or structural frames, change in roof line or architectural materials.
- ~~(6) *Roofing materials.* Roofing materials shall consist of 25-year architectural dimensional shingles, tile (clay, cement, natural or manufactured stone), non-reflective prefinished~~

~~metal, or reflective metal such as copper or other similar metals as approved by the zoning administrator. Portions of the roof shall be permitted to be flat to provide for mechanical equipment wells or roof decks, provided that such flat areas are screened by pitched sections of the roof that meet the roofing material requirements.~~

~~(7) *Pitched roof.* Pitched roof sections shall have a pitch equal to or greater than a four to 12 (4:12) pitch.~~

**Sec. 2-43. OF-2 (Mid-Rise Office) district.**

(a) *Purpose.* To establish and preserve areas of medium to high intensity land use primarily devoted to offices and related accessory uses. This district is intended to allow for more intense development that is compatible with commercial and employment zoning districts.

(b) *Location criteria.*

(1) New OF-2 zoning is prohibited adjacent to existing or planned single-family neighborhoods.

(2) OF-2 zoned properties shall front on a designated arterial roadway or freeway/tollway.

(c) *Permitted uses.* Uses permitted in the OF-2 district may be found in Sec. 2-48.

(d) *Lot and building dimensional standards.* In addition to the standards found in Sec. 2-49, the following regulations apply to the OF-2 district:

(1) The maximum height shall be 5 (five) stories or 75 feet, whichever is less, except that properties with frontage on and taking access from IH 35, SH 45, or SH 130 shall be permitted to reach 12 stories.

(e) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the OF-2 district:

(1) *Light fixture height.* The height of a light fixture shall not exceed 25 feet.

(f) *Mid-rise office design standards.* The following design standards apply to all buildings in the OF-2 district. These standards are intended to ensure an attractive built environment in Round Rock. Alternative designs may be approved in writing by the zoning administrator in order to implement a specific, recognized architectural style not accommodated by the design standards below, excluding corporate architecture.

- (1) Exterior wall materials. The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. Building materials shall be harmonious and compatible with adjacent developments.
  - a. The exterior finish of all buildings shall be natural stone, simulated stone, brick, stucco, architectural concrete masonry unit (CMU), glass with steel framing, or architecturally finished steel or metal, except for doors, windows and trim. The use of other materials shall be limited to accent features.
  - b. Architectural CMU shall have an ashlar pattern.
- (2) Exterior color. Color schemes shall be harmonious and compatible with adjacent developments. Accent colors shall be compatible with the main color theme.
- (3) Glass. Mirrored glass with a reflectivity of 20 percent or more is prohibited on the exterior walls and roofs of all buildings and structures.
- (4) Orientation requirements. Building elevations that face a public street shall have at least 25 percent of the wall facing the street consist of windows and/or pedestrian entrance areas.

**Sec. 2-44. BP (Business Park) district.**

- (a) *Purpose.* To establish and preserve areas of medium-high intensity land use primarily devoted to office, research and development, and light industrial uses with limited support services in a campus-like setting.
- (b) *Permitted uses.* Uses permitted in the BP district may be found in Sec. 2-48.
- (c) *Lot and building dimensional standards.* Property and buildings in the BP district shall conform to the standards found in Sec. 2-49, with the following supplementary notes:
  - (1) *Additional setback requirement.* All uses which contain structures in excess of 20 feet in height and which also abut SF (Single Family) or TF (Two Family) zoned property, shall be required to meet the following additional setback requirement: for each one foot of height in excess of 20 feet, the structure shall be set back from said abutting property line one extra foot in addition to the minimums set forth in the lot and building dimensional standards in Sec. 2-48.
- (d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the BP district:
  - ~~(1) *Fire access requirement.* At least one face of the tallest segment of a multi-story building shall front on a designated fire lane.~~
  - (12) *Light fixture height.* The height of a light fixture shall not exceed 30 feet, however if a light fixture is within 25 feet of a residential lot line, it shall not exceed 20 feet in height.

Developments in existence prior to the adoption of this code which have light fixtures exceeding 25 feet may maintain the existing fixture height.

- (e) *Business park building design standards.* The following design standards apply to all buildings in the BP district. These standards are intended to ensure an attractive built environment in Round Rock. ~~These standards supplement any district-specific standards.~~ Alternative designs ~~standards~~ may be approved in writing by the zoning administrator in order to implement a specific, recognized architectural style not accommodated by the design standards below, excluding corporate architecture ~~permit a more flexible or creative design.~~ Additions to sites and projects with existing buildings may continue the design style that has been previously established.
- (1) *Exterior wall materials.* The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. Building materials shall be harmonious and compatible with adjacent developments.
- a. The exterior finish of all buildings shall be brick, natural stone, simulated stone, stucco, ~~decorative~~ architecturally finished steel or metal, architectural concrete masonry units (CMU), ~~standard exterior insulation and finish systems (EIFS) for exterior finish above eight feet, and abuse resistant EIFS for exterior finish below eight feet,~~ concrete tilt wall, or glass with steel framing, or similar material approved in writing by the zoning administrator.
- b. Architectural CMU shall have an ashlar pattern.
- (2) *Exterior color.* Color schemes shall be harmonious and compatible with adjacent developments. Accent colors shall be compatible with the main color theme.
- (3) *Building articulation.* Architectural relief shall be used in building design to provide interest and variety and to avoid monotony. This shall include details that create shade and cast shadow to provide visual relief to the building. ~~Architectural focal points such as, but not limited to, entryways, offsets and window treatments shall be incorporated into building design.~~ The following methods of providing building articulation shall be incorporated:
- a. All buildings shall have horizontal and vertical articulation. Any wall in excess of 100 feet in length facing a public right-of-way shall incorporate wall plane projections or recesses having a depth of at least two (2) feet and extending a minimum of 20 feet in length. No façade facing a right-of-way shall have an uninterrupted length exceeding 100 horizontal feet.
- b. Buildings that exceed 40 feet in height shall incorporate a change in material application that creates an architectural delineation between the base of the building, the upper levels, and the roof silhouette. Such base delineation shall not be less than 30 percent or more than 40 percent of the overall height of the building.
- c. Entries shall be recessed or covered with canopies.

(f) Business park site design standards. New business park developments shall be designed in a manner that accommodates features such as plazas, courtyards, and similar pedestrian-oriented open spaces between buildings. Each new business park development shall incorporate a minimum of one such feature for every four (4) buildings, and each feature shall be adjacent to a centrally located building.

**Sec. 2-45. LI (Light Industrial) district.**

(a) *Purpose.* To establish and preserve areas of high intensity land use primarily devoted to light manufacturing, assembly and other nonpolluting industries.

(b) *Permitted uses.* Uses permitted in the LI district may be found in Sec. 2-48.

(c) *Lot and building dimensional standards.* Property and buildings in the LI district shall conform to the standards found in Sec. 2-49.

(d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the LI district:

(1) *Light fixture height.* The height of a light fixture shall not exceed 30 feet, however if a light fixture is within 25 feet of a residential lot line, it shall not exceed 20 feet in height. Developments in existence prior to the adoption of this code which have light fixtures exceeding 25 feet may maintain the existing fixture height.

(e) *Light industrial design standards.* The following design standards apply to all buildings in the LI district. These standards are intended to ensure an attractive built environment in Round Rock. ~~These standards supplement any district-specific standards.~~ Alternative design standards may be approved by the zoning administrator to implement a specific, recognized architectural style not accommodated by the design standards below, excluding corporate architecture. Additions to sites and projects with existing buildings may continue the design style that has been previously established. ~~in order to permit a more flexible or creative design.~~

(1) *Exterior wall materials.* ~~Except for metal containers and accessory buildings that are made of metal, t~~The exterior finish of all ~~sides of~~ buildings shall be constructed of brick, natural stone, simulated stone, stucco, architectural concrete masonry units (CMU), ~~split face concrete block or~~ concrete tilt wall, steel or metal, or similar material approved in writing by the zoning administrator.

a. Steel or metal shall be prohibited on elevations that face public streets, access drives, or residential lots.

b. Quonset style buildings and structures are prohibited.

**Sec. 2-46. I (Industrial) district.**

- (a) *Purpose.* To accommodate areas of high intensity land use primarily devoted to traditional industrial uses and vehicle repair facilities, and other nonpolluting industries.
- (b) *Permitted uses.* Uses permitted in the I district may be found in Sec. 2-48.
- (c) *Lot and building dimensional standards.* Property and buildings in the I district shall conform to the standards found in Sec. 2-49, with the following supplementary notes:
  - (1) *Location.* New industrial development ~~shall not be permitted~~ is prohibited within 500 feet of ~~SF single family and TF two family uses-lots~~ or within 500 feet of designated arterial roadways, as defined in Sec. 1-50, or any future designated arterial roadways identified in the general plan, as defined in Sec. 1-50.
  - (2) *Additional setback requirement.* All uses which contain structures in excess of 20 feet in height and which also abut SF (Single Family) or TF (Two Family) zoned property, shall be required to meet the following additional setback requirement: for each one foot of height in excess of 20 feet, the structure shall be set back from said abutting property line one extra foot in addition to the minimums set forth in the lot and building dimensional standards in Sec. 2-48.
- (d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the I district:
  - (1) *Light fixture height.* The height of a light fixture shall not exceed 30 feet, however if a light fixture is within 25 feet of a residential lot line, it shall not exceed 20 feet in height. Developments in existence prior to the adoption of this code which have light fixtures exceeding 25 feet may maintain the existing fixture height.

**Sec. 2-47. MI (Mining) district.**

- (a) *Purpose.* To accommodate existing mining operations.
- (b) *Permitted uses.* Uses permitted in the MI district may be found in Sec. 2-48.
- (c) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the MI district:
  - (1) *Landscaping.* A 250-foot vegetative buffer is required from the property line to active mining operations and buildings. This buffer shall be required for all operations abutting

any other district. The buffer may be left in a natural, undisturbed state or may include added plant materials.

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**Sec. 2-48. Permitted Uses in the Employment and Industrial Districts.**

Summary use table by employment and industrial zoning district

Use	Zoning District						Supplementary Use Standard
	OF-1	OF-2	BP	LI	I	MI	
P = Permitted P/S = Permitted with supplementary use standards SE = Special Exception needed - = <del>Not permitted</del> Prohibited							
<u>Residential Uses</u>							
Accessory Dwelling Unit	P/S	-	-	-	-	-	2-91(a)
<u>Public and Civic Uses</u>							
Amenity Center	-	-	P/S	-	-	-	2-91(b)
Colleges and Universities	-	<u>P</u>	P	-	-	-	
<u>Community/Government Services</u>	P/S	<u>P</u>					<u>2-91(k)</u>
Day Care	P/S	<u>P/S</u>	P	-	-	-	2-91(l)
Day Care Facilities over 10,000 sq. ft. with frontage on a designated arterial roadway	SE	-	P	-	-	-	
Monopole	-	-	-	P/S	P/S	-	2-91(qq)
Park, Community	P	<u>P</u>	P	P	P	P	
Park, Linear/Linkage	P	<u>P</u>	P	P	P	P	
Park, Neighborhood	P	<u>P</u>	P	P	P	P	
<u>Public Safety Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Schools: Business or Trade	-	<u>P</u>	P	-	-	-	
Self-Enclosed Monopole	-	<u>P/S</u>	P/S	P/S	P/S	-	2-91(qq)
Utility, Minor	P/S	<u>P/S</u>	P/S	P/S	P/S	P/S	2-91(mm)
Utility, Intermediate	P/S	<u>P/S</u>	P/S	P/S	P/S	P/S	2-91(mm)
Utility, Major	-	-	-	P/S	P/S	-	2-91(mm)
WTF, Attached	P/S	<u>P/S</u>	P/S	P/S	P/S	P/S	2-91(qq)
WTF, Stealth	P/S	<u>P/S</u>	P/S	P/S	P/S	P/S	2-91(qq)
<u>Commercial Uses</u>							
Activity Centers, Children's	-	-	-	SE	-	-	
Auto Body and Painting Shops	-	-	-	P/S	P/S	-	2-91(e)
Auto Sales, Rental, or Leasing Facilities	-	-	P/S	-	-	-	2-91(f)
Carwash	-	-	-	P/S	P/S	-	2-91(i)
Heavy Equipment and Large Vehicle Sales and Leasing	-	-	-	-	P	-	
Large Vehicle and Equipment Repair	-	-	-	-	P/S	-	2-91(e)
Office	P	<u>P</u>	P	P	P	-	
Office, Medical	P/S	<u>P/S</u>	<u>P/S</u>	-	-	-	2-91(v)
<u>Office/Warehouse</u>	-	-	-	<u>P</u>	<u>P</u>	-	
<u>Outdoor Shooting and Archery Ranges</u>	-	-	-	<u>P/S</u>	<u>P/S</u>	-	<u>Chapter 6, Article IV</u>
Parking, Commercial	-	<u>P/S</u>	P/S	P	P	-	2-91(j)
Residential to Office Conversion	P/S	-	-	-	-	-	2-91(cc)

Restaurant/Bar	-	<u>P/S</u>	P/S	-	-	-	2-91(dd)
Retail Sales and Services consisting of predominantly outdoor storage or consumer loading areas	-	-	-	P	P	-	
Retail Sales and Services	-	<u>P/S</u>	P/S	-	-	-	2-91(ee)
Self-Service Storage	-	-	-	P/S	P/S	-	2-91(gg)
Shooting and Archery Ranges	-	-	-	SE	SE	SE	
<u>Small-Scale Alcohol Production</u>	-	-	<u>P/S</u>	<u>P</u>	<u>P</u>		<u>2-91(ii)</u>
Sports Training Facilities/Specialty Gyms	-	-	-	SE	-	-	
<u>Urgent Care Facility</u>	<u>P/S</u>	-	-	-	-	-	<u>2-91(ll)</u>
Vehicle Storage and Towing	-	-	-	-	P	-	
Industrial Uses							
Light Industrial Services, Manufacturing, and Assembly	-	-	<u>P/S</u>	P	P	-	<u>2-91(s)</u>
Mineral Extraction	-	-	-	-	-	P	
Warehouse and Freight Movement	-	-	-	P	P	-	
Waste-Related Services	-	-	-	P/S	-	-	2-91(qq)
Wholesale Trade	-	-	P	P	P	-	

**Sec. 2-49. Employment and Industrial Districts Lot and Building Dimensional Standards.**

Employment and industrial zoning districts lot and building dimensional standards chart

Description	Zoning District				
	<u>OF-1</u>	<u>OF-2</u>	BP	LI	I
Minimum lot width	50 ft.	<u>50 ft.</u>	50 ft.	50 ft.	50 ft.
Minimum lot size	-	<u>2 acres</u>	-	-	-
Minimum setback from street (ROW)	20 ft.	<u>25 ft.</u>	25 ft.	25 ft.	25 ft.
Minimum rear setback	0 ft./10 ft.	<u>0 ft./10 ft.</u>	0 ft./10 ft.	0 ft./10 ft.	0 ft./10 ft.
Minimum rear setback adjacent to SF/TF lots when a precast concrete panel fence is used	50 ft. for buildings with 1 story; 100 ft. for buildings with 2 or more stories	-	50 ft.	100 ft.	50 ft.
Minimum rear setback adjacent to SF/TF lots when a masonry fence is used	40 ft. for buildings with 1 story; 80 ft. for buildings with 2 or more stories	-	40 ft.	80 ft.	40 ft.
Minimum side setback	0 ft./10 ft.	<u>0 ft./10 ft.</u>	0 ft./10 ft.	0 ft./10 ft.	0 ft./10 ft.
Minimum side setback adjacent to SF/TF lots when a precast concrete panel fence is used	50 ft. for buildings with 1 story; 100 ft. for buildings with 2 or more stories	-	50 ft.	100 ft.	50 ft.
Minimum side setback adjacent to SF/TF lots	40 ft. for buildings with 1 story;	-	40 ft.	80 ft.	40 ft.

when a masonry fence is used	80 ft. for buildings with 2 or more stories				
Minimum setback for accessory building	0 ft./5 ft.	<u>0 ft./5 ft.</u>	0 ft./5 ft.	0 ft./5 ft.	0 ft./5 ft.
Maximum height of principal building	2 stories	<u>5 stories or 75 feet, whichever is less / 12 stories</u>	5 stories	2 stories	1 story
Maximum height of accessory building	15 ft.	<u>15 ft.</u>	15 ft.	15 ft.	15 ft.

Additional notes:

- (1) Special purpose lots, including but not limited to landscape lots and utility lots, may be exempted from these requirements.
- (2) All required setbacks shall be free from any encroachments, including but not limited to, accessory buildings or structures, eaves, roof overhangs, box windows, and fireplaces. Air conditioning units and other similar ground-mounted equipment are exempt from this requirement.
- (3) The minimum rear and side setbacks shall be 10 feet, except that common walls are not required to have a setback. The setback may be increased based on current fire and building codes.
- (4) The minimum setback for accessory buildings shall be five (5) feet, except that common walls are not required to have a setback.
- (5) Accessory buildings and structures are ~~not permitted~~ prohibited in any street yard, with the exception of portable buildings being used by public or private schools or places of worship, which may be located in a side or rear street yard.

**Secs. 2-50. – 2-54. Reserved.**

**ARTICLE V. PUBLIC AND CIVIC USE DISTRICTS**

**Sec. 2-55. In general.**

The public and civic use zoning districts are intended to accommodate uses drawing large numbers of people at various times of day, typically for non-commercial purposes. Uses include government facilities, hospitals and similar medical institutions, large educational facilities, places of worship, and public open spaces. The public facilities districts are specifically designed for large uses requiring significant amounts of parking, and thus require compatibility buffers when adjacent to residential neighborhoods. The open space district applies to both passive and active recreational areas including parks, floodplains, trails, and scenic areas, and may or may not be developed with low-intensity structures.

**Sec. 2-56. PF-1 (Public Facilities – Low Intensity) district.**

- (a) *Purpose.* To establish and preserve areas of low intensity land use primarily devoted to places of worship and other public uses.
- (b) *Permitted uses.* Uses permitted in the PF-1 district may be found in Sec. 2-60.
- (c) *Lot and building dimensional standards.* Property and buildings in the PF-1 district shall conform to the standards found in Sec. 2-61, with the following supplementary notes:
- (1) *Additional setback requirement.* All uses which contain structures in excess of 20 feet in height and which also abut SF (Single Family) or TF (Two Family) zoned property, shall be required to meet the following additional setback requirement: for each one foot of height in excess of 20 feet, the structure shall be set back from said abutting property line one extra foot in addition to the minimums set forth in the lot and building dimensional standards in Sec. 2-61.
  - (2) *Additional height requirement.* Places of worship buildings, gyms, or auditoriums shall have a maximum height of 70 ft. provided they do not contain more than two stories.
- (d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the PF-1 district:
- ~~(1) *Fire access requirement.* At least one face of the tallest segment of a building that exceeds 40 feet in height shall front on a designated fire lane or other open area accessible to fire trucks.~~
  - (12) *Light fixture height.* The height of a light fixture shall not exceed 20 feet.
- (e) *Public facilities – low intensity design standards.* The following design standards apply to all buildings in the PF-1 district. These standards are intended to ensure an attractive built environment in Round Rock. ~~These standards supplement any district-specific standards.~~ Alternative design standards may be approved by the zoning administrator to implement a specific, recognized architectural style not accommodated by the design standards below, excluding corporate architecture. Additions to sites and projects with existing buildings may continue the design style that has been previously established. ~~in order to permit a more flexible or creative design.~~
- (1) *Exterior wall materials.* The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. Building materials shall be harmonious and compatible with adjacent developments.
    - a. The exterior finish of all buildings shall be masonry natural stone, simulated stone, brick, ~~except for doors, windows and trim. Masonry shall mean stone, simulated stone, brick,~~ stucco, horizontally installed cement based fiber cement siding (excluding flat, unarticulated panels), architecturally finished steel or metal,

architectural concrete masonry units (CMU), or glass with steel framing, ~~standard exterior insulation and finish systems (EIFS) for exterior finish above eight (8) feet, and abuse-resistant EIFS for exterior finish below eight (8) feet except for doors, windows and trim~~. The use of other materials ~~such as wood singles or wood siding~~ shall be limited to accent features.

b. Architectural CMU shall have an ashlar pattern.

- (2) *Exterior color.* Color schemes shall be harmonious and compatible with adjacent developments. Accent colors shall be compatible with the main color theme.
- (3) *Orientation requirements.* Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows and/or pedestrian entrance areas.
- (4) *Building articulation.* All buildings shall be designed to include varied relief to provide interest and variety and to avoid monotony. This shall include details that create shade and cast shadows to provide visual relief to the buildings. Horizontal and vertical elements of exterior walls should vary in height, design and projection to provide substantial architectural interest and style. Such interest and style shall be provided through, but not limited to the following:
  - a. Arcades.
  - b. Cornices.
  - c. Eaves.
  - d. Sloped or unique roof features (e.g., parapets, mansard).
  - e. Architectural focal points (e.g., entry ways, window treatments).
- (5) *Building elevation variation.* The length of walls facing public streets shall be broken into smaller planes. Wall planes shall not extend more than an average of 35 feet without an offset or interruption by a pilaster or structural frames, change in roof line or architectural materials. ~~*Architectural offsets.* To preclude a box design, any wall facing a public right-of-way in excess of 100 feet in length shall incorporate wall plane projections or recesses having a depth of at least two (2) feet and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.~~

#### **Sec. 2-57. PF-2 (Public Facilities – Medium Intensity) district.**

- (a) *Purpose.* To establish and preserve areas of medium intensity land use primarily devoted to public offices, religious campuses, educational facilities, and assisted living facilities.
- (b) *Permitted uses.* Uses permitted in the PF-2 district may be found in Sec. 2-60.
- (c) *Lot and building dimensional standards.* Property and buildings in the PF-2 district shall conform to the standards found in Sec. 2-61, with the following supplementary notes:

- (1) *Additional setback requirement.* All uses which contain structures in excess of 20 feet in height and which also abut SF (Single Family) or TF (Two Family) zoned property, shall be required to meet the following additional setback requirement: for each one foot of height in excess of 20 feet, the structure shall be set back from said abutting property line one extra foot in addition to the minimums set forth in the lot and building dimensional standards in Sec. 2-61.
  - (2) *Additional height requirement.* Places of worship buildings, gyms, or auditoriums shall have a maximum height of 70 ft. provided they do not contain more than two stories.
- (d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the PF-2 district:

~~(1) *Fire access requirement.* At least one face of the tallest segment of a building that exceeds 40 feet in height shall front on a designated fire lane or other open area accessible to fire trucks.~~

~~(12) *Light fixture height.* The height of a light fixture shall not exceed 20 feet.~~

- (e) *Public facilities – medium intensity design standards.* The following design standards apply to all buildings in the PF-2 district. These standards are intended to ensure an attractive built environment in Round Rock. ~~These standards supplement any district-specific standards.~~ Alternative design standards may be approved by the zoning administrator to implement a specific, recognized architectural style not accommodated by the design standards below, excluding corporate architecture. Additions to sites and projects with existing buildings may continue the design style that has been previously established. ~~in order to permit a more flexible or creative design.~~

- (1) *Exterior wall materials.* The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. Building materials shall be harmonious and compatible with adjacent developments.
  - a. The exterior finish of all buildings shall be masonry natural stone, simulated stone, brick, ~~except for doors, windows and trim. Masonry shall mean stone, simulated stone, brick,~~ stucco, ~~horizontally installed cement based~~ fiber cement siding (excluding flat, unarticulated panels), architecturally finished steel or metal, architectural concrete masonry units (CMU), or glass with steel framing, ~~standard exterior insulation and finish systems (EIFS) for exterior finish above eight (8) feet, and abuse-resistant EIFS for exterior finish below eight (8) feet, except for doors, windows and trim.~~ The use of other materials ~~such as wood singles or wood siding~~ shall be limited to accent features.
    - b. Architectural CMU shall have an ashlar pattern.
- (2) *Exterior color.* Color schemes shall be harmonious and compatible with adjacent developments. Accent colors shall be compatible with the main color theme.

- (3) *Orientation requirements.* Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows and/or pedestrian entrance areas.
- (4) *Building articulation.* All buildings shall be designed to include varied relief to provide interest and variety and to avoid monotony. This shall include details that create shade and cast shadows to provide visual relief to the buildings. Horizontal and vertical elements of exterior walls should vary in height, design and projection to provide substantial architectural interest and style. Such interest and style shall be provided through, but not limited to the following:
  - a. Arcades.
  - b. Cornices.
  - c. Eaves.
  - d. Sloped or unique roof features (e.g., parapets, mansard).
  - e. Architectural focal points (e.g., entry ways, window treatments).
- (5) *Building elevation variation.* The length of walls facing public streets shall be broken into smaller planes. Wall planes shall not extend more than an average of 35 feet without an offset or interruption by a pilaster or structural frames, change in roof line or architectural materials. ~~*Architectural offsets.* To preclude a box design, any wall facing a public right-of-way in excess of 100 feet in length shall incorporate wall plane projections or recesses having a depth of at least two (2) feet and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.~~

**Sec. 2-58. PF-3 (Public Facilities – High Intensity) district.**

- (a) *Purpose.* To establish and preserve areas of high intensity land use primarily devoted to offices, institutions, religious campuses, educational facilities, hospitals, and assisted living facilities.
- (b) *Permitted uses.* Uses permitted in the PF-3 district may be found in Sec. 2-60.
- (c) *Lot and building dimensional standards.* Property and buildings in the PF-3 district shall conform to the standards found in Sec. 2-61, with the following supplementary notes:
  - (1) *Additional setback requirement.* All uses which contain structures in excess of 20 feet in height and which also abut SF (Single Family) or TF (Two Family) zoned property, shall be required to meet the following additional setback requirement: for each one foot of height in excess of 20 feet, the structure shall be set back from said abutting property line one extra foot in addition to the minimums set forth in the lot and building dimensional standards in Sec. 2-61.
  - (2) *Additional height requirements.*
    - a. For buildings located within 500 feet of IH-35 or SH-45, the maximum height of the principal building shall be 12 stories.

- b. For buildings located within 1,000 feet of a designated arterial roadway, as defined in Sec. 1-50, and more than 500 ft. from SF and TF lots, the maximum height of the principal building shall be 12 stories.

(d) *Supplementary development standards.* In addition to the standards found in chapter 8 of this Code, the following regulations apply to the PF-3 district:

~~(1) — Fire access requirement. At least one face of the tallest segment of a building that exceeds 40 feet in height shall front on a designated fire lane or other open area accessible to fire trucks.~~

(12) *Light fixture height.* The height of a light fixture shall not exceed 30 feet, however if a light fixture is within 25 feet of a residential lot line, it shall not exceed 20 feet in height. Developments in existence prior to the adoption of this code which have light fixtures exceeding 25 feet may maintain the existing fixture height.

(23) *Noise.* The noise regulations of the Code shall apply, along with the following additional standards: Outdoor paging systems, speakers, and remote ordering appliances shall not be located within 150 feet of any residential district. This standard shall not apply to face-to-face drive-up windows where the following conditions exist:

- a. Cashiers and customers have direct, face-to-face contact; and
- b. Drive aisles are adjacent to the principal structure.

(e) *Public facilities – high intensity design standards.* The following design standards apply to all buildings in the PF-3 district. These standards are intended to ensure an attractive built environment in Round Rock. ~~These standards supplement any district specific standards.~~ Alternative design standards may be approved by the zoning administrator to implement a specific, recognized architectural style not accommodated by the design standards below, excluding corporate architecture. Additions to sites and projects with existing buildings may continue the design style that has been previously established. ~~in order to permit a more flexible or creative design.~~

(1) *Exterior wall materials.* The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.

Building materials shall be harmonious and compatible with adjacent developments.

- a. The exterior finish of all buildings shall be ~~masonry~~ natural stone, simulated stone, brick, ~~except for doors, windows and trim. Masonry shall mean stone, simulated stone, brick,~~ stucco, ~~horizontally installed cement based~~ fiber cement siding (excluding flat, unarticulated panels), architecturally finished steel or metal, architectural concrete masonry units (CMU), or glass with steel framing, ~~standard exterior insulation and finish systems (EIFS) for exterior finish above eight (8) feet, and abuse-resistant EIFS for exterior finish below eight (8) feet,~~ except for

doors, windows and trim. The use of other materials ~~such as wood singles or wood siding~~ shall be limited to accent features.

- (2) *Exterior color.* Color schemes shall be harmonious and compatible with adjacent developments. Accent colors shall be compatible with the main color theme.
- (3) *Orientation requirements.* Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows and/or pedestrian entrance areas.
- (4) *Building articulation.* All buildings shall be designed to include varied relief to provide interest and variety and to avoid monotony. This shall include details that create shade and cast shadows to provide visual relief to the buildings. Horizontal and vertical elements of exterior walls should vary in height, design and projection to provide substantial architectural interest and style. Such interest and style shall be provided through, but not limited to the following:
  - a. Arcades.
  - b. Cornices.
  - c. Eaves.
  - d. Sloped or unique roof features (e.g., parapets, mansard).
  - e. Architectural focal points (e.g., entry ways, window treatments).
- (5) *Building elevation variation.* The length of walls facing public streets shall be broken into smaller planes. Wall planes shall not extend more than an average of 35 feet without an offset or interruption by a pilaster or structural frames, change in roof line or architectural materials. ~~*Architectural offsets.* To preclude a box design, any wall facing a public right-of-way in excess of 100 feet in length shall incorporate wall plane projections or recesses having a depth of at least two feet and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.~~
- (6) The use of a steel framed fabric tension structure or a tensile fabric membrane structure shall be allowed for community recreational facility buildings which contain a minimum of 40,000 square feet of enclosed area. The provisions contained in subsections (e)(1) through (5) of this section shall not apply to such buildings.

#### **Sec. 2-59. OS (Open Space) district.**

- (a) *Purpose.* To establish and preserve land for public and private uses which consist of primarily open space.
- (b) *Permitted uses.* Uses permitted in the OS district may be found in Sec. 2-60.
- (c) *Supplementary development standards.* In addition to the applicable standards found in Chapter 8 of this Code, the following regulations apply to the OS district:
  - (1) *Screening.*

- a. Screening shall be required if a structure or facility is less than 200 feet from a public right of way or residential district.
  - b. Wood may be used as a screening material in lieu of the materials required in Sec. 8-40.
- (2) *Outdoor storage.* Maintenance yards in the OS district must meet the provisions for general outdoor storage in Sec. 8-65 except that wood may be used as a screening material in lieu of the materials required in Sec. 8-65.

~~(d) *Open space design standards.* The following design standards apply to all buildings in the OS district. Alternative design standards may be approved by the zoning administrator in order to permit a more flexible or creative design.~~

~~(1) *Exterior wall materials.* The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.~~

~~a. The exterior finish of all sides of the building shall be constructed of brick, stone, simulated stone, stucco, architectural concrete masonry unity (CMU), standard exterior insulation and finish systems (EIFS) for exterior finish above eight (8) feet, abuse resistant EIFS for exterior finish below eight (8) feet, concrete tilt wall, horizontally installed cement-based siding, structural wood posts and beams, or similar materials approved in writing by the zoning administrator.~~

~~b. Accessory buildings not exceeding 500 square feet in gross floor area are exempt from this requirement.~~

~~c. The use of a steel framed fabric tension structure or a tensile fabric membrane structure shall be allowed for community recreational facility buildings which contain a minimum of 40,000 square feet of enclosed area. The provisions contained in subsection (d)(1)a. of this section shall not apply to such buildings.~~

**Sec. 2-60. Permitted Uses in the Public and Civic Use Districts.**

Summary use table by public and civic use zoning district

Use	Zoning District				
	PF-1	PF-2	PF-3	OS	Supplementary Use Standard
P = Permitted P/S = Permitted with supplementary use standards SE = Special Exception needed - = <del>Not permitted</del> Prohibited					
Residential Uses					
Assisted Living	-	<u>P</u>	P	-	
<u>Dormitory</u>	-	-	<u>P</u>	-	
Public and Civic Uses					
Cemetery, Mausoleum, Columbaria, Memorial Park	P	P	P	SE	
Colleges and Universities	-	-	P/S	-	2-91(ff)
Community/ <u>Government Service</u>	-	P	P	P/S	2-91(k)
Day Care, all other	-	-	P	-	
Golf Course/Country Club	-	-	-	P/S	2-91(n)
Hospital	-	-	P	-	
Hospital Heliport	-	-	P/S	-	2-91(p)
<u>Inpatient Clinic</u>	-	<u>P</u>	<u>P</u>	-	
Institution	-	-	SE	-	
Park, Community	P	P	P	P	
Park, Linear/Linkage	P	P	P	P	
Park, Neighborhood	P	P	P	P	
Park, Regional/Metropolitan	-	-	-	P	
Place of Worship	P	P	P	-	
Place of Worship (with accessory uses not exceeding 2,500 sq. ft.)	P/S	-	-	-	2-91(aa)
Place of Worship (with accessory uses between 2,500 sq. ft. and 10,000 sq. ft.)	P/S	-	-	-	2-91(aa)
Place of Worship (with accessory uses not exceeding 20,000 sq. ft.)	-	P/S	-	-	2-91(aa)
Place of Worship (with unrestricted sq. ft. of accessory uses)	-	-	P/S	-	2-91(aa)
<u>Private School, Primary or Secondary</u>	-	<u>P/S</u>	-	-	<u>2-91(ff)</u>
<u>Public Safety Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Public School, Elementary or Middle</u>	<u>P/S</u>	<u>P/S</u>	-	-	<u>2-91(ff)</u>
Public School, High	-	-	P/S	-	2-91(ff)
Schools: Business or Trade	-	-	P/S	-	2-91(ff)
Self-Enclosed Monopole	-	-	P/S	-	2-91(qq)
Utility, Minor	P/S	P/S	P/S	P/S	2-91(mm)
Utility, Intermediate	P/S	P/S	P/S	P/S	2-91(mm)
Utility, Major	P/S	P/S	P/S	-	2-91(mm)
WTF, Attached	P/S	P/S	P/S	P/S	2-91(qq)

WTF, Stealth	P/S	P/S	P/S	P/S	2-91(qq)
Commercial Uses					
Office, Medical	-	-	P	-	
Office, Public	P	P	P	-	
Outdoor Entertainment	-	-	-	SE	
Parking, Commercial	-	-	P/S	-	2-91(j)
Parking, General	P/S	P/S	P/S	-	2-91(j)
Research and Development	-	-	P	-	

**Sec. 2-61. Public and Civic Use Districts Lot and Building Dimensional Standards.**

Public and civic use zoning districts lot and building dimensional standards chart

Description	Zoning District					
	PF-1		PF-2		PF-3	
	Standard	IH-35/SH-45 frontage	Standard	IH-35/SH-45 frontage	Standard	IH-35/SH-45 frontage
Minimum lot width	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Minimum setback from street (ROW)	15 ft.	25 ft.	15 ft.	25 ft.	15 ft.	25 ft.
Minimum rear setback	0 ft./10 ft.	0 ft./10 ft.	0 ft./10 ft.	0 ft./10 ft.	0 ft./10 ft.	0 ft./10 ft.
Minimum rear setback adjacent to SF/TF lots when a precast concrete panel fence is used	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Minimum rear setback adjacent to SF/TF lots when a masonry fence is used	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.
Minimum side setback	0 ft./10 ft.	0 ft./10 ft.	0 ft./10 ft.	0 ft./10 ft.	0 ft./10 ft.	0 ft./10 ft.
Minimum side setback adjacent to SF/TF lots when a precast concrete panel fence is used	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Minimum side setback adjacent to SF/TF lots when a precast concrete panel fence is used	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.
Minimum setback for accessory building	0 ft./5 ft.	0 ft./5 ft.	0 ft./5 ft.	0 ft./5 ft.	0 ft./5 ft.	0 ft./5 ft.
Maximum height of principal building	2 stories	2 stories	2 stories	2 stories	5 stories	12 stories
Maximum height of accessory building	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.

Additional notes:

- (1) Special purpose lots, including but not limited to landscape lots and utility lots, may be exempted from these requirements.
- (2) All required setbacks shall be free from any encroachments, including but not limited to, accessory buildings or structures, eaves, roof overhangs, box windows, and fireplaces. Air conditioning units and other similar ground-mounted equipment are exempt from this requirement.
- (3) The minimum rear and side setbacks shall be 10 feet, except that common walls are not required to have a setback. The setback may be increased based on current fire and building codes.
- (4) The minimum setback for accessory buildings shall be 5 feet, except that common walls are not required to have a setback.
- (5) Accessory buildings and structures are ~~not permitted~~ prohibited in any street yard, with the exception of portable buildings being used by public or private schools or places of worship, which may be located in a side or rear street yard.

**Secs. 2-62. – 2-69. Reserved.**

## **ARTICLE VI. MIXED-USE AND PUD DISTRICTS**

### **Sec. 2-70. In general.**

The intent of the mixed-use and planned unit development (PUD) districts is to permit flexibility in uses and densities not accommodated by traditional zoning districts. This allows a variety of uses to locate on the same building, site, or block, and in structures of varying size and design. Commercial and residential uses, which are usually separated into discrete zoning districts, are encouraged to be combined, along with offices and public open spaces. The close proximity of the different land uses fosters increased pedestrian activity, as residents are able to accomplish a wide variety of tasks in a relatively small area without the continuous need for a vehicle. Additionally, this type of development, whether built in a mixed-use district or in a PUD, allows for the more efficient provision of infrastructure and natural resources.

### **Sec. 2-71. MU-1 (Mixed-Use Historic Commercial Core) district.**

#### **(a) Purpose.**

- (1) To establish areas of mixed land uses primarily devoted to combining low to moderate density commercial development with limited residential uses.
- (2) Mixed-use zoning for this district refers to the combining of a variety of complementary commercial uses, such as retail, office, restaurant and entertainment uses, in the same building, on the same site, or in the same block with limited residential on upper stories or as live/work units, creating an active and pedestrian-friendly streetscape.

- (3) The standards herein are intended to encourage high-quality construction and development that fits the proportions and functional characteristics of a mixed-use district with a traditional block structure.
- (b) *Permitted uses.* Uses permitted in the MU-1 district may be found in Sec. 2-77.
- (c) *Lot and building dimensional standards.* Property and buildings in the MU-1 district shall conform to the standards found in Sec. 2-78, with the following supplementary notes:
- (1) The minimum lot width shall be 20 feet for common-wall buildings and 24 feet for freestanding buildings.
  - (2) When courtyards, patios with outdoor seating, and plazas are incorporated into a site, the facade of the building may be recessed. Elements of building articulation such as recessed storefront entries, steps, stoops, and other access features shall qualify as portions of a facade that meet the zero foot setback.
  - (3) Side wall requirements for separation from adjacent structures, wall construction, and allowable openings for elements such as windows and doors shall be regulated by the Fire Code.
  - (4) Buildings and courtyards, patios with outdoor seating, and plazas shall qualify towards the frontage occupancy.
  - (5) Side setback areas that are part of the required frontage occupancy may include outdoor areas such as courtyards, patios with outdoor seating, and plazas. These areas may also serve as access to an alley or rear parking areas.
  - (6) Maximum setbacks shall be permitted to be adjusted to accommodate conflicts with utility easements.
  - (7) When courtyards, patios with outdoor seating, and plazas are incorporated into the front of a structure, the maximum front setback line shall be defined with a low wall, fence/gate, or other defining feature.
  - (8) Site furniture shall be permitted within the required setbacks.
  - (9) The minimum height of a principal building shall be 20 feet.
  - (10) Designated historic structures shall not exceed two (2) stories or 30 feet in height.
  - (11) The frontage occupancy shall be a minimum of 90%.
- (d) *Supplementary development standards.* In addition to the applicable standards found in Chapter 8 of this code, the following regulations apply to the MU-1 district:
- (1) *Parking.*
    - a. *Parking requirements.* Except as provided in subsection (2) below, on-site parking is not required for any use in the MU-1 district.
    - b. *On-site surface-level parking.*

1. If on-site surface-level parking is proposed or required it shall be in accordance with the following requirements in addition to standards provided in chapter 8, article VI of this code:
  - i. Parking and access shall be permitted only on improved surfaces.
  - ii. Wherever possible, alleys shall be utilized to access on-site parking areas.
  - iii. If a property owner desires vehicular access from the alley and the alley is not improved, the property owner shall be responsible for the necessary improvements from the alley entrance to the entrance of the parking area.
  - iv. Vehicular entrances and exits for all parking areas shall be no wider than the minimum standard allowed by the city's Design and Construction Standards.
  - v. On-site parking areas ~~shall not be permitted~~ are prohibited in any street yard, and all parking shall be set back a minimum of five feet from any street-facing building facade.
  - vi. All existing driveways that are no longer required for parking access shall be removed and replaced with landscaping at the time of site plan review and street improvements installed to match adjacent areas.
  - vii. On-site parking areas visible from a public street shall be screened by a building or wall, hedge or other landscaping screen that is at least three feet in height.

c. *On-street parking.*

1. The applicant for a building permit may provide interim on-street parking adjacent to the property if the existing right-of-way will accommodate it. The materials, design and location of the interim parking improvements shall be in accordance with the downtown master plan and approved by the city.

d. *Structured parking.* All structured parking garages where any of the parking is above grade shall meet the following standards:

1. The first 20 feet in height of the frontage of a garage that faces a public street, with the exception of pedestrian and vehicular ingress and egress areas, shall require either a ground-level use or vehicle parking areas to be screened from public view by means of landscaping or manufactured materials.
2. Exterior garage building materials shall be limited to natural stone, ~~cast~~simulated stone, brick, or split-face or stone-face concrete masonry units (CMU). In addition, architectural steel or metal may be used as accent features.

3. The glazing percentage requirements provided in subsection (e)(6) shall apply to ground-level occupant spaces, if any.
4. Pedestrian access.
  - i. Pedestrian ingress and egress to all parking structures shall provide access directly to a street or public frontage except for underground parking levels, where pedestrians may exit the parking area directly into a building.
  - ii. Pedestrians shall have direct access from parking areas to the street on the primary frontage.
  - iii. There shall be direct access to the street from commercial uses.
5. Vehicular access shall be from the secondary frontage where possible.
6. Service access shall be from an alley where possible. Where an alley does not exist, service access shall be from a secondary frontage where one exists.

(2) *Traffic impact and parking generation studies.*

- a. A traffic impact analysis (TIA) shall not be required for any development in the MU-1 district.
- b. A parking generation study shall be required for any new development, conversion, or change of use within a building that has a gross floor area of greater than 10,000 square feet, and for an assembly use of any size, such as an event center. The parking generation study shall include the following:
  1. A demand analysis of parking need based on industry standards; and
  2. Characteristics of those using parking, including turnover rate.
- c. In instances where a required parking generation study determines that a use will utilize ten or more on-street parking spaces at a turnover rate of greater than every two hours, the use shall be required to identify alternative parking solutions. Alternative solutions may include a shared parking agreement as described in subsection Sec. 8-47, on-site parking, or other solution as approved by the transportation director.

(3) *Access and circulation.*

- a. Vehicle access and circulation standards provided in Sec. 8-60 apply to development in the MU-1 district. These include requirements for connections to existing and future roads, connection to adjacent development, and design requirements for driveways.
- b. New drive-through services shall be prohibited. Buildings with existing drive-throughs shall be permitted to change the location or configuration of a drive-through in accordance with the following standards:
  1. Off-street vehicle stacking spaces ~~shall not be permitted~~ are prohibited in any front street yard and shall meet the stacking area standards and design provided in subsection Sec. 8-54.

2. Vehicular entrances and exits shall be no wider than the minimum required for one vehicle and shall be in accordance with the city's Design and Construction Standards.
- (4) *Fencing design standards.* The following standards apply to fencing in the MU-1 district, in addition to the applicable portions of Sec. 8-35:
- a. Lot F fences shall be constructed of the following materials: brick, natural stone, simulated stone, or wrought iron. Other decorative masonry materials or wrought iron equivalents may be approved by the zoning administrator.
  - b. A wrought-iron or equivalent fence in the street yard shall be permitted to reach a height of six (6) feet.
  - c. Fences in all other yards shall not exceed six (6) feet.
  - d. All fences shall provide a finished face to the exterior of the property.
  - e. Decorative fencing around patios and decks may be of a material other than one specified above, but shall be approved by the zoning administrator. Galvanized steel or similar welded wire materials shall be no smaller than 14 gauge, and shall be framed on all sides with wood or metal rails and posts.
- (5) *Landscaping.*
- a. Landscaping shall be required to be installed in the MU-1 district only in conjunction with outdoor courtyards, patio and plaza areas on private property. A linear length equal to 50 percent of the perimeter of said courtyard, patio or plaza exclusive of gates, entryways and the building facade shall include plantings of shrubs at a rate of one shrub per four linear feet and ornamental trees at a rate of one tree per 15 linear feet. Shrubs and trees shall be installed in planters or in the ground along the perimeter or integrated into the courtyard, patio or plaza, and shall be maintained in accordance with Sec. 8-10.
  - b. Pervious concrete and pervious pavers for parking and maneuvering areas are permitted. Other permeable surfaces may be approved by the zoning administrator.
  - c. For landscaping for expansions in subsection (f) or a change of use and conversions in subsection (g), foundation treatment in accordance with the Category 3 requirement in Sec. 8-10 shall be required when the structure does not meet the front and side setback requirements.
  - d. Minor modifications to design and development standards may be permitted to protect and accommodate protected trees as identified in chapter 8, article III.
  - e. Decorative walls for the screening of stages or bandstands shall be wood, stone, or brick and shall provide a finished face to abutting properties and rights-of-way.
- (6) *Outdoor display and storage.*
- a. General outdoor storage is prohibited.
  - b. Outdoor display and limited outdoor storage shall be allowed in accordance with Sec. 8-65.
  - c. Limited outdoor storage is prohibited in the street yard.

(7) Ground-mounted equipment. All ground-mounted equipment shall be screened from public view and adjacent properties by a stone or brick wall.

(87) Site furniture.

- a. Site furniture, as defined in Sec. 1-50, shall be required to be of a commercial grade and manufactured for exterior use.
- b. Site furniture may also include moveable outdoor site features such as outdoor cafe tables and planters.
- c. No plastic site furniture shall be permitted.

(98) Special conditions for public open space including parks, trails, creeks, and public plazas.

- a. No opaque fences shall be allowed on the portion of a lot abutting any public open space. Wrought iron fencing or equivalent may be used.
- b. There shall be no loading or service areas between the buildings and public open spaces.
- c. An eight-foot wide linear landscaped area in accordance with Sec. 8-10(g)(4) shall be required on lots abutting public open space that have their parking between the buildings and the public open space. If site constraints inhibit the incorporation of the required landscaped area, alternative landscaping may be approved by the zoning administrator.

(109) Light fixture height. The height of a freestanding light fixture shall not exceed 12 feet.

(11) Noise. Exterior speakers are only permitted for service and gathering areas at restaurants/bars and public plazas. Said speakers shall be oriented in such a manner to minimize the amount of sound audible to adjacent properties and in the right-of-way.

(e) *Mixed-use historic commercial core design standards.* The following design standards apply to all buildings in the MU-1 district, with the exception of certain expansions, as addressed in subsection (f). Alternate design standards may be approved by the zoning administrator to permit a more flexible or creative design that still meets the intent of the MU-1 district design standards.

(1) *Exterior wall materials.* The exterior finish of all buildings shall be natural stone, brick, and/or ~~three-step hard coat~~ stucco, except for doors, windows, accents, and trim. The use of wood shingles or wood siding shall be limited to accent features.

(2) *Orientation requirements.*

- a. Buildings shall have their main entrance off a public street or plaza. Entrances shall be easily accessible for pedestrians from the street, a plaza or the sidewalk.
- b. Where ramps or other accessibility-related structures are installed, they shall be integrated into the building design by facing the structure with the same exterior materials as the building, using the same masonry material that was used in the landscape if applicable, or screening structures behind planters and other landscape features.

(3) *Exterior color.*

- a. Day-Glo, luminescent, neon, or similar types of color finishes are ~~not permitted~~prohibited.
  - b. Color schemes shall be compatible with the era and architectural style of the building.
- (4) *Building elevation variation.*
- a. The design of the primary facade of the ground floor of all buildings shall be symmetrical by the placement of windows, doors and other architectural features.
  - b. The length of walls facing public streets shall be broken into smaller planes. Wall planes shall not extend more than an average of 35 feet without an offset or interruption by a pilaster or structural frames, change in roof line or architectural materials.
  - c. The composition of windows and other major features shall relate to the wall plane between each offset or other feature identified in subsection b.
  - d. A horizontal design feature between the first and second floors of a building shall be indicated on the building's primary facade. Examples of design features delineating first and second floors include awnings, canopies, transoms, moldings, balconies, pergolas, wainscoting, decorative stone or brick band, or changes in color or texture.
  - e. Where a single occupant occupies more than 60 feet of street frontage on the primary facade of a building, the primary facade shall appear to have multiple primary entrances with no more than 50 feet between entries.
- (5) *Building articulation.*
- a. All buildings shall be designed to include varied relief to provide interest and variety and to avoid monotony. This shall include details that create shade and cast shadows to provide visual relief to the buildings. Horizontal and vertical elements of exterior walls should vary in height, design and projection to provide architectural interest and style.
  - b. The following is a list of design features that may be used as part of an integrated, comprehensive building design to provide architectural interest and style. Such interest and style shall include a minimum of five (5) of the following:
    - 1. Cornices.
    - 2. Eaves.
    - 3. Arched windows.
    - 4. Gable windows.
    - 5. Transom windows.
    - 6. Multiple sashed and/or multiple-paned upper story windows.
    - 7. Shutters.
    - 8. Recessed storefront entryways.
    - 9. Forecourt.
    - 10. Shopfront.
    - 11. Decorative stone or brick band.

12. Decorative tile.
  13. Arcade/gallery.
  14. Veranda, porch or balcony.
  15. Variation of roof lines on the building.
  16. Stone coursing around windows.
  17. Simply designed secondary facades when compared to primary facades.
  18. Metal canopies.
  19. Fabric awnings that relate to window and door bays.
  20. Other feature as approved the zoning administrator.
- c. For buildings with a primary facade length of greater than 120 feet, offsets of at least two feet shall be required for every 60 feet of building facade.
- (6) *Windows.* In order to ensure appropriate proportion, shape, position, location, pattern and size of windows on a building, the following shall be required:
- a. Windows shall be provided with relief. Examples include architectural surround, trim, changes in color, and changes in texture or coursing.
  - b. The ground floor of the primary facade shall have a minimum of 60 percent glazing with a minimum light transmittance of 70 percent. The maximum sill height shall be 24 inches; however, 18 inches is recommended.
  - c. Upper floors of the primary facade shall have a minimum of 30 percent glazing.
  - d. At least 25 percent of the wall area on any side or rear elevation facing a public street, alley, park or plaza shall consist of glazing or as permitted by the building code, whichever is less.
  - e. Mullions shall not be placed between panes of glass in windows and doors.
  - f. To assist with energy efficiency and solar gain the requirements in this subsection may be reduced by the zoning administrator to the extent that the required level or location of glazing conflicts with the standards of the building code, ~~or~~ a recognized green building program, or the functionality of the structure.
- (7) *Glass.* Except for photovoltaic cells, mirrored glass with a reflectivity of 20 percent or more is ~~not permitted~~ prohibited on the exterior walls and roofs of buildings and structures.
- (8) *Roof pitch.* The roof pitch for a structure that shares a common or immediately abutting wall with another structure shall not be visible from any portion of an adjacent right-of-way.
- (9) *Roofing materials.*
- a. Roofing materials for pitched roofs shall consist of a minimum 25-year architectural dimensional shingles, tile (clay, cement, natural or ~~manufactured~~ simulated stone), non-reflective prefinished metal, copper or other similar materials as approved by the zoning administrator. Portions of the roof shall be permitted to be flat to provide for mechanical equipment wells or roof decks,

provided that such flat areas are screened by pitched sections of the roof that meet the roofing material requirements.

- b. All roof-mounted mechanical equipment shall be screened from public view by parapets so as to not be visible from an abutting street, public plaza or public open space. The parapet shall utilize the same or similar materials as the principal structure.

(10) *Awnings and canopies.* Awnings and canopies attached to buildings shall meet the following standards:

- a. Awnings and canopies shall be placed so as to avoid obscuring details of the building facade.
- b. Fabric awnings for windows shall be a drop-front style, except at arched window openings, and shall relate to each window or bay.
- c. Awnings and canopies shall be placed so that there is a minimum clearance of eight feet at its lowest point when over a sidewalk or other pedestrian walkway.
- d. Awnings and canopies may encroach up to 10 feet or 66 percent of the distance from the building face to the curb, whichever is less.

(f) *Expansions.*

(1) Expansions that are less than 35 percent of the existing gross floor area shall meet the following criteria:

- a. Expansions shall reflect the architectural style of the original building, including roof, articulation, windows, doors, and exterior finish. If the existing style is not desired for the expanded portion of the structure, the expansion shall meet the design standards provided in subsection (d), as applicable.
- b. Newly constructed portions of the building shall meet all applicable density and development standards in subsection (c).

(2) The cumulative expansion of over 35 percent of the gross floor area over any five-year period shall be required to incorporate a minimum of three improvements to each street-facing facade in accordance with subsection (d).

(g) *Conversions.*

(1) Conversions in the MU-1 district from single-family residential to a nonresidential use shall meet the above density and development standards pertaining to the following:

- a. Parking (subsection (d)(1));
- b. Traffic impact and parking generation studies (subsection (d)(2));
- c. Access and circulation (subsection (d)(3));
- d. Fencing design standards (subsection (d)(4));
- e. Landscaping (subsection (d)(5));
- f. Outdoor display and storage (subsection (d)(6));

- g. Site furniture (subsection (d)(7)); and
  - h. Special conditions for public open space (subsection (d)(8)).
- (2) The following requirements from the district design standards (subsection (e)) may apply when changes to the exterior of a building are being made to a conversion:
- a. Exterior wall finish (subsection (e)(1));
  - b. Orientation requirements (subsection (e)(2));
  - c. Exterior color (subsection (e)(3));
  - d. Glass (subsection (e)(7));
  - e. Roofing materials (subsection (e)(9));
  - f. Awnings and canopies (subsection (e)(10)); and
  - g. Signs (subsection (e)(11)).
- (3) Expansions in the gross floor area during the conversion process shall meet the standards in subsection (f) above, as applicable.
- (4) Driveways that access garages and carports shall no longer be permitted to be used for that purpose. Driveways may still be used for access to on-site parking in permitted locations if access from an alley or secondary frontage is not possible.
- (h) If a structure is damaged or destroyed to an extent greater than 50 percent by a natural or manmade disaster, not including damage caused intentionally or negligently by the owner, the site layout and building footprint may be rebuilt to the pre-existing building and site form, and the structure may be expanded up to 35 percent of the pre-existing gross floor area. However, if the building official has not issued a certificate of occupancy within five years following the date of destruction of the structure, all future use of the property must conform to all MU-1 standards.

**Sec. 2-72. MU-2 (Mixed-Use Downtown Medium Density) district.**

- (a) *Purpose.*
- (1) To establish areas of mixed land uses primarily devoted to combining moderate density residential development with moderate density commercial development. Mixed-use zoning for this district refers to the combining of complementary residential and commercial uses in the same building, on the same site, or in the same block.
  - (2) The standards herein are not intended to be of a particular style or period, but to encourage high-quality construction and development that fits the proportions and functional characteristics of a mixed-use district with a traditional block structure.
- (b) *Permitted uses.* Uses permitted in the MU-2 district may be found in Sec. 2-77, with the following supplementary notes:

- (1) In order for a day care to qualify for a special exception, an existing day care shall not be located within a 750-foot radius of the proposed day care, measured from property line to property line.
  - (2) In order for an eating establishment with an outdoor cooking area to qualify for a special exception, no outdoor cooking areas shall be permitted to share a common lot line with an existing single family use.
- (c) *Lot and building dimensional standards.* Property and buildings in the MU-2 district shall conform to the standards found in Sec. 2-78, with the following supplementary notes:
- (1) Steps, stoops and other access features are allowed in the front setback. For courtyard multifamily, the setback may be more than the maximum as long as the courtyard fills the space from the maximum setback to the facade of any building.
  - (2) When a garage for an existing single family dwelling takes access from the front of the property, it shall be set back from the primary facade of the house.
  - (3) Side wall requirements for separation from adjacent structures, wall construction, and allowable openings for elements such as windows and doors shall be regulated by the fire code.
  - (4) Height (number of stories) includes mezzanines or other occupiable levels. Rooftop decks and patios shall not be included in the number of stories, but structures placed on rooftop decks and patios shall qualify towards the height requirement.
  - (5) Maximum setback shall be permitted to be adjusted to accommodate conflicts with utility easements.
  - (6) Site furniture shall be permitted within the required setbacks.
  - (7) For properties within 300 feet of the Interstate 35 frontage road, the maximum height shall be eight (8) stories. For properties beyond 300 feet but within 1,100 feet of the Interstate 35 frontage road, the maximum height shall be six (6) stories. For properties beyond 1,100 feet but within 1,750 feet of the Interstate 35 frontage road, the maximum height shall be four (4) stories. All other properties shall have a maximum height of three (3) stories.
- (d) *Supplementary development standards.* In addition to the applicable standards found in Chapter 8 of this code, the following regulations apply to the MU-2 district:
- (1) *Parking.* In accordance with the downtown master plan, the following standards are meant to encourage a pedestrian-friendly environment by minimizing curb cuts and the presence of on-site parking. Where on-site parking is incorporated, it shall be placed in an unobtrusive location that minimizes impacts to pedestrian circulation.
    - a. On-site parking.
    - b. On-site parking may consist of surface-level or structured parking.

1. On-site parking is not required for nonresidential establishments, with the following exceptions:
  - i. Overnight accommodations at the ratio provided in Sec. 8-46.
  - ii. The residential portion of a live/work unit.
  - iii. Parking determined to be required as a result of a parking generation study performed in accordance with subsection (2) below. Alternative solutions may include a shared parking agreement as described in Sec. 8-47, on-site parking, or other solution as approved by the transportation director.
2. On-site parking shall be required for all residential uses, or residential portions of any building.
  - i. Required residential parking.
    - Single-family detached: Two spaces
    - Other residential units (multifamily, upper-story residential):
      - 1 Bedroom: One space
      - 2 Bedrooms or more: Two spaces
    - For residential units without defined bedrooms, including the residential portion of live/work units:
      - Under 800 square feet: One space
      - 800 square feet or more: Two spaces
  - ii. New garages for residential units.
    - (i) The location of new garages and their associated driveways shall be approved by the city.
    - (ii) Garages are ~~not permitted~~ prohibited in any street yard.
- c. If on-site surface-level parking is proposed or required, it shall be in accordance with the following requirements in addition to standards provided in chapter 8, article VI of this code:
  1. Parking and access shall be permitted only on improved surfaces.
  2. Wherever possible, alleys shall be utilized to access on-site parking areas.
  3. If a property owner desires vehicular access from the alley and the alley is not improved, the property owner shall be responsible for the necessary improvements from the alley entrance to the entrance of the parking area.
  4. Vehicular entrances to all parking areas shall be no wider than the minimum standard allowed by the city's Design and Construction Standards.
  5. On-site parking areas ~~shall not be permitted~~ are prohibited in any street yard, and all parking shall be setback a minimum of five feet from any street-facing building facade.

6. All existing driveways that are no longer required for parking access shall be removed and replaced with landscaping at the time of site plan review and street improvements installed to match adjacent areas.
  7. On-site parking areas visible from a public street shall be screened by a building or wall, hedge or other landscaping screen that is at least three feet in height.
- d. For lots located on Brushy Creek or Lake Creek, on-site parking is permitted in the street yard in order to minimize the presence of parking along the creek frontage. Parking lots with more than 30 spaces shall comply with the requirements of Sec. 8-10(f)(1) and (g)(1).
- e. On-street parking.
1. The applicant for a building permit may provide interim on-street parking adjacent to the property, if the existing right-of-way will accommodate it. The materials, design and location of the interim parking improvements shall be in accordance with the downtown master plan and approved by the city.
- f. Structured parking. All structured parking garages where any of the parking is above grade shall meet the following standards:
1. The first 20 feet in height of the frontage of a garage that faces a public street, with the exception of pedestrian and vehicular ingress and egress areas, shall require either a ground-level use or vehicle parking areas to be screened from view from a public street by means of landscaping or manufactured materials.
  2. Exterior garage building materials shall be limited to natural stone, simulated ~~cast~~ stone, brick, or split-face or stone-face concrete masonry units (CMU). In addition, architectural steel or metal may be used as accent features.
  3. The glazing percentage requirements provided in subsection (e)(7) shall apply to ground-level occupant spaces, if any.
  4. Pedestrian access.
    - i. Pedestrian ingress and egress to all parking structures shall provide access directly to a street or public frontage except for underground parking levels, where pedestrians may exit the parking area directly into a building.
    - ii. Pedestrians shall have direct access from parking areas to the street on the primary frontage.
    - iii. There shall be direct access to the street from commercial uses.
  5. Vehicular access shall be from the secondary frontage where possible.
  6. Service access shall be from an alley where possible. Where an alley does not exist, service access shall be from a secondary frontage where one exists and shall be enclosed or screened from view.

g. Off-site parking. Off-site parking shall be permitted on a limited basis in accordance with the standards found in subsection (d)(2)c. below.

(2) *Traffic impact and parking generation studies.*

- a. A traffic impact analysis (TIA) shall not be required for any development in the MU-2 district.
- b. A parking generation study for non-residential uses shall be required for any new development, conversion, or change of use within a building that has a gross floor area of greater than 10,000 square feet, and for an assembly use of any size, such as an event center.

1. The parking generation study shall include the following criteria:

~~4~~a. A demand analysis of parking need based on industry standards.

~~2~~b. Characteristics of those using parking, including turnover rate.

~~e~~2. In instances where a required parking generation study determines that a use will utilize ten or more on-street parking spaces at a turnover rate of greater than every two hours, the use shall be required to identify alternative parking solutions. Alternative solutions may include a shared parking agreement as described in subsection Sec. 8-47, on-site parking, or other solution as approved by the transportation director.

c. The purpose of this subsection is to permit, on a limited basis, private parking on a lot without buildings and/or not on the same site as the land use or uses associated with the parking.

1. In order to determine whether parking may occur on a lot separate from its associated land use(s), a parking generation study shall be submitted by an applicant when parking demand for proposed land use(s) in a development exceeds available parking based on the commercial parking standards in Sec. 8-46 for the proposed use(s).

2. Available parking is determined by the number of spaces on private property outside of the street yard and improved parking spaces in the right of way adjacent to the property.

3. A parking generation study for this analysis shall include the following criteria:

i. The parking demand of the proposed use or uses based on the standards found in Sec. 8-46;

ii. The number of on-site parking spaces associated with a development that are not located in the street yard; and

iii. The number of spaces that will be improved in the right of way in accordance with the City's downtown parking plan for any road frontage associated with a development. These spaces may or may not be determined to meet demand depending on the timeline for public improvement.

4. If the parking generation study determines that additional parking is necessary, the applicant may be required to provide that parking at an alternate location. Parking may be provided through a shared parking agreement or if the need is demonstrated, parking may be located on a separate private lot for the associated use even if the parking is located in the street yard. Private parking lots shall meet the following standards:
- i. Parking lots shall be designed in accordance with City standards including parking space design and surfacing requirements.
  - ii. Driveways shall be no greater than the minimum width required by City standards.
  - iii. Parking lots shall meet the following requirements for interior parking lot landscaping and landscape buffers:
    - (i) Interrupting islands shall not be required.
    - (ii) End islands shall be provided at the terminus of each parking bay and shall have a minimum width of nine (9) feet from face of curb to face of curb. Head-to-head parking bays shall include two (2) such end islands. Each end island shall have one (1) large three (3) inch caliper shade tree and meet additional planting requirements for end islands in accordance with Sec.8-10(f). In lieu of end islands, an island at each corner of a lot may replace end islands but shall have the same planting requirements. Existing healthy trees of a protected species in appropriate locations may be used as credits for these required trees as described in Sec. 8-10(f)(1)f.
    - (iii) Perimeter vegetation consisting of a solid hedge row of evergreen shrubs planted at three (3) feet on-center shall provide screening from the ground to a minimum height of 36 inches, with the exception of walkway and driveway access areas.
    - (iv) Parking lots with greater than 30 spaces shall meet the interior parking lot landscaping and landscape buffers in Secs. 8-10(f) and (g), rather than those in this section.
    - (v) All parking lot landscaping shall be irrigated in accordance with Sec. 8-10(i).
  - iv. Any parking lot that shares a property line with a single family use shall install a six (6) foot tall masonry fence to screen vehicles from view in lieu of perimeter vegetation. This

requirement does not alter the requirement of end islands along the affected property lines.

v. Parking shall not be used for commercial, for-profit purposes.

vi. Trucks, tractor-trailers, semi-trucks, and semi-trailers shall not be parked in parking lots. Panel trucks, pickup trucks, and those motor vehicles necessary and accessory to the operation of the associated use may utilize the parking lot as long as the vehicle has no more than two (2) axles.

(3) *Access and circulation.*

- a. Vehicle access and circulation standards provided in Sec. 8-60 apply to all new development. These include requirements for connections to existing and future roads, connection to adjacent development, and design requirements for driveways.
- b. Drive-throughs shall be prohibited except on lots fronting on Mays Street. The following conditions shall apply to any site where a drive-through is incorporated:
  1. Only one business on a site shall have a drive-through.
  2. Drive-throughs shall be part of a building containing two or more occupants or uses.
  3. The principal use associated with the drive-through shall not occupy more than 50 percent of the gross floor area of a single story building. For multi-story buildings, the principal use may occupy the entire first floor.
  4. Off-street vehicle stacking spaces ~~shall not be permitted~~ are prohibited in any front street yard and shall meet the stacking area standards and design provided in Sec. 8-54.
  5. Vehicular entrances and exits shall be no wider than the minimum required for one vehicle and shall be in accordance with the city's Design and Construction Standards.

(4) *~~Lot~~ Fencing design standards.* The following standards apply to fencing in the MU-2 district, in addition to the applicable standards of Sec. 8-35:

- a. Fences shall be constructed of the following materials: brick, natural stone, simulated stone, or wrought iron. Other decorative masonry materials, reinforced concrete, or wrought iron equivalents may be approved by the zoning administrator. Existing single-family uses may replace existing wood fencing with a similar material and in accordance with subsection b. below.
- b. All fences shall provide a finished face to abutting single family or townhouse uses.
- c. Fences outside the street yard may be eight (8) feet in height to accommodate topographical changes, as approved by the zoning administrator.

- d. A wrought iron or ~~equivalent~~ similar transparent fence in the street yard shall be permitted to reach a height of six (6) feet.
- e. Fences shall be eight (8) feet in height where outdoor rear or side dining or patio areas associated with eating establishments and indoor entertainment uses share a common lot line with a residential use, with the exception of multi-story apartments and upper story residential.
- f. Decorative street yard fencing of a material other than one specified above shall be approved by the zoning administrator, except that chain link fencing is prohibited.

(5) *Landscaping.*

- a. Where the building setback provides adequate space, landscaping foundation treatment shall be required in accordance with the Category 3 standards in Sec. 8-10.
- b. Minor modifications to design and development standards may be permitted to protect and accommodate protected trees as identified in chapter 8, article III.
- c. Screening for parking shall consist of a building, wall, or hedge a minimum three feet in height as described in subsection (d)(1)c.7 above.
- d. Pervious concrete and pervious pavers for parking and maneuvering areas are permitted. Other permeable surfaces may be approved by the zoning administrator.

(6) *Outdoor storage and display.*

- a. General outdoor storage is prohibited.
- b. Outdoor display and limited outdoor storage shall be allowed in accordance with Sec. 8-65.
- c. Limited outdoor storage is prohibited in the street yard.

(7) *Ground-mounted equipment. Screening for air conditioning units and electrical transformers shall be in conformance with Sec. 8-40. All other ground-mounted equipment, including gas or liquid canisters and tanks, shall be screened from public view and adjacent properties by a stone or brick wall.*

~~(87)~~ *Site furniture.*

- a. Site furniture for non-residential uses, as defined in Sec. 1-50, shall be required to be of a commercial grade and manufactured for exterior use.
- b. Site furniture may also include moveable outdoor site features such as outdoor café tables and planters.

~~(98)~~ *Special conditions for public open space including parks, trails, creeks, and public plazas.*

- a. No opaque fences shall be allowed on the portion of a lot abutting any public open space. Wrought iron fencing or equivalent may be used.
- b. There shall be no loading or service areas between the buildings and public open spaces.
- c. An eight-foot wide linear landscaped area in accordance with Sec. 8-10(g)(4) shall be required on lots abutting public open space that have their parking

between the buildings and the public open space. If site constraints inhibit the incorporation of the required landscaped area, alternative landscaping may be approved by the zoning administrator.

(109) *Light fixture height.* The height of a freestanding light fixture shall not exceed 12 feet.

(11) *Noise.* Exterior speakers are only permitted for service and gathering areas at restaurants/bars and public plazas. Said speakers shall be oriented in such a manner to minimize the amount of sound audible to adjacent properties and in the right-of-way.

- (e) *Mixed-use downtown medium density design standards.* The following design standards apply to all buildings in the MU-2 district, with the exception of certain expansions, as addressed in subsection (g). Additional standards for apartments, single-family residential uses, structured parking, expansions, and conversions are provided below this subsection and replace their counterparts in this subsection where applicable.

Alternate design standards may be approved by the zoning administrator to permit a more flexible or creative design that meets the intent of the MU-2 district design standards.

(1) *Exterior wall finish.* The exterior finish of all buildings shall be natural stone, simulated stone, brick, architectural concrete masonry units (CMU), glass, ~~three-step hard coat~~ stucco, fiber cement siding (excluding flat, unarticulated panels), or architecturally finished steel or metal ~~with a minimum 30-year warranty, or a combination thereof~~, except for doors, windows, accents and trim.

- a. Neither fiber cement siding nor corrugated or ribbed metal shall ~~not~~ comprise more than 33 percent of the exterior wall finish.
- b. Architectural CMU shall have an ashlar pattern.
- c. The use of other materials ~~such as wood shingles and wood siding~~ shall be limited to accent features.
- d. Other wall materials, ~~accent materials~~ or recognized architectural styles not explicitly permitted by this section may be approved in writing by the zoning administrator.

(2) *Orientation requirements.*

- a. Buildings shall have their main entrance off a public street or plaza. Entrances shall be easily accessible for pedestrians from the street, a plaza or the sidewalk.
- b. Buildings on corner lots shall be designed with primary facades facing each public street.
- c. Where ramps or other accessibility-related structures are installed such that they are visible from the right-of-way, they shall be integrated into the building design by facing the structure with the same exterior materials as the building, using the same stone material that was used in the landscape if applicable, or screening structures behind planters and other landscape features.

- (3) *Exterior color.* Day-Glo, luminescent, neon, or similar types of color finishes are ~~not permitted~~prohibited.
- (4) *Building elevation variation.*
- a. The length of walls facing public streets shall be broken into smaller planes. Wall planes shall not extend more than an average of 35 feet without an offset or interruption by a pilaster or structural frames, change in roof line or architectural materials.
  - b. For buildings with a primary facade length of greater than 140 feet, offsets of at least three feet in depth shall be required for every 70 feet of facade length.
  - c. The composition of windows and other major features shall relate to the wall plane between each offset or other feature identified in subsection b., immediately above.
- (5) *Building articulation.*
- a. All buildings shall be designed to include varied relief to provide interest and variety and to avoid monotony. This shall include details that create shade and cast shadows to provide visual relief to the buildings. Horizontal and vertical elements of exterior walls should vary in height, design and projection to provide architectural interest and style.
  - b. The following is a list of design features that may be used as part of an integrated, comprehensive building design to provide architectural interest and style. Such interest and style shall include a minimum of five (5) of the following:
    1. Cornices.
    2. Eaves.
    3. Bow window.
    4. Bay window.
    5. Arched window.
    6. Gable window.
    7. Transom windows.
    8. Multiple sashed and/or paned upper story windows.
    9. Oval or round windows.
    10. Shutters.
    11. Arched entry, balcony or breezeway entrance.
    12. Recessed storefront entryways.
    13. Shopfront (for retail uses).
    14. Arcade/gallery (for retail uses).
    15. Stone or brick accent wall.
    16. Decorative stone or brick band.
    17. Decorative tile.
    18. Veranda, porch or balcony.
    19. Projected wall or dormer.
    20. Variation of roof lines on the building.

21. Decorative caps and chimneys.
  22. Stone coursing around windows.
  23. Metal canopies.
  24. Fabric awnings that relate to window and door bays.
  25. Other features as approved the zoning administrator.
- (6) *Special design features.* The following is a list of special design features that shall be used as part of an integrated, comprehensive building and site design to provide architectural interest and style. Such interest and style shall include a minimum of at least one of the following:
- a. Stoops.
  - b. Rooftop decks.
  - c. Patios.
  - d. Decorative street yard fencing.
  - e. Low masonry walls at property lines.
  - f. Dooryard.
  - g. Forecourt.
- (7) *Windows.* In order to ensure appropriate proportion, shape, position, location, pattern and size of windows on a building, the following shall be required:
- a. The entire primary facade shall have a minimum of 30 percent glazing. The ground floor of the primary facade shall have a minimum of 30 percent glazing. Upper floors may have less than 30 percent glazing as long as the entire primary facade has the minimum of 30 percent. All glazing on the primary facade of the ground floor shall have a minimum light transmittance of 70 percent.
  - b. The maximum sill height on the ground floor shall be 30 inches; however, 18 inches is recommended for retail uses. Sill height requirements shall not apply to multifamily.
  - c. At least 25 percent of the wall area on any side or rear elevation facing a creek, public street, park or plaza shall consist of glazing or as permitted by the building code, whichever is less.
  - d. To assist with energy efficiency and solar gain the requirements in this subsection may be reduced by the zoning administrator to the extent that the required level or location of glazing conflicts with the standards of the building code ~~or~~ a recognized green building program, or the functionality of the structure.
- (8) *Glass.* Except for photovoltaic cells, mirrored glass with a reflectivity of 20 percent or more is ~~not permitted~~ prohibited on the exterior walls and roofs of buildings and structures.
- ~~(9) *Pitched roof.* When a visibly pitched roof is incorporated into a project, the roof shall have a pitch equal to or greater than four to 12 (4:12).~~
- (9) *Roofing materials.*

- a. Roofing materials for pitched roofs shall consist of a minimum 25-year architectural dimensional shingles, tile (clay, cement, natural or ~~manufactured~~ simulated stone), non-reflective prefinished metal, copper or other similar materials as approved by the zoning administrator. Portions of the roof shall be permitted to be flat to provide for mechanical equipment wells or roof decks, provided that such flat areas are screened by pitched sections of the roof that meet the roofing material requirements.
  - b. All roof-mounted mechanical equipment shall be screened from public view by parapets so as to not be visible from an abutting street, public plaza or public open space. The parapet shall utilize the same or similar materials as the principal structure.
- (104) *Awnings and canopies.* Awnings and canopies attached to buildings shall meet the following standards:
- a. Awnings and canopies shall be placed so as to avoid obscuring details of the building facade.
  - b. Fabric awnings for windows shall be a drop-front style, except at arched window openings, and shall relate to each window or bay.
  - c. Awnings and canopies shall be placed so that there is a minimum clearance of eight feet at its lowest point when over a sidewalk or other pedestrian walkway.
  - d. Awnings and canopies may encroach up to ten feet or 66 percent of the distance from the building face to the curb, whichever is less.
- (f) *Multifamily.* All residential uses that consist of multiple dwelling units that are not in combination with a commercial use shall meet the following standards:
- (1) *Dwelling forms.* Regardless of the number of residential units, live/work units and upper-story residential units shall not be considered a multifamily use; such units shall meet the design standards in subsection (d) above. Changes in use from single-family or commercial to multifamily shall be required to meet all standards below, as applicable. The following multifamily dwelling forms shall be permitted:
- a. *Multi-story apartments.*
    - 1. Apartments shall be in buildings that are 100 percent residential, and shall be a minimum of two (2) stories.
    - 2. The ground floor of all facades that face a public street shall be 100 percent natural stone, brick, or ~~cast~~simulated stone.
  - b. *Townhouses.* Townhouses shall be subject to the following standards:
    - 1. Townhouses shall be in a "row house" form.
    - 2. Townhouses shall have raised front steps off the sidewalk to access the main entrance.

3. Each unit shall include an off-set in wall planes and individual roof lines separated by recessed entries or shall be distinguished by a change in facade materials.
4. All buildings shall be designed to include varied relief to provide interest and variety and to avoid monotony. This shall include details that create shade and cast shadows. The following is a list of features that may be used as part of an integrated, comprehensive design to provide visual relief to townhouse buildings. Such interest and style shall include a minimum of five (5) of the following:
  - i. Bow windows.
  - ii. Bay windows.
  - iii. Arched windows.
  - iv. Gable windows.
  - v. Oval or round windows.
  - vi. Shutters.
  - vii. Arched entry, balcony or breezeway entrance.
  - viii. Stone or brick accent wall.
  - ix. Decorative stone or brick band.
  - x. Decorative tile.
  - xi. Veranda, terrace, porch or balcony.
  - xii. Projected wall or dormer.
  - xiii. Variation of roof lines on the building.
  - xiv. Decorative caps on chimneys.
  - xv. Other features as approved the zoning administrator.
5. Pedestrian access. Each unit shall have its main pedestrian entrance off of the street or a landscaped courtyard.
6. Garage doors shall not face a public street.
7. Fencing located within 10 feet of an alley or common lot boundary shall not impede the visibility of drivers entering or exiting the alley.
- c. *Courtyard building.* Attached or detached dwelling units which are arranged around a central courtyard or series of courtyards on a single site.
  1. Pedestrian access.
    - i. At least one courtyard on a site shall provide direct access to the street.
    - ii. Each building shall have their primary access from an internal courtyard.
  2. At least 15 percent of the square footage of all building footprints on a site shall be developed as common courtyard areas. No more than a total of three courtyards may be developed on one site. When a site has less than four units, the courtyard shall be one contiguous area. Paseos,

parking areas, designated on-site walkways and building entry areas shall not count towards the common courtyard area.

- d. *Villa*. A villa is a large house containing two (2) to eight (8) dwelling units which are individually accessed from one internal common area.
  - 1. Pedestrian access. The internal common area shall be accessible from a main entrance at the street level on the primary facade.
- e. *Multifamily house*. A multifamily house is a structure that is designed to appear as a large, custom-built single-family home but may contain up to six (6) dwelling units inside.
  - 1. Pedestrian access. Each unit shall have a primary entrance on the front or side of the building. Any secondary entrances shall be located on the side or rear of the building.
- f. *Carriage house/accessory dwelling unit*. Attached or detached accessory unit above a garage or at grade. Habitable area shall not exceed 450 square feet per floor. Design and materials should be compatible with the principal structure on the lot.

(2) *The following standards apply to all multifamily uses:*

- a. *Exterior wall finish*. The exterior finish of all buildings shall be natural stone, castsimulated stone, brick, architectural concrete masonry units (CMU), glass, ~~three-step hard coat~~ stucco, fiber cement siding, or architecturally finished steel or metal ~~with a minimum 30-year warranty, or combination thereof~~, except for doors, windows, accents, and trim.
  - 1. The ground floor of all buildings shall be a minimum of 75 percent natural stone, castsimulated stone, brick, or architectural CMU with the exception of multi-story apartments as stated in subsection (f)(1)a.2.
  - 2. A minimum of two different materials shall be used on each structure and each material used shall comprise no less than 20 percent of the exterior wall finish.
  - 3. If architectural CMU is incorporated into a project, it shall have an ashlar pattern.
  - 4. No more than 33 percent of the building facade may be fiber cement siding or architecturally finished steel or metal.
  - 5. Carriage house/accessory dwelling units shall be permitted to have the same exterior materials as the principal structure on the lot.
  - 6. The use of other materials ~~wood shingles and wood siding~~ shall be limited to accent features.
  - 7. Other wall finishes, ~~accent materials~~, or recognized architectural styles not explicitly permitted by this section may be approved in writing by the zoning administrator.
- b. *Parking*. All multifamily uses shall provide on-site parking in accordance with subsection (d)(1).

(g) *Expansions.*

- (1) Expansions to existing single family structures shall meet the height and setback standards established in subsection (c) or the contextual setback as defined in subsection Sec. 2-96.
- (2) Expansions, excluding existing single-family, that are less than 35 percent of the existing gross floor area shall meet the following criteria:
  - a. Expansions shall reflect the architectural style of the original building, including roof, articulation, windows, doors, and exterior finish. If the existing style is not desired for the expanded portion of the structure, the expansion shall meet the design standards provided in subsection (e), as applicable.
  - b. Newly constructed portions of the building shall meet all density and development standards in subsections (c) and (d), as applicable.
- (3) The cumulative expansion of 35 percent or more of the gross floor area over any five-year period shall meet the following standards, with the exception of existing single-family:
  - a. Each street-facing facade shall be required to incorporate a minimum of three improvements in accordance with subsection (e).
  - b. Newly constructed portions of the building shall meet all density and development standards in subsections (c) and (d), as applicable.

(h) *Conversions.*

- (1) Conversions in the MU-2 district from single family residential to a nonresidential use shall meet the following development standards in subsection (d):
  - a. Parking (subsection (d)(1));
  - b. Traffic impact and parking generation studies (subsection(d)(2));
  - c. Access and circulation (subsection (d)(3));
  - d. Fencing design standards (subsection (d)(4));
  - e. Landscaping (subsection (d)(5));
  - f. Outdoor display and storage (subsection (d)(6));
  - g. Site furniture (subsection (d)(7)); and
  - h. Special conditions for public open space (subsection(d)(8)).
- (2) The following requirements from the district design standards (subsection (e)) may apply when changes to the exterior of a building are being made to a conversion:
  - a. Exterior wall finish (subsection (e)(1));
  - b. Orientation requirements (subsections (e)(2)a. and (e)(2)c.);
  - c. Exterior color (subsection (e)(3));
  - d. Roofing (subsection (e)(10));
  - e. Awnings and canopies (subsection (e)(11)); and

- f. Signs (subsection (e)(12)).
- (3) Expansions in the gross floor area during the conversion process shall meet the standards in subsection (g) above, as applicable.

**Sec. 2-73. MU-L (Mixed-Use Limited) district.**

- (a) *Purpose.* The purpose of the MU-L district is to allow single-family and limited commercial uses in structures that are single-family residential in style. For the purposes of this district, limited commercial uses include bed and breakfast, office, live/work units, and very limited retail uses including personal services, artisanal production, and boutique shops. Changes from single-family to a limited commercial use shall be considered a conversion.
- (b) *Permitted uses.* Uses permitted in the MU-L district may be found in Sec. 2-77.
- (c) *Lot and building dimensional standards.* Property and buildings in the MU-L district shall conform to the standards found in Sec. 2-78, with the following supplementary notes:
  - (1) Buildings shall be subject to a contextual front setback in accordance with Sec. 2-96. The contextual setback shall establish the minimum required depth.
  - (2) The setback on all side lot lines for accessory buildings shall be five (5) feet; the front setback shall be measured from the front building facade of the principal structure.
  - (3) A one-story accessory building shall be no taller than 15 feet. If an accessory dwelling unit is located on top of a garage, the height may be up to 25 feet, or five (5) feet taller than the principal building if the principal building is over 25 feet tall.
  - (4) Setbacks shall be permitted to be adjusted to accommodate conflicts with utility easements.
- (d) *Supplementary development standards.* In addition to the applicable standards found in Chapter 8 of this code, the following regulations apply to the MU-L district:
  - (1) *Parking.* In accordance with the downtown master plan, the following standards are meant to encourage a pedestrian-friendly environment by minimizing curb cuts and the visual presence of on-site parking. ~~Where on-site parking is incorporated, it shall be placed in an unobtrusive location that minimizes impacts to pedestrian circulation.~~
    - a. All nonresidential uses shall provide on-street or on-site parking equal to one space per 400 square feet of gross floor area.
    - b. An applicant shall be permitted to provide fewer parking spaces than the 1:400 ratio where a site has insufficient driveway capacity and street frontage to accommodate the required parking in those areas.
    - c. Parking shall be accommodated in an existing on-site driveway and/or garage first before the applicant improves other areas.

- d. On-street parking shall be created before additional on-site parking is created.
- e. Parking and access shall be permitted only on improved surfaces.
- f. A minimum of two on-site parking spaces shall be required for single-family uses.
- g. For live/work units, parking shall be calculated at the rate indicated above for the gross floor area of the entire structure.
- h. On-site parking, with the exception of parking in an existing on-site driveway or garage, is not required but may be constructed in any amount as desired by the applicant. Where on-site parking is incorporated, it shall be placed in an unobtrusive location that minimizes impacts to pedestrian circulation~~On-site parking.~~
  - 1. On-site parking is prohibited in the street yard.
  - 2. On-site parking shall be accessed from an alley or secondary frontage where available. ~~Where access is available from an alley or secondary frontage, parking shall be located at the rear of the property behind the principal structure.~~
  - 3. If a property has an existing driveway, it may be utilized to meet the ~~on-site~~ parking requirement but may not be expanded in the street yard to accommodate additional parking. Slight modifications may be made to the existing driveway to access additional parking located ~~at the rear of the structure~~ outside the street yard.
  - 4. A driveway may be constructed in the front street yard only if it is the sole means for accessing on-site parking ~~at the rear of the property. A driveway shall be no wider than 18 feet within the required front setback.~~
  - 5. A property may ~~only~~ have more than one driveway only when the existing driveway accesses a garage and an additional driveway is necessary to access on-site parking ~~at the rear of the property to meet the parking requirement.~~
  - 6. A driveway shall be no wider than 18 feet within the required front or side setback
- i. On-street parking requirements.
  - 1. Diagonal parking shall be utilized on the following streets: North Lewis Street, North or South Stone Street, North or South Black Street, North Nelson Street, and North College Street.
  - 2. Parallel parking shall be utilized on the following streets: East Liberty Avenue, East Bagdad Avenue, East Austin Avenue, Park Way, and Timberwood Drive.
  - 3. On-street parking is prohibited on East Main Street without prior written approval from the transportation director.
  - 4. The materials and design for all on-street parking shall be approved by the transportation director.
- j. A new garage shall be permitted with the following standards:

1. Where an alley exists, garages shall be oriented toward the alley and the alley shall be utilized to access the garage. If an alley does not exist, garages shall be oriented toward a secondary frontage, which shall be utilized to access the garage. If the garage is oriented toward the secondary frontage, the façade that faces the primary frontage shall include articulation such as windows or doors.
  2. No portion of a garage is permitted in any street yard along the primary frontage.
  3. A driveway constructed to access a new garage shall be no wider than 18 feet within the setback, and no wider than the garage at any point.
  - ~~6. If required on-site parking cannot be accommodated, the zoning administrator may approve alternative solutions.~~
- (2) *Traffic impact analysis.* A traffic impact analysis (TIA) shall not be required for any development in the MU-L district.
- (3) *Lot Fencing standards.*
- a. The following design standards apply to fencing in the MU-L district, in addition to the applicable portions of Sec. 8-35:
    1. Fences shall be constructed of the following materials: brick, natural stone, simulated stone, wrought iron, or wood. Other decorative masonry materials, reinforced concrete, or wrought iron equivalents may be approved by the zoning administrator.
    2. A wrought-iron or equivalent fence in the street yard shall be permitted to reach a height of six (6) feet.
    3. Fences in all other yards shall not exceed six (6) feet, except that fences may be eight (8) feet in height to accommodate topographical changes, as approved by the zoning administrator.
  - b. All nonresidential uses shall be required to install and maintain a fence constructed of masonry materials such as brick, natural stone, simulated stone, decorative reinforced concrete, or other equivalent material approved by the zoning administrator, a minimum of six feet in height, along every property line which is adjacent to a residential use. The zoning administrator may waive the requirement based upon a finding of any of the following:
    1. The zoning administrator determines that due to the site plan layout and/or existing conditions, potential impacts will be negligible;
    2. The zoning administrator receives a letter from the adjacent residential property owner(s) requesting that the fence not be installed; or
    3. The zoning administrator determines that existing and/or proposed vegetation will serve as an adequate screen.
- (4) *Landscaping.*
- a. Landscaping foundation treatment shall be required in accordance with the Category 3 standards in Sec. 8-10 for all nonresidential uses.

- b. Minor modifications to design and development standards may be adjusted to protect and accommodate protected trees as identified in chapter 8, article III.
  - c. *Visual screening.* For conversions from single-family to nonresidential uses, visual screening with landscaping or fencing of trash receptacles, ground-mounted equipment, and other similar features shall be required where visible from any public street.
- (5) *Outdoor display and storage.* No equipment, goods, supplies or materials associated with the limited commercial use shall be displayed or stored where visible from an abutting right-of-way or at the property line of an abutting property at a point six feet above the finished grade.
- (6) *Ground-mounted equipment. Screening for air conditioning units and electrical transformers shall be in conformance with Sec. 8-40. All other ground-mounted equipment, including gas or liquid canisters and tanks, shall be screened from public view and adjacent properties by a stone or brick wall.*
- (7) *Lighting.*
- ~~a. External lighting shall be arranged and controlled so as to deflect light away from any abutting residential uses.~~
  - a. *Building illumination.* Compact fluorescent, incandescent, or light emitting diode (LED) fixtures appropriate to a residential style of a building shall be used.
  - b. *Height of fixture.* The height of a freestanding fixture shall not exceed eight (8) feet.
- (e) *Mixed-use limited design standards.*
- (1) *New construction shall meet the City of Round Rock Historic Design Guidelines for residential properties, except as specifically modified by this Code.*
  - (2) Architectural changes to an existing building and expansions shall reflect the original architecture, including roof materials, articulation, windows, doors, and exterior finish, and shall be in compliance with the historic residential character recommendations in the downtown master plan where it does not conflict with the standards herein. An appeal to this design requirement shall be heard by the historic preservation commission.
  - (3) Pitched roofs shall be required for all detached structures and shall have a pitch equal to or greater than four to 12 (4:12). The pitch may be three to 12 (3:12) if the span is greater than 60 feet.
  - (4) The exterior finish of all new buildings shall be of natural stone, simulated stone, brick, ~~three-step hard coat~~ stucco, fiber cement siding (excluding flat, unarticulated panels), or wood siding. Single family uses with structures less than 150 square feet of gross floor area shall be exempt from exterior finish requirements.
  - (5) New construction on a vacant lot shall consist of detached structures not sharing a common wall and shall have only one entrance fronting on the street bearing the address.

- (f) *Operating hours.* The hours of operation of any nonresidential use shall be limited to 7:00 a.m. to 8:00 p.m. for access by the public. Appeals to these operating hours may be heard by the zoning board of adjustment.

**Sec. 2-74. MU-R (Mixed-Use Redevelopment and Small Lot) district.**

(a) *Purpose.*

- (1) To allow for the development of small lots where the desired development or redevelopment cannot be accommodated with existing commercial district standards. This district also permits mixed-uses, including a residential component that typically would not otherwise be accommodated. The development standards establish projects with a more pedestrian-oriented and urban scale.
- (2) The standards herein are not intended to be of a particular style or period, but to encourage high-quality construction and development that fits the proportions and functional characteristics of a mixed-use district with an urban and pedestrian-oriented feel.

(b) *Permitted uses.* Uses permitted in the MU-R district may be found in Sec. 2-77, with the following supplementary note:

- (1) In order for a restaurant/bar with an outdoor cooking area to qualify for a special exception, no outdoor cooking areas shall be permitted to share a common lot line with an existing single family use.

(c) *Lot and building dimensional standards.* Property and buildings in the MU-R district shall conform to the standards found in Sec. 2-78, with the following supplementary notes:

- (1) Special purpose lots, such as landscape lots and utility lots, are exempted from these requirements.
- (2) A contextual setback may be considered when the frontage within a block is occupied or partially occupied by a building or buildings with front yards of greater depth than 10 feet. The zoning administrator shall consider roadway type, development patterns, and adopted land use plans for the block on which the project is located in determining a modification to this setback.
- (3) Side wall requirements for separation from adjacent structures, wall construction, and allowable openings for elements such as windows and doors shall be regulated by the Fire Code.
- (4) Number of stories includes mezzanines or other occupiable levels. Rooftop decks and patios shall not be included in the number of stories, but structures placed on rooftop

decks and patios shall qualify towards the height requirement. The height of the structure abutting an existing single-family residential use is limited to the height of the single-family structure's nearest wall excluding the roof and attic plus one foot in height from every foot of distance from the existing single-family residential use.

(5) Fences may be eight (8) feet in height to accommodate topographical changes, as approved by the Zoning Administrator.

(d) *Supplementary development standards.* In addition to the applicable standards found in Chapter 8 of this Code, the following regulations apply to the MU-R district:

(1) *Parking.* On-site parking shall be placed in an unobtrusive location that minimizes impacts to pedestrian circulation.

a. *On-site parking.*

1. Due to the variable nature of lot sizes and use, a parking generation study shall be provided with each development application for all non-residential uses. The parking generation study shall include the following criteria:

i. A demand analysis of parking need based on industry standards.

ii. Characteristics of those using parking, including turnover rate.

2. On-site parking shall be required for all residential uses, or residential portions of any building.

i. Required residential parking per unit:

1 Bedroom: 1 space

2 Bedrooms or more: 2 spaces

ii. For residential units without defined bedrooms:

Under 800 square feet: 1 space

800 square feet or more: 2 spaces

iii. Tandem parking shall be permitted to accommodate the residential parking requirement.

3. Alternative solutions may include a shared parking agreement as described in Sec. 8-47 or other solution as approved by the Transportation Director.

b. All parking shall be constructed in accordance with the following requirements in addition to standards provided in chapter 8, article VI of this Code:

1. Parking and access shall be permitted only on improved surfaces.

2. Vehicular entrances to all parking areas shall be no wider than the minimum standard allowed by the Design and Construction Standards.

3. On-site parking areas are prohibited in any street yard, and all parking shall be setback a minimum of five (5) feet from any street-facing building façade. For the purposes of through lots, the street yard shall be

designated as that which fronts on the roadway with the higher classification.

4. All existing driveways that are no longer required for parking access shall be removed and replaced with landscaping at the time of site plan review and street improvements installed to match adjacent areas.

5. On-site parking areas visible from a public street shall be screened by a building or wall, hedge or other landscaping screen that is at least three (3) feet in height.

c. On-street parking.

1. The applicant for a building permit may provide on-street parking adjacent to the property, if the existing right-of-way will accommodate it. The materials, design and location of the parking improvements shall be approved by the City.

d. Structured parking. All structured parking garages where any of the parking is above grade shall meet the following standards, in addition to the standards in subsection (c) above:

1. The first 20 feet in height of the frontage of a garage that faces a public street, with the exception of pedestrian and vehicular ingress and egress areas, shall require either a ground-level use or vehicle parking areas to be screened from view from a public street by means of landscaping or manufactured materials.

2. Exterior garage building materials shall be limited to natural stone, simulated stone, brick, split-face or stone-face concrete masonry units (CMU), or architecturally finished steel or metal.

3. The glazing percentage requirements provided in subsection (e)(7) shall apply to ground-level occupant spaces, if any.

4. Pedestrian access.

i. Pedestrian ingress and egress to all parking structures shall provide access directly to a street or public frontage except for underground parking levels, where pedestrians may exit the parking area directly into a building.

ii. Pedestrians shall have direct access from parking areas to the street on the primary frontage.

iii. There shall be direct access to the street from commercial uses.

5. Service access shall be from the rear or a secondary frontage where one exists and shall be enclosed or screened from view.

(2) Traffic impact analysis. A Traffic Impact Analysis (TIA), deferral, or waiver shall be required for any development in the MU-R district prior to any site plan approval.

(3) Access and circulation.

a. Vehicle access and circulation standards provided in Sec. 8-60 apply to all new development. These include requirements for connections to existing and future

roads, connection to adjacent development, and design requirements for driveways.

b. Drive throughs shall be prohibited except on lots fronting arterials, as defined by the Transportation Master Plan. The following conditions shall apply to any site where a drive through is incorporated:

1. Only one (1) business on a site shall have a drive through.
2. Drive throughs shall be part of a building containing two (2) or more occupants or uses.
3. The principal use associated with the drive through shall not occupy more than 50% of the gross floor area of a single story building. For multi-story buildings, the principal use may occupy the entire first floor.
4. Off-street vehicle stacking spaces are prohibited in any front street yard and shall meet the stacking area standards and design provided in Sec. 8-54.
5. Vehicular entrances and exits shall be no wider than the minimum required for one (1) vehicle and shall be in accordance with the Design and Construction Standards.

(4) Lot fencing design standards.

a. The following standards apply to all lot fencing in the MU-R district, in addition to the applicable standards found in Sec. 8-35:

1. Fences shall be constructed of brick, natural stone, simulated stone, or wrought iron. Other decorative masonry materials, reinforced concrete, or wrought iron equivalents may be approved by the Zoning Administrator.
2. Fence posts shall be constructed of rust resistant metal parts, concrete-based masonry or concrete pillars of sound structural integrity.
3. Fence posts and fence panels shall be capped.
4. All fences shall provide a finished face to abutting single-family or townhouse uses.
5. All fences shall provide a finished face to abutting streets.

b. All nonresidential uses shall be required to install and maintain a fence constructed of masonry materials such as brick, natural stone, simulated stone, decorative reinforced concrete, or other equivalent material approved by the zoning administrator, a minimum of six feet in height, along every property line which is shared with a SF or TF use and is not in the street yard. The zoning administrator may waive the requirement based upon a finding of any of the following:

1. The zoning administrator determines that due to the site plan layout and/or existing site conditions, potential impacts will be negligible;
2. The zoning administrator receives a letter from the adjacent residential property owner(s) requesting that the fence not be installed; or

3. The zoning administrator determines that existing and/or proposed vegetation will serve as an adequate screen.

(5) Landscaping.

- a. Where the building setback provides adequate space, landscaping foundation treatment shall be required in accordance with the Category 3 standards in Sec. 8-10.
- b. Minor modifications to design and development standards may be permitted to protect and accommodate protected trees as identified in chapter 8, article III.
- c. Screening for parking shall be in accordance with subsection (d)(1)b.5. above.
- d. Pervious concrete and pervious pavers for parking and maneuvering areas are permitted. Other permeable surfaces may be approved by the Zoning Administrator.

(6) Outdoor storage and display.

- a. General outdoor storage is prohibited.
- b. Outdoor display and limited outdoor storage shall be allowed in accordance with Sec. 8-65.
- c. Limited outdoor storage is prohibited in the street yard.

(7) Site furniture.

- a. Site furniture for non-residential uses, as defined in Sec. 1-50, shall be required to be of a commercial grade and manufactured for exterior use.
- b. Site furniture may also include moveable outdoor site features such as outdoor café tables and planters.

(8) Special conditions for public open space including parks, trails, creeks, and public plazas.

- a. No opaque fences shall be allowed on the portion of a lot abutting any public open space. Wrought iron fencing or equivalent may be used.
- b. There shall be no loading or service areas between the buildings and public open spaces.
- c. An eight (8) foot wide linear landscaped area in accordance with Sec. 8-10(g)(4) shall be required on lots abutting public open space that have their parking between the buildings and the public open space. If site constraints inhibit the incorporation of the required landscaped area, alternative landscaping may be approved by the Zoning Administrator.

(e) MU-R district design standards. The following design standards apply to all buildings in the SLR district, with the exception of certain expansions, as addressed in subsection (e). Additional standards for expansions and conversions are provided in subsections (e) and (f) below and replace their counterparts in this subsection where applicable. Alternate design standards may be approved by the zoning administrator to permit a more flexible or creative design that still meets the intent of the MU-R district design standards.

- (1) Exterior wall finish. The exterior finish of all buildings shall be natural stone, simulated stone, brick, architectural concrete masonry units (CMU), glass, stucco, fiber cement siding (excluding flat, unarticulated panels), or architecturally finished steel or metal, except for doors, windows, accents and trim.
  - a. Fiber cement siding shall not comprise more than 33 percent of the exterior wall finish.
  - b. If architectural CMU is incorporated into a project, it shall have an ashlar pattern.
  - c. The use of materials such as wood shingles and wood siding shall be limited to accent features.
  - d. Other wall materials or recognized architectural styles not explicitly permitted by this section may be approved in writing by the Zoning Administrator.
- (2) Orientation requirements.
  - a. Main entrances shall be visible to pedestrians from the street or a public plaza on the primary frontage.
  - b. Buildings with multiple street frontages shall be designed with primary facades facing each public street.
  - c. Where ramps or other accessibility-related structures are installed, they shall be integrated into the building design by facing the structure with the same exterior materials as the building, using the same stone material that was used in the landscape if applicable, or screening structures behind planters and other landscape features.
- (3) Exterior color. Day-Glo, luminescent, neon, or similar types of color finishes are prohibited.
- (4) Building elevation variation.
  - a. The length of walls facing public streets shall be broken into smaller planes. Wall planes shall not extend more than an average of 50 feet without an offset or interruption by a pilaster or structural frames, change in roof line or architectural materials.
  - b. For buildings with a primary façade length of greater than 100 feet, offsets of at least three (3) feet in depth shall be required for every 50 feet of façade length.
  - c. The composition of windows and other major features shall relate to the wall plane between each offset or other feature identified in subsection b. immediately above.
- (5) Building articulation.
  - a. All buildings shall be designed to include varied relief to provide interest and variety and to avoid monotony. This shall include details that create shade and cast shadows to provide visual relief to the buildings. Horizontal and vertical elements of exterior walls should vary in height, design and projection to provide architectural interest and style.

b. The following is a list of design features that may be used as part of an integrated, comprehensive building design to provide architectural interest and style. Such interest and style shall include a minimum of five (5) of the following:

1. Cornices
2. Eaves
3. Bow window
4. Bay window
5. Arched window
6. Gable window
7. Transom windows
8. Multiple sashed and/or paned upper story windows
9. Oval or round windows
10. Shutters
11. Arched entry, balcony or breezeway entrance
12. Recessed storefront entryways
13. Shopfront (for retail uses)
14. Arcade/Gallery (for retail uses)
15. Stone or brick accent wall
16. Decorative stone or brick band
17. Decorative tile
18. Veranda, porch or balcony
19. Projected wall or dormer
20. Variation of roof lines on the building
21. Decorative caps and chimneys
22. Stone coursing around windows
23. Metal canopies
24. Fabric awnings that relate to window and door bays
25. Other features as approved the Zoning Administrator

(6) Special design features for buildings with a setback greater than zero feet. The following is a list of special design features that shall be used as part of an integrated, comprehensive building and site design to provide architectural interest and style. Such interest and style shall include a minimum of at least one (1) of the following:

- a. Stoops
- b. Rooftop decks
- c. Courtyard
- d. Forecourt
- e. Structural landscape elements or public art that are installed within the setback

(7) Windows. In order to ensure appropriate proportion, shape, position, location, pattern and size of windows on a building, the following shall be required:

- a. The ground floor of the primary façade shall have a minimum of 40 percent glazing. All glazing on the primary façade of the ground floor shall have a light transmittance of 70 percent.
  - b. Upper floors of the primary façade shall have a minimum of 30 percent glazing.
  - c. At least 25 percent of the wall area on any side or rear elevation facing a park or plaza shall consist of glazing or as permitted by the Building Code, whichever is less.
  - d. To assist with energy efficiency and solar gain the requirements in this subsection may be reduced by the Zoning Administrator to the extent that the required level or location of glazing conflicts with the standards of the Building Code or a recognized green building program.
- (8) Glass. Except for photovoltaic cells, mirrored glass with a reflectivity of 20 percent or more is prohibited on the exterior walls and roofs of buildings and structures.
- (9) Roofing Materials.
- a. Roofing materials for pitched roofs shall consist of a minimum 25-year architectural dimensional shingles, tile (clay, cement, natural or simulated stone), non-reflective prefinished metal, copper or other similar materials as approved by the Zoning Administrator. Portions of the roof screened by pitched roof sections shall be permitted to be flat to provide for mechanical equipment wells or roof decks provided all pitched sections of the roof meet the roofing material requirements.
  - b. All roof-mounted mechanical equipment shall be screened from public view so as to not be visible from an abutting street, public plaza or public open space. The screen shall utilize the same or similar materials as the principal structure.
- (10) Awnings and Canopies. Awnings and canopies attached to buildings shall meet the following standards:
- a. Awnings and canopies shall be placed so as to avoid obscuring details of the building façade.
  - b. Awnings and canopies shall be placed so that there is a minimum clearance of eight (8) feet at its lowest point when over a sidewalk or other pedestrian walkway.
  - c. Awnings and canopies may encroach up to 10 feet or 66 percent of the distance from the building face to the curb, whichever is less.
- (e) Expansions.
- (1) Expansions to existing structures shall meet the height and setback standards established in subsection (c) or the contextual setback as defined in Sec. 2-96.
  - (2) Expansions that are less than 35 percent of the existing gross floor area shall meet the following criteria:

- a. Expansions shall reflect the architectural style of the original building, including roof, articulation, windows, doors, and exterior finish. If the existing style is not desired for the expanded portion of the structure, the expansion shall meet the design standards provided in subsection (e), as applicable.
- b. Newly constructed portions of the building shall meet all development standards in subsection (d), as applicable.
- (3) The cumulative expansion of 35 percent or more of the gross floor area over any five (5) year period shall meet the following standards:
  - a. Each street-facing façade shall be required to incorporate a minimum of three (3) improvements in accordance with subsection (e).
  - b. Newly constructed portions of the building shall meet all development standards in subsection (d), as applicable.

(f) Conversions.

- (1) Conversions in the MU-R District from single-family residential to a non-residential use shall meet the following development standards in subsection (d):
  - a. parking (subsection (d)(1));
  - b. traffic impact analysis (subsection(d)(2));
  - c. access and circulation (subsection (d)(3));
  - d. fencing design standards (subsection (d)(4));
  - e. landscaping (subsection (d)(5));
  - f. outdoor display and storage (subsection (d)(6));
  - g. site furniture (subsection (d)(7)); and
  - h. special conditions for public open space (subsection(d)(8)).

The following requirements from the district design standards (subsection (e)) may apply when changes to the exterior of a building are being made to a conversion:

  - a. exterior wall finish (subsection (e)(1));
  - b. orientation requirements (subsection (e)(2)a. and (e)(2)c.);
  - c. exterior color (subsection (e)(3));
  - d. roofing (subsection (e)(9));
  - e. awnings and canopies (subsection (e)(10)); and
- (2) Expansions in the gross floor area during the conversion process shall meet the standards in subsection (e) above, as applicable.

**Sec. 2-75. MU-G (Mixed-Use Greenfield and Large Lot) district.**

(a) Purpose.

- (1) To establish areas of mixed land uses for the comprehensive development of a mixed-use project that includes a large tract of land and one of the following conditions:

- a. Where commercial zoning districts and a residential component could not otherwise be accommodated;
  - b. Where desired development or redevelopment cannot be accommodated with existing commercial zoning standards; or
  - c. Where the desired development is of an urban scale which is oriented toward the pedestrian.
- (2) This district is intended to serve as the base zoning district in PUD negotiations for developers to utilize for new, large mixed-use development.
  - (3) Mixed-use zoning for this district refers to the combining of complementary residential and commercial uses in the same building, on the same site, or in the same block. The standards herein are not intended to be of a particular style or period, but to encourage high-quality construction and development that fits the proportions and functional characteristics of a mixed-use district with an urban and pedestrian-oriented feel.
  - (4) This district is intended to serve as an option for property owners to use for new, large-scale mixed-use development instead of creating a PUD, or as the base zoning district in PUD negotiations.
- (b) Site and land use criteria. The following site and land use criteria shall be provided for all proposed projects:
- (1) The total acreage of the project, which shall be a minimum of 10 acres.
  - (2) A general plan indicating the layout, land uses, and percentages of each land use.
  - (3) Allocation of open space accessible to the public comprising a minimum of 15% of the total acreage.
  - (4) Each project shall have a designated main street which is configured in a block layout and serves as the core of each development.
    - a. The maximum block size shall be three (3) acres in size and 400 feet in length.
    - b. Buildings on the main street shall have their primary façade facing the main street.
    - c. The design of building facades in the first block off the main street shall reflect the design of the buildings on the main street.
  - (5) A minimum of two (2) land use/zoning categories (residential, commercial, employment) shall be identified.
    - a. If a development is entirely non-residential it shall have at least one (1) of the following:
      - 1. Any type of residential neighborhood or multifamily development abutting at least one (1) side of the proposed project.
      - 2. The entirety of the proposed project fronts on a multi-lane divided roadway and is on average not more than one (1) block in depth according to the measurement standards for blocks provided within this section.

3. The proposed project contains a building with overnight accommodations that occupies a minimum of four (4) stories.

b. When residential uses are incorporated into a project, the first phase of the project shall meet at least one (1) of the following criteria:

1. All development abutting a thoroughfare shall have non-residential uses on at least seventy-five (75%) percent of the ground floor of buildings.

2. At least forty (40%) percent of any building(s) shall be allocated to non-residential uses.

3. For buildings in the first phase of a project to include more than sixty (60%) percent residential, all multi-unit residential buildings shall have units accessed from the interior of the building without exterior stairs to access main entrances of units.

(c) Thoroughfare criteria. A general plan indicating the internal roadway system throughout a proposed project shall be provided. Special emphasis should be placed on a roadway system that emphasizes a grid pattern that allows for pedestrian linkages and visual enhancements. Street design should encourage commercial and residential buildings with a build-to line without intervening parking between buildings, sidewalks and roads, and provides for community-serving retail, commercial, office and services uses available to those that access the site as pedestrians or in vehicles.

(1) The following thoroughfare provisions shall be required of all proposed projects:

a. All streets shall be private streets, unless the city agrees to accept dedication of some or all as public streets. Private street standards shall be subject to city approval.

b. All streets shall be open for public use and shall not be gated or have restricted access, except for permitted special events.

c. A private street lot or public right-of-way may vary in width but must be sufficient to accommodate travel lanes, medians, sidewalks, utilities, street furniture and fixtures, and landscaping of public or common ownership.

d. Street design.

1. All proposed projects shall have a main street which serves as the core of the project and is designed in accordance with the "Walkable Thoroughfares" standards in the table in subsection (2) below. No parking garages or surface parking lots shall access the main street.

2. Street design shall allow a variety of routes from point of origin to destination.

3. Street design shall allow for parking on one or both sides of the road.

4. Street design shall provide continuous landscaping, especially for shade trees.

5. Cul-de-sacs shall be prohibited.

e. Pedestrian orientation. The individual uses, buildings, and clusters of development within a mixed use project shall provide the following:

1. Interconnecting pedestrian areas including but not limited to sidewalks, plazas, and trails.
2. Pedestrian connections to the City's parks and trails system where applicable.
3. Internalized pedestrian connections between residential and nonresidential land uses.
4. Multi-modal transportation access where applicable.

(2) The following table shall serve as guidelines for the development of the streetscape and pedestrian realm within the PUD. The source of the table is "Designing Walkable Urban Thoroughfares: A Context Sensitive Approach" (RP-036A) published in 2010 by the Institute of Transportation Engineers in partnership with the Congress for the New Urbanism.

<u>Characteristic</u>	<u>Walkable Thoroughfares</u>	<u>Vehicle-Oriented Thoroughfares</u>
<u>Target speed range</u>	<u>15-25 mph</u>	<u>25-35 mph</u>
<u>Pedestrian separation from moving traffic</u>	<u>Curb parking and streetside furnishing</u>	<u>Optional, typically separation achieved with planting strip.</u>
<u>Streetside width</u>	<u>Minimum 9 feet (residential) and 12 feet (commercial) to accommodate sidewalk, landscaping and street furniture.</u>	<u>Minimum 5 feet</u>
<u>Block lengths</u>	<u>200-660 feet</u>	<u>Up to one-quarter of a mile</u>
<u>Protected pedestrian crossing frequency (pedestrian signals or high-visibility markings at unsignalized crossings)</u>	<u>200-600 feet</u>	<u>As needed to accommodate pedestrian demands</u>
<u>Pedestrian priority at signalized intersection</u>	<u>Pedestrian signals and pedestrian countdown heads, adequate crossing times, shorter cycle lengths and median refuges for very long crossings.</u>	<u>Vehicle priority; may have longer cycle lengths and require two cycles for slower pedestrians to cross wide streets with medians.</u>
<u>Pedestrian crossings</u>	<u>High-visibility crosswalks shortened by curb extensions where there is on-street parking.</u>	<u>Full street-width</u>

<u>Median width</u>	<u>6 feet minimum width at crosswalk, if used as pedestrian refuge, plus 10 feet for left turn lane, if provided. 14 foot total width for left-turn lane if no refuge needed.</u>	<u>14–18 feet for single left-turn lane; 26–30 feet for double left-turn lane.</u>
<u>Vehicular access across sidewalks</u>	<u>24 feet or less, except if specific frequent design vehicle requires added width.</u>	<u>As needed</u>
<u>Curb parking</u>	<u>Normal condition except at bus stops and pedestrian crossings.</u>	<u>None</u>
<u>Curb return radius</u>	<u>10–30 feet; low-speed channelized right turns where other options are unworkable.</u>	<u>30–75 feet; high-volume turns channelized.</u>

(d) Permitted uses.

- (1) All uses shall be permitted, with the exception of those listed in Sec. 2-91 and the following: single family detached with the exception of zero lot line and village lots; manufactured housing; two family; funeral home/mortuary, cemetery, mausoleum, columbarium, and memorial park; institutions; auto service facilities; car wash; self-service storage; vehicle sales, rental, or leasing facilities; auto body, painting and repair shops; fuel sales; pawn shops; sexually oriented businesses; taxidermists; retail sales and service consisting of predominantly outdoor storage or consumer loading areas; light industrial services including manufacturing and assembly; wholesale trade; outdoor kennels; livestock veterinary clinics; warehouse and freight movement; large vehicle and equipment repair; heavy equipment sales and leasing; vehicle storage and towing; waste-related services; agricultural operations; fowl or livestock raising; mineral extraction; and commercial parking with the exception of multistory structured parking.
- (2) The following uses are permitted only with a Special Exception granted by the ZBA: outdoor entertainment, passenger terminals.

(e) Baseline lot and building dimensional standards. Property and buildings in the MU-G district shall utilize the standards found in Sec. 2-78 as the baseline in PUD negotiations, with the following supplementary notes:

- (1) Special purpose lots, such as landscape lots and utility lots, are exempted from these requirements.

- (2) For courtyard multifamily, the front setback from the street (ROW) may be more than the maximum as long as the courtyard fills the space from the maximum setback to the façade of any building.
- (3) Side wall requirements for separation from adjacent structures, wall construction, and allowable openings for elements such as windows and doors shall be regulated by the Fire Code.
- (4) Number of stories includes mezzanines or other occupiable levels. Rooftop decks and patios shall not be included in the number of stories, but structures placed on rooftop decks and patios shall qualify towards the height requirement.
- (5) Fences may be eight (8) feet in height to accommodate topographical changes, as approved by the Zoning Administrator.

(f) Baseline supplementary development standards. In addition to the applicable standards found in Chapter 8 of this Code, the following regulations shall provide the baseline for PUD negotiations for the MU-G district:

(1) Parking.

The following standards are meant to encourage a pedestrian-friendly environment by minimizing curb cuts. On-site parking shall be placed in an unobtrusive location that minimizes impacts to pedestrian circulation.

a. On-site parking.

1. Due to the variable nature of uses and lot sizes, a parking generation study shall be provided with each development application for all non-residential uses. The parking generation study shall include the following criteria:

- i. A demand analysis of parking need based on industry standards.
- ii. Characteristics of those using parking, including turnover rate.

2. On-site parking shall be required for all residential uses, or residential portions of any building.

i. Required residential parking per unit:

1 Bedroom:	1 space
2 Bedrooms or more:	2 spaces

ii. For residential units without defined bedrooms:

Under 800 square feet:	1 space
800 square feet or more:	2 spaces

iii. Tandem parking shall be permitted to accommodate the residential parking requirement.

3. Alternative solutions may include a shared parking agreement as described in Sec. 8-47 or other solution as approved by the Transportation Director.

- b. All parking shall be constructed in accordance with the following requirements in addition to standards provided in chapter 8, article VI of this Code:
1. Parking and access shall be permitted only on improved surfaces.
  2. Vehicular access shall be from the secondary frontage where possible.
  3. Vehicular entrances to all parking areas shall be no wider than the minimum standard allowed by the Design and Construction Standards.
  4. On-site parking areas are prohibited in any front street yard of any internal thoroughfare, and all parking shall be setback a minimum of five (5) feet from any thoroughfare-facing building façade. No parking shall be permitted in any street yard of a public right-of way.
  5. On-site parking areas visible from a public right of way shall be screened by a building or wall, hedge or other landscaping screen that is at least three (3) feet in height.
- c. Thoroughfare parking.
1. Parking adjacent to the property may be used to fulfill a parking requirement determined in a parking generation study, as determined by the zoning administrator. The materials, design and location of the parking improvements shall be approved by the City.
- d. Structured parking. All structured parking garages where any of the parking is above grade shall meet the following standards:
1. The first 20 feet in height of the frontage of a garage that faces a public street, with the exception of pedestrian and vehicular ingress and egress areas, shall require either a ground-level use or vehicle parking areas to be screened from view from a public street by means of landscaping or manufactured materials.
  2. Exterior garage building materials shall be limited to natural stone, simulated stone, brick, split-face or stone-face concrete masonry units (CMU), or architecturally finished steel or metal.
  3. The glazing percentage requirements provided in subsection (g)(2) below shall apply to ground-level occupant spaces, if any.
  4. Pedestrian access.
    - i. Pedestrian ingress and egress to all parking structures shall provide access directly to a street or public frontage except for underground parking levels, where pedestrians may exit the parking area directly into a building.
    - ii. Pedestrians shall have direct access from parking areas to the street on the primary frontage.
    - iii. There shall be direct access to the street from commercial uses.
  5. Vehicular access shall be from the secondary frontage where possible.

6. Service access shall be from an alley where possible. Where an alley does not exist, service access shall be from a secondary frontage where one exists and shall be enclosed or screened from view.
- (2) Traffic impact analysis. A Traffic Impact Analysis (TIA) shall be required for any development in the MU-G district.
  - (3) Access and circulation.
    - a. Vehicle access and circulation standards provided in Sec. 8-60 apply to all new development. These include requirements for connections to existing and future roads, connection to adjacent development, and design requirements for driveways.
    - b. Drive throughs shall be prohibited except on lots fronting arterials, as defined by the Transportation Master Plan. The following conditions shall apply to any site where a drive through is incorporated:
      1. Only one (1) business on a site shall have a drive through.
      2. Drive throughs shall be part of a building containing two (2) or more occupants or uses.
      3. The primary use associated with the drive through shall not occupy more than 50 percent of the gross floor area of a single story building. For multi-story buildings, the principal use may occupy the entire first floor.
      4. Off-street vehicle stacking spaces are prohibited in any front street yard and shall meet the stacking area standards and design provided in Sec. 8-54.
      5. Vehicular entrances and exits shall be no wider than the minimum required for one (1) vehicle and shall be in accordance with the Design and Construction Standards.
  - (4) Lot fencing design standards. The following standards apply to fencing in the MU-G district, in addition to the applicable standards found in Sec. 8-35.
    - a. Fences shall be constructed of brick, natural stone, simulated stone, or wrought iron. Other decorative masonry materials, reinforced concrete, or wrought iron equivalents may be approved by the Zoning Administrator.
  - (5) Landscaping.
    - a. Where the building setback provides adequate space, landscaping foundation treatment shall be required in accordance with the Category 3 standards in Sec. 8-10.
    - b. Minor modifications to design and development standards may be permitted to protect and accommodate protected trees as identified in chapter 8, article III.
    - c. Screening for parking shall be in accordance with subsection (f)(2)b.5. above.
    - d. Pervious concrete and pervious pavers for parking and maneuvering areas are permitted. Other permeable surfaces may be approved by the Zoning Administrator.
  - (6) Outdoor storage and display.

- a. General outdoor storage is prohibited.
- b. Outdoor display and limited outdoor storage shall be allowed in accordance with Sec. 8-65.
- c. Limited outdoor storage is prohibited in the street yard.

(7) Site furniture.

- a. Site furniture for non-residential uses, as defined in Sec. 1-50, shall be required to be of a commercial grade and manufactured for exterior use.
- b. Site furniture may also include moveable outdoor site features such as outdoor café tables and planters.

(8) Special conditions for open spaces including parks, trails, creeks, and plazas.

- a. No opaque fences shall be allowed on the portion of a lot abutting any public open space. Wrought iron fencing or equivalent may be used.
- b. There shall be no loading or service areas between the buildings and open spaces.
- a. An eight (8) foot wide linear landscaped area in accordance with Sec. 8-10(g)(4) shall be required on lots abutting public open space that have their parking between the buildings and the public open space. If site constraints inhibit the incorporation of the required landscaped area, alternative landscaping may be approved by the Zoning Administrator.

(g) Baseline design standards. The following design standards shall be utilized as the baseline for PUD negotiations for all buildings in the MU-G District.

(1) Exterior wall finish. The exterior finish of all buildings shall be natural stone, simulated stone, brick, architectural concrete masonry units (CMU), glass, stucco, fiber cement siding (excluding flat, unarticulated panels), or architecturally finished steel or metal, except for doors, windows, accents and trim.

- a. Fiber cement siding shall not comprise more than 33 percent of the exterior wall finish.
- b. If architectural CMU is incorporated into a project, it shall have an ashlar pattern.
- c. The use of materials such as wood shingles and wood siding shall be limited to accent features.
- d. Other wall materials or recognized architectural styles not explicitly permitted by this section may be approved in writing by the Zoning Administrator.

(2) Orientation requirements.

- a. Buildings shall have their main entrance off a thoroughfare or plaza. Entrances shall be easily accessible for pedestrians from the street, a plaza or the sidewalk.
- b. Buildings on corner lots shall be designed with primary facades facing each thoroughfare.

(3) Building elevation variation.

- a. For buildings on the main street, the length of walls facing any street shall be broken into smaller planes. Wall planes shall not extend more than an average of 50 feet without an offset or interruption by a pilaster or structural frames, change in roof line or architectural materials.
- b. The composition of windows and other major features shall relate to the wall plane between each offset or other feature identified in subsection (a.) immediately above.
- c. For buildings on any thoroughfare, any wall facing the street in excess of 100 feet in length shall incorporate wall plane projections or recesses having a depth of at least two (2) feet and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.

(4) Roofing materials.

- a. Roofing materials for pitched roofs shall consist of a minimum 25-year architectural dimensional shingles, tile (clay, cement, natural or simulated stone), non-reflective prefinished metal, copper or other similar materials as approved by the Zoning Administrator.
- b. All roof-mounted mechanical equipment shall be screened from public view by parapets or other opaque screening materials so as to not be visible from an abutting street, public plaza or public open space. The parapet or screen shall utilize the same or similar materials as the principal structure.

(5) Glass. Except for photovoltaic cells, mirrored glass with a reflectivity of 20 percent or more is prohibited on the exterior walls and roofs of buildings and structures.

(h) MU-G district design standards for buildings within one (1) block of the main street.

(1) Building articulation.

- a. All buildings shall be designed to include varied relief to provide interest and variety and to avoid monotony. This shall include details that create shade and cast shadows to provide visual relief to the buildings. Horizontal and vertical elements of exterior walls should vary in height, design and projection to provide architectural interest and style.
- b. The following is a list of design features that may be used as part of an integrated, comprehensive building design to provide architectural interest and style. Such interest and style shall include a minimum of five (5) of the following:
  - 1. Cornices
  - 2. Eaves
  - 3. Bow window
  - 4. Bay window
  - 5. Arched window
  - 6. Gable window
  - 7. Transom windows

8. Multiple sashed and/or paned upper story windows
9. Oval or round windows
10. Shutters
11. Arched entry, balcony or breezeway entrance
12. Recessed storefront entryways
13. Shopfront (for retail uses)
14. Arcade/Gallery (for retail uses)
15. Stone or brick accent wall
16. Decorative stone or brick band
17. Decorative tile
18. Veranda, porch or balcony
19. Projected wall or dormer
20. Variation of roof lines on the building
21. Decorative caps and chimneys
22. Stone coursing around windows
23. Metal canopies
24. Fabric awnings that relate to window and door bays
25. Other features as approved the Zoning Administrator

(2) Windows. In order to ensure appropriate proportion, shape, position, location, pattern and size of windows on a building, the following shall be required:

- a. The ground floor of the primary façade shall have a minimum of 40 percent glazing. All glazing on the primary façade of the ground floor shall have a light transmittance of 70 percent.
- b. Upper floors of the primary façade shall have a minimum of 30 percent glazing.
- c. At least 25 percent of the wall area on any side or rear elevation facing a park or plaza shall consist of glazing or as permitted by the Building Code, whichever is less.
- d. To assist with energy efficiency and solar gain the requirements in this subsection may be reduced by the Zoning Administrator to the extent that the required level or location of glazing conflicts with the standards of the Building Code or a recognized green building program.

(3) Awnings and canopies. Awnings and canopies attached to buildings shall meet the following standards:

- a. Awnings and canopies shall be placed so as to avoid obscuring details of the building façade.
- b. Fabric awnings for windows shall be a drop-front style, except at arched window openings, and shall relate to each window or bay.
- c. Awnings and canopies shall be placed so that there is a minimum clearance of eight (8) feet at its lowest point when over a sidewalk or other pedestrian walkway.

d. Awnings and canopies may encroach up to 10 feet or 66 percent of the distance from the building face to the curb, whichever is less.

**Sec. 2-76. PUD (Planned Unit Development) district.**

- (a) *Purpose.* Proper private development of infill areas, as well as the comprehensive development of large areas of vacant or substantially vacant land, requires a flexible approach to be available both to the city and to the landowner. The PUD (Planned Unit Development) is intended to encourage mixed uses, allow a more flexible response to the market, and encourage innovative subdivision or site plan design that may not be explicitly accommodated by the standards contained within this code. Development within each PUD shall be ~~and promote~~ clearly superior to development in a typical zoning district with respect to design, function, and ~~which is~~ compatibility~~le~~ with adjacent land uses.
- (b) *Application.* Procedures for application of the PUD district are located in Sec. 10-22.
- (c) *Each PUD district unique.* Each designated PUD district will have unique standards and requirements that are described in the adopting ordinance for that district.
- (d) *Underlying standards and requirements.* The standards and requirements of this code shall apply in every PUD district unless specifically superseded by the standards and requirements of the PUD district.
- (e) *Clearly superior.* The following are examples of ways in which a PUD may demonstrate superior development over that which would typically occur in a traditional zoning district:
- (1) *Residential PUDs.*
- a. For single family homes, the exterior wall materials of the front and side facades shall contain a designated minimum percentage of brick or natural stone.
- b. Single family neighborhoods shall be made up of a variety of lot sizes, with a large percentage of lots exceeding the minimum Code standard.
- c. Automatic, programmable underground irrigation shall be installed with each new single family home or townhouse unit.
- d. All homes shall incorporate enhanced architectural design features, including but not limited to porches or patios, large windows, gutters and downspouts, decorative trim, and upgraded front doors, garage doors, roofing and fencing.
- e. Multifamily developments shall provide trees in an amount exceeding the minimum Code requirement.
- f. Multifamily developments shall construct public improvements such as connections to a city park or trail where possible.
- (2) *Non-residential PUDs.*

- a. Building facades facing the right-of-way shall be designed with pedestrians in mind by being oriented toward the street and sidewalk and having significant glazing on the ground floor.
- b. All on-site parking shall be provided at the rear of the lot.
- c. Sidewalks shall be constructed at a width greater than the Code minimum and shall include pedestrian-friendly features such as benches, street trees, bike racks, shade structures, public art, and decorative paving.
- d. Trees and shrubs shall be incorporated in an amount exceeding the Code minimum.
- e. Protected trees that are removed during development shall be replaced at a rate greater than that stated in the code.
- f. Compatibility buffers, where required, shall contain an amount of trees above the Code minimum and fences shall be constructed of brick or natural stone.
- g. The development shall incorporate water conservation measures such as rainwater harvesting and utilizing the city's reuse water, where available.

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**Sec. 2-77. Permitted Uses in the Mixed-Use and PUD Districts.**

Summary use table by mixed-use and PUD zoning district

Use	Zoning District					Supplementary Use Standard
	MU-1	MU-2	MU-L	<u>MU-R</u>	<u>MU-G<sup>(1)</sup></u>	
P = Permitted P/S = Permitted with supplementary use standards SE = Special Exception needed - = <del>Not permitted</del> Prohibited						
Residential Uses						
Accessory Dwelling Unit/Carriage House	-	P	P/S	<u>P</u>		2-91(a)
Apartment	-	P	-	-		
Courtyard Building	-	P	-	-		
Multifamily House	-	P	-	-		
Single Family, Attached	-	P	-	-		
Single Family, Detached	-	P/S	P	-		2-91(hh)
Townhouse	-	P	-	-		
Upper-Story Residential	P/S	P/S	-	<u>P</u>		2-91(kk)
Villa	-	P	-	-		
Public and Civic Uses						
Community/ <u>Government Service</u>	-	-	-	P/S		2-91(k)
Day Care	-	SE	-	<u>SE</u>		
Park, Community	-	P	P	<u>P</u>		
Park, Linear/Linkage	P	P	P	<u>P</u>		
Park, Neighborhood	P	P	P	<u>P</u>		
Passenger Terminal	SE	SE	-	<u>SE</u>		
Place of Worship	P	P	P	<u>P</u>		
<u>Public Safety Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Utility, Minor	P/S	P/S	P/S	<u>P/S</u>		2-91(mm)
Utility, Intermediate	P/S	P/S	P/S	<u>P/S</u>		2-91(mm)
WTF, Stealth	P/S	P/S	P/S	<u>P/S</u>		2-91(qq)
Commercial Uses						
Bed and Breakfast	-	P	P	<u>P</u>		
<u>Event Center</u>	<u>P</u>	<u>SE</u>	-	<u>SE</u>		
Hotel/Motel/Lodging	P/S	P/S	-	<u>P</u>		2-91(q)
Indoor Entertainment Activities	P/S	P/S	-	<u>P/S</u>		2-91(r)
Live/Work Units	P/S	P/S	P/S	<u>P/S</u>		2-91(t)
Office	P/S	P	P	<u>P</u>		2-91(u)
Office, Medical	-	P/S	-	<u>P/S</u>		2-91(v)
Outdoor Entertainment	P	SE	-	<u>SE</u>		
Restaurant/Bar	<u>P/S</u>	P/S	-	<u>P/S</u>		2-91(dd)
Restaurants with Outdoor Cooking Areas	P	SE	-	<u>SE</u>		
Retail Sales and Services	P/S	P/S	P/S	<u>P/S</u>		2-91(ee)

(1) All uses are permitted in the MU-G district with the exception of those listed in Sec. 2-4 and Sec. 2-75.

**Sec. 2-78. Mixed-Use and PUD districts lot and building dimensional standards.**

Mixed-use and PUD zoning districts lot and building dimensional standards chart

Description	Zoning District						
	MU-1	MU-2	MU-L	MU-R	MU-G		
					Internal Streets	Arterial Streets	Freeways
Minimum lot width	20 ft. / 24 ft.	20 ft.	-	20 ft.	25 ft.	50 ft.	50 ft.
Maximum front setback from street (ROW)	0 ft.	-	Contextual	10 ft. / Contextual	10 ft.	50 ft.	100 ft.
<u>Maximum and minimum front setback form street (ROW), for lots located on Brushy Creek or Lake Creek</u>	-	<u>N/A</u>	-	-	-	-	-
Minimum rear setback	5 ft.	5 ft.	-	5 ft.	5 ft.	5 ft.	5 ft.
Minimum side setback	0 ft.	2.5 ft.	5 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Maximum height, principal building	3 stories / 2 stories (historic buildings)	<u>8 stories / 6 stories / 4 stories / 3 stories / 50 ft.</u>	2.5 stories	3 stories / 50 ft.	5 stories	5 stories	15 stories
Maximum height, accessory buildings	-	-	15 ft./25 ft.	-	-	-	-
Maximum height, new and existing single family uses	-	2.5 stories	-	-	-	-	-
Minimum side setback, new and existing single family uses	-	5 ft.	-	-	-	-	-
Minimum front setback from street (ROW), new single family, multifamily, and buildings with non-residential uses	-	0 ft.	-	-	-	-	-
Maximum front setback from street (ROW), new single family, multifamily, and buildings with non-residential uses	-	10 ft.	-	-	-	-	-
Minimum front setback from street (ROW), expansion of	-	10 ft.	-	-	-	-	-

existing single family uses							
Maximum front setback from street (ROW), expansion of existing single family uses	-	20 ft.	-	-	-	-	-
Minimum setback from front building façade, single family garages	-	10 ft.	-	-	-	-	-
Minimum rear setback, garages and carports	-	-	5 ft.	-	-	-	-
Minimum rear setback with alley	-	-	5 ft.	-	-	-	-
Minimum rear setback without alley	-	-	20 ft.	-	-	-	-
Minimum rear setback where sharing common lot line with existing single family uses	-	-	-	10 ft.	-	-	-
Minimum setback, accessory buildings	-	-	5 ft.	-	-	-	-

**Secs. 2-79. – 2-84. Reserved.**

**ARTICLE VII. OVERLAY DISTRICTS**

**Sec. 2-85. In general.**

The overlay districts serve to protect or highlight geographically or culturally unique characteristics of the city across one or more previously established base zoning districts. An overlay district supplements, and sometimes replaces, specific development standards of the underlying zoning district. Common uses for overlay districts are to preserve the historic character of a given area or to establish a unifying architectural theme.

**Sec. 2-86. H (Historic Overlay) district.**

- (a) *Purpose.* To establish and preserve structures, sites or areas that have outstanding historical and cultural significance.

- (b) *Application.* Procedures for application of the H (Historic Overlay) district are located in Sec. 10-55.
- (c) *Designation of existing historic sites.* Any existing designated historic landmark, site or district in the city at the time of adoption of the ordinance from which this chapter is derived is designated as an H (Historic Overlay) district. Any special requirements or standards for such existing sites shall continue to apply to the H (Historic Overlay) district.
- (d) *Certificate of appropriateness required for development.* A certificate of appropriateness is required prior to commencing any development or exterior alteration in any H (Historic Overlay) district. Procedures for obtaining a certificate of appropriateness are described in Sec. 10-56.
- (e) *Each historic overlay unique.* Each designated H (Historic Overlay) district may have unique standards that are described in the adopting ordinance for that district. Standards for underlying districts remain in effect unless supplanted by the district-specific standards.
- (f) *H (Historic Overlay) district standards.* All H (Historic Overlay) districts shall be subject to the following district standards or requirements:
- (1) Any regulations for a specific H (Historic Overlay) district shall apply to all properties or structures wholly contained within that district, and to those portions of any property located within the district.
  - (2) Because the H district is an overlay district, the regulations for the underlying zoning district shall remain in effect, except as otherwise provided in this chapter.
  - (3) In case of any conflict between the regulations applicable in the underlying district and the regulations of the H (Historic Overlay) district, the regulations of the overlay district shall apply, even where the applicable regulation may not be the "higher" standard.
  - (4) The findings adopted by the city council for a specific H (Historic Overlay) district shall define the scope of the city's interest in protecting the historic resource and shall provide the guidelines to be used by the historic preservation commission, along with the applicable regulations, in considering whether to grant or deny a certificate of appropriateness.
- (g) *Minimum maintenance and duty to maintain.*
- (1) Every person responsible for ~~an improvement on~~ a structure or lot ~~within~~ with an H (Historic Overlay) district zoning shall keep the following in good repair such that its historic integrity and significance is not threatened or compromised:
    - a. All the exterior portions of such ~~improvement and any exterior portions of a structure~~ within the district that may be affected by the improvement.

- b. All interior portions of such structures~~improvement~~, which, if not maintained, may cause or tend to cause the exterior portions of such ~~improvement~~structures to deteriorate, decay, become damaged, or otherwise fall into a state of disrepair.
- c. Any other improvements on a lot with H (Historic Overlay) district zoning.
- d. The following minimum property, structural and health standards shall be used to assess whether minimum maintenance conditions have been met:
  - 1. All exterior materials including but not limited to siding, trim, masonry, chimneys and roofing shall be free of decay, securely attached, and weather-tight;
  - 2. All exterior surfaces of a structure that are vulnerable to decay shall be sealed with paint or other coatings and maintained in a manner to effectively protect these surfaces from deterioration to weather;
  - 3. Foundations shall be level so as to not cause structural stress;
  - 4. No glazing on structures shall be cracked or broken;
  - 5. Exterior doors, door frames, windows and associated trim shall be free from damage, and character-defining features intact;
  - 6. Other character-defining features such as but not limited to screens, shutters, lighting, gutters, downspouts, and hardware, shall not be damaged;
  - 7. Skirting around the structure, if any, shall be intact and in sound condition;
  - 8. Porches, balconies exterior steps, railings and other exterior features shall be maintained in a sound condition so as to maintain character;
  - 9. Fences and any structures other than the principal structure shall be free of decay;
  - 10. Dead trees and tree limbs that are reasonably capable of causing damage shall be removed;
- (2) The provisions of this section shall be in addition to all other provisions of law requiring any such improvement to be kept in good repair.
- (3) The historic preservation commission may enforce the provisions of this section at law or at equity.

(h) Prevention of demolition by neglect.

- (1) Demolition by neglect is prohibited. No person shall allow a structure on a lot with H (Historic Overlay) district zoning or its character-defining features, to deteriorate through demolition by neglect. The Historic Preservation Commission and the Chief Building Official shall examine the following to determine demolition by neglect:
  - a. Parts which are improperly or inadequately attached so that they may fall and injure persons or property.
  - b. A deteriorated or inadequate foundation.

- c. Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed.
  - d. Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration, or are insufficient to carry the loads imposed.
  - e. Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration, or are insufficient to support the loads imposed.
  - f. Fireplaces and chimneys which list, bulge, or settle due to defect or deterioration, or are of insufficient size or strength to carry the loads imposed.
  - g. Deteriorated, crumbling, or loose exterior stucco or mortar.
  - h. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken or open windows and doors.
  - i. Any fault, defect, or condition in the structure which renders it structurally unsafe or not properly watertight.
  - k. Deterioration of any unique architectural feature which would detract from the original architectural style.
- (2) Demolition by neglect procedure.
- a. Any interested party may request that the city investigate whether a property with H (Historic Overlay) district zoning is being demolished by neglect.
  - b. The Zoning Administrator and the Building Official shall prepare a report for the Historic Preservation Commission on the condition of the structure as stated in the criteria in (h)(1) above, and the repairs needed to satisfy those criteria.
  - c. The Historic Preservation Commission shall consider and take action on the report and determine whether a property is in a state of demolition by neglect. Conditions of the action shall include that the repairs be started within 30 days and be completed within one (1) year from the date of notification of the property owner.
  - d. Ineligibility for historic tax exemption. During the period of time when a property is in a state of demolition by neglect, the property owner may not be considered for a partial tax exemption for historically significant sites.
  - e. Extensions. The property owner may request annual extensions of the completion date from the Historic Preservation Commission. The Historic Preservation Commission shall require that the property owner provide a progress report in order to be considered for an extension.
  - f. If the property owner fails to begin repairs by the date in the notification letter, fails to make continuous progress toward completion, or fails to complete repairs by the date set by the Historic Preservation Commission, this zoning violation shall be forwarded to Code Enforcement for enforcement.

(Ai) Taxes. Nothing in this section shall be construed as reason for an increased evaluation of the property for purposes of ad valorem taxation because of historic designation.

**Sec. 2-87. CT (Chisholm Trail Overlay) district.**

- (a) *Purpose.* To establish and preserve areas within the overlay that have significance and interest, and to encourage commercial development that supports and complements the historic nature and general theme of the area as Round Rock's founding settlement. The city began as a trade center that grew informally at a stop on a stagecoach line during the post-pioneer, pre-railroad era. Structures originating in this era were constructed by skilled builders from raw natural materials available in the immediate area, with later additions and outbuildings of manufactured materials made available by the railroad.
- (b) *Use restrictions; permitted uses.*
- (1) All permitted uses in the C-1 district, except automobile service facilities, car washes, self-service storage, vehicle repair facilities and body shops, and vehicle sales, rental or leasing facilities.
  - (2) A single residence within a structure also containing any principal permitted use.
  - (3) Drive-throughs shall only be permitted on buildings with frontage on I-35, and entrances and exits for drive-throughs are prohibited to access Chisholm Trail Road.
  - (4) Buildings shall be restricted to 2.5 stories.
- (c) *Density and development standards.* All development within the CT (Chisholm Trail Overlay) district shall conform to the lot and building dimensions, development, and supplementary standards of the underlying zoning district, C-1 (General Commercial).
- (d) *Special criteria for site plan approval.*
- (1) All plans for new construction in the CT district are subject to the approval of the zoning administrator prior to the issuance of a building permit.
  - (2) The zoning administrator shall consider the following design criteria as part of review of building plans:
    - a. The architecture of all buildings and structures shall be compatible with the style of vernacular post-pioneer, pre-railroad 19th-century Central Texas buildings and structures typical of the Hill Country and Central Texas region. This provision shall not prohibit the construction of multi-story or multi-level structures, but shall ensure that the design of such structures is compatible with the architecture of the surrounding historic landmark buildings. These buildings are characterized by a simple primary volume with accretions of later additions and/or outbuildings, rather than a single large volume.
    - b. A minimum of 50% of the exterior finish of Aall buildings shall be ~~constructed with a limestone exterior constituting a minimum of 50 percent coverage of all building faces,~~ with the remainder to consist of wood and clear-appearing non-reflective

window/door glass. Wood siding should be in a narrow lap or board-and-batten pattern. Fiber cement siding is not considered to be wood.

- c. All structures other than buildings shall be constructed of limestone and wood to the extent practicable.
- d. Metal may be used where structurally required and shall be integrated into the design of the building or structure or shall be appropriately camouflaged. Metal may also be used in a decorative manner in keeping with the theme of the surrounding historic landmark buildings. Acceptable metal finishes shall be the same as those recommended in the Historic Design Guidelines including dark bronze or wrought iron finishes, with the exception of roofing material.
- e. Doors and window frames shall be constructed of wood or a material that looks like wood such as fiberglass. All glass for windows and doors shall be non-reflective and clear-appearing, and muntins shall not be sandwiched between layers of glass. The size, proportion and placement of windows and doors on the primary volume shall be similar to surrounding historic landmark buildings. Windows on all elevations shall be paned and evenly spaced.
- ~~f. The use of plastics shall be permitted only when no other material is suitable for a particular application and only when that application is necessary and integral to the function of a building or structure.~~
- f.e. Roofs shall be pitched with simple gables and no dormers or hips. Roofing materials may be galvanized metal, wood, tile, or such other material as may be approved by the zoning administrator. Prefinished colored metal roofing is prohibited. Only one category of roofing material shall be used on all roof surfaces of a given structure.
- g. All buildings or structures located upon a lot having frontage onto Chisholm Trail shall provide a primary pedestrian entrance and building facade on Chisholm Trail. When a lot has more than one street frontage, more than one primary entrance and building facade may be developed. In no case shall any street yard fronting Chisholm Trail give the appearance as a service entrance for a building or structure.
- h. All parking, stacking spaces for drive-throughs, and other service areas shall be located and designed so as to achieve maximum screening from Chisholm Trail.
- i. Asphalt is prohibited between the front façade of any building and Chisholm Trail Road.

**Sec. 2-88. PV (Palm Valley Overlay) district.**

- (a) *Purpose.* To establish and preserve the unique characteristics of the Palm Valley area, and to implement the design goals of the Palm Valley plan.

(b) *Special criteria for site plan approval.* In addition to complying with the site plan approval criteria listed in Sec. 10-45, any site plan in the PV district shall also comply with the following special approval criteria whenever the criteria are applicable. Failure to provide for these special approval criteria shall result in disapproval of the site plan. Site plan approval is required prior to commencing any development within the PV district.

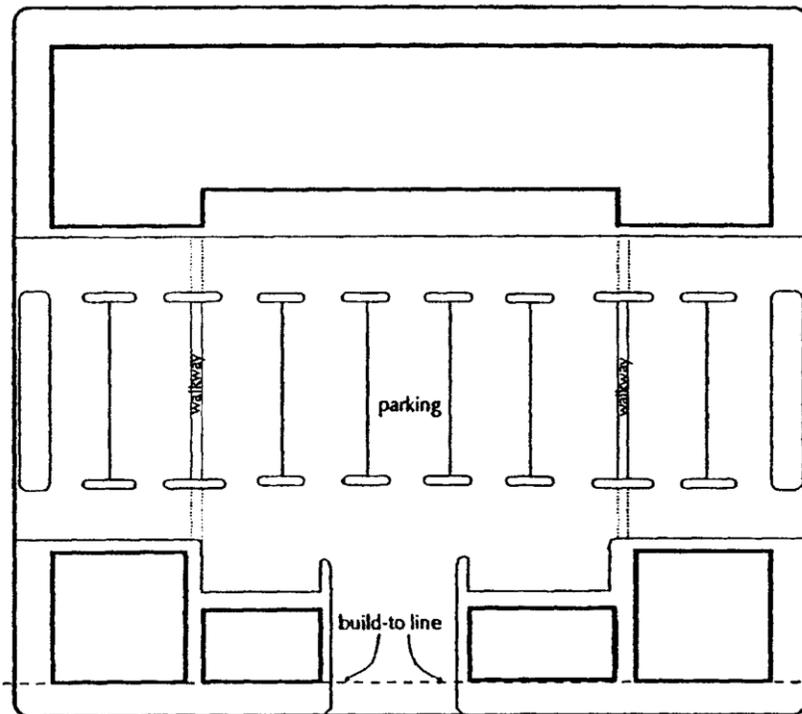
- (1) Building fronts shall be easily accessible by pedestrians from the street or sidewalk.
- (2) Public spaces shall be provided in front of buildings and protected from the street through the use of planting strips or other amenities (e.g., trees, lighting standards) and on-street parking.
- (3) Parking and vehicular circulation shall be subordinate to pedestrian access to buildings.
- (4) Developments shall promote walkability within the surrounding area.
- (5) View corridors and vistas shall be protected.
- (6) Building massing shall be addressed by breaking large structures into a series of smaller units and places.
- (7) Building facades shall be broken into small components to bring them into the human scale.
- (8) Building fronts shall encourage pedestrian activity on the street, by utilizing porches, awnings, arcades, colonnades, entries and windows.
- (9) All building elevations that front onto a street, any parking areas, or public open space shall have prominent windows.
- (10) No parking is permitted in the required front setback.
- (11) Entrances to neighborhoods shall be marked with defining architectural features as described in subsection 2-88(c)(3).
- (12) Buildings and landscaping shall incorporate unifying design themes representative of Palm Valley and consistent with subsection 2-88(c)(3).
- (13) Signs shall be consistent in style and representative of Palm Valley architectural themes.

(c) *Density and development standards.* All development within the PV (Palm Valley overlay) district shall conform to the density, development, and special standards of the underlying zoning district and the following special standards. When in conflict, the special development standards shall apply:

- (1) Build-to lines.
  - a. Build-to lines are established for all development in the Palm Valley overlay district. Build-to requirements replace minimum setback requirements in the overlay area. If no build-to requirements are established, then the applicable setback standards shall remain in force.
  - b. Fifty-five percent of the street frontage of all townhouse or multifamily residential structures shall be between 20 to 25 feet from the street edge. Townhouse or

multifamily structures located within 300 feet of single-family detached structures may not be closer than ten feet to the street.

- c. 60% of the street frontage of all structures in nonresidential districts shall be between 20 to 25 feet from the street edge. Pedestrian accessible plazas and courtyards along commercial streets may count as part of this building frontage provided that they extend to the edge of the sidewalk.
- d. Garages shall be setback a minimum of 25 feet, and may not be included in calculation of residential building frontage.
- e. With the approval of the zoning administrator, the minimum build-to lines established above may be modified to allow for pedestrian passages or protected spaces that create wider sidewalk areas for cafes, patios or other types of outdoor pedestrian activities as well as driveways and access to parking.
- f. Buildings along curved rights-of-way are required to have one or more points tangent to the build-to line. This eliminates any unintended requirement for curved walls.
- g. The build-to line may be averaged when there are two or more contiguous lots.
- h. Build-to lines do not apply to designated arterial roads.



Graphic is for illustrative purposes only.

C-1: Palm Valley Configuration

- (2) Building materials.

- a. Exterior wall finish for single-family (detached and attached) residential buildings. Metal of any type is ~~not permitted~~prohibited except horizontal, prefinished aluminum siding. Accessory buildings not exceeding 150 square feet in gross floor area are exempt from this requirement.
  - b. Exterior wall finish for townhouse, multifamily and senior residential buildings. Exterior wall finish for townhouse, multifamily and senior residential development shall be in accordance with the exterior wall finish standards listed in the townhouse, multifamily and senior zoning districts.
  - c. Exterior wall finish for nonresidential buildings.
    1. Any exterior wall facing a public right-of-way, parking area, or public open space, shall be ~~masonry, except for doors, windows and trim. Masonry shall mean~~brick, natural stone, simulated stone, stucco, or similar material approved in writing by the zoning administrator, except for doors, windows and trim. Stucco shall not comprise more than 50 percent of the exterior finish (breezeways are not included in this calculation).
    2. The exterior wall finish of all other sides of the building (not facing a public right-of-way) shall be constructed of brick, natural stone, simulated stone, stucco, architectural concrete masonry unit (CMU), ~~standard exterior insulation and finish systems (EIFS) for exterior finish above eight feet, abuse-resistant EIFS for exterior finish below eight feet,~~ concrete tilt wall, or similar material approved in writing by the zoning administrator.
- (3) Building design standards. Buildings, other than those located in an LI, I, BP or PUD base district, should be designed with characteristics of the Pioneer architectural style. Buildings shall contain one or more of the following design features from the Pioneer architectural style. These characteristics include the following:
- a. Front porches, back porches, wrap-around porches, add-on porches, and cut-out porches.
  - b. Stone walls of various stone coursing.
  - c. Gable end roofs, some hip roofs, occasional hip-gable roofs.
  - d. Pitched roofs with multiple pitch angles.
  - e. Galvanized metal roofing.
  - f. Dormer windows.
  - g. Pronounced stone chimneys.
  - h. Breezeways between parts of buildings.
  - i. Courtyards.
  - j. Small add-on structures.
  - k. Exterior stairs to upper levels.
  - l. Exposed rafters at eaves.
  - m. Rock fences.

n. Arbors.

- (4) Palm Valley overlay district additional signage standards. Signs shall meet the requirements of ~~chapter 30~~ chapter 8, article IX of this Code and shall be in harmony with the style and character of the development and shall be an integral design component of the building architecture, building materials, landscaping and overall site development.

**Sec. 2-89. – 2-90. Reserved.**

**ARTICLE VIII. USE REGULATIONS**

**Sec. 2-91. Supplementary use standards.**

(a) Accessory dwelling unit.

(1) Accessory dwelling units in the C-2 and OF-1 districts are subject to the following standards:

- a. Only one unit is permitted per platted lot.
- b. Each unit shall be occupied by the owner or manager of the principal use on the same lot.
- c. Each unit shall be subject to the density and development standards for principal structures of the district in which it is located.

(2) Accessory dwelling units/carriage houses in the MU-L district are subject to the following standards:

- a. Detached units shall not exceed 450 square feet per floor.
- b. Units that are above a garage may occupy the same footprint of the garage, excluding balconies, landings, and similar structures, with a maximum area of 625 square feet.
- c. The design and materials shall be compatible with the principal structure on the lot.

(b) *Amenity center.*

(1) Amenity centers located in residential districts ~~and in the C-2~~ district shall have their principal vehicular entrance and exit on a collector street. Amenity centers shall be operated by the property owners' association.

~~(2) Amenity centers in the C-2 district shall be located on sites larger than two acres.~~

(2) Amenity centers are permitted in the BP district provided they serve the employee population. The site shall be larger than two acres and shall have principal vehicular entrance and exit on a street internal to the business park.

(c) *Apartment.* Apartments in the SR district are restricted to senior housing.

- (d) *Assisted living.* Assisted living facilities in the SR district are limited to facilities that function as senior housing.
- (e) *Auto body and painting shops and large vehicle and equipment repair facilities.*
- (1) All activities shall be conducted within an enclosed building.
  - (2) All damaged vehicles shall be enclosed behind a minimum six-foot screening fence.
  - (3) Buildings shall not be less than 100 feet from the boundary of any SF-R, SF-1, SF-2, SF-3, SF-D, TF, TH, SR, MF-1, MF-2, or MF-3 district.
  - (4) No facilities shall be permitted to have bay doors facing an SF-R, SF-1, SF-2, SF-3, SF-D, TF, TH, SR, MF-1, MF-2, or MF-3 district.
- (f) *Auto sales, rental or leasing facilities.*
- (1) Auto sales, rental or leasing, including trucks and recreational vehicles, shall be subject to the following additional standards:
    - a. Fixed lighting shall be so arranged to prevent direct glare of beams onto any adjacent public or private property or street.
    - b. Repairs shall be performed only within a principal building.
    - c. Screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property, to block any view of the use, its operations and stored materials and equipment from all points on such residential property when viewed from a point six feet above ground level.
    - d. Outdoor display of vehicles shall be set back a minimum of 20 feet from all lot lines abutting residentially zoned or developed property.
    - e. Landscaping shall be in accordance with Sec. 8-10.
    - f. Facilities located in the BP district are restricted to limited vehicle renting with eight available vehicles located on-site at any given time.
  - (2) Auto sales are ~~not permitted~~ prohibited in the C-1a district, unless the use is located on a lot with frontage on IH-35 and shall be subject to the standards provided in subsection (e)(1) of this section.
- (g) *Auto service and repair facilities.*
- ~~(1)~~ — Facilities are permitted subject to the following conditions:
- ~~(1)~~ a. All services and repairs shall be conducted within an enclosed building.
  - ~~(2)~~ b. Outdoor storage of vehicles is prohibited.
  - ~~(3)~~ e. Buildings shall not be less than 50 feet from the boundary of any SF-R, SF-1, SF-2, SF-3, SF-D, TF, TH, SR, MF-1, MF-2, or MF-3 district.

~~(4)d.~~ No automobile service and repair facility shall be permitted to have bay doors facing an SF-R, SF-1, SF-2, SF-3, SF-D, TF, TH, SR, MF-1, MF-2, or MF-3 district.

~~(2) — Auto service and repair facilities in the C-2 district are restricted to gas stations (without vehicle repair/service bays) developed in conjunction with a retail convenience store.~~

(h) *Bed and breakfast.*

(1) A bed and breakfast shall be subject to the following standards:

- a. A maximum of six guest rooms shall be provided in any one bed and breakfast establishment.
- b. No food preparation, except beverages, is allowed within individual guest rooms. Meal service shall be provided to overnight guests only.
- c. Preparation and service of food for guests shall conform to all applicable regulations of the state and the city.

(2) A bed and breakfast located in the SF-2 or SF-D district shall be subject to the following additional standards:

- a. A bed and breakfast located in an SF-2 district shall be in the downtown development area.
- b. The operator of the bed and breakfast shall be a full-time resident of the dwelling in which the bed and breakfast establishment is housed.
- c. A maximum of four (4) guest rooms shall be provided in any one bed and breakfast establishment.

(i) *Car wash.*

(1) Multi-bay car wash facilities are permitted subject to the following conditions:

- a. All washing facilities shall occur under a roofed area with at least two (2) walls.
- ~~b. — Vacuuming facilities may be outside the building but shall not be in the street yard and shall not be closer than 50 feet from any residential district.~~
- ~~eb.~~ The building surfaces shall be faced with brick, natural stone, simulated stone, or architectural concrete masonry units ~~other material equal in durability and appearance.~~
- ~~d. — The building shall not be less than 100 feet from any residential district.~~
- ~~ec.~~ The building shall be set back not less than 50 feet from the front property line.
- ~~f. — All off-street parking areas shall be paved.~~
- ~~g. — Any lights used to illuminate the area shall be directed away from adjacent residential properties.~~

(2) In addition to the conditions provided in subsection (i)(1) of this section, multi-bay car wash facilities in the C-1a district and multi-bay car wash facilities in any district which share a common lot line with a single-family or two-family use are subject to the following conditions:

- a. The entrance and exit of the bays shall be aligned parallel with the primary road that the property fronts in order to limit the visibility of the interior of the bays.
  - b. The queuing area shall be screened from view from the primary road the property fronts and from adjacent single-family or two-family property lines by either a masonry wall extending from the side of the outside bay or ~~bay~~ a landscaped berm.
  - c. The building shall not be less than 100 feet from any single-family or two-family property line.
  - d. Vacuuuming facilities may be outside the building but shall not be in the street yard and shall not be closer than 150 feet from any single-family or two-family property line.
- (3) Fully automatic, single-bay car washes are only permitted as an accessory use to ~~gas stations~~ fuel sales in the C-1 and C-1a districts, and with the following conditions:-
- a. The building shall not be less than 100 feet from any residential property line.
  - b. The entrance and exit of the bay shall face as few residential properties as possible.

(j) *Commercial and general parking.*

- (1) Trucks, truck tractors, and semitrailers may not be parked in commercial or general parking lots except for panel trucks, pickup trucks, school buses and those motor vehicles necessary and accessory to the operation of uses permitted in the zoning district.
- (2) No commercial or general parking lot may be used as a towing service storage yard or as an abandoned vehicle yard.

(k) *Community/government service.*

- (1) A community/government service use located in ~~the~~ C-2, OF-1, MU-R, or any district adjacent to a residential district shall have its principal vehicular entrance and exit on a collector street or local street within 200 feet of its intersection with a collector or arterial street.
- (2) A community/government service use located in the C-2, OF-1 or MU-R district shall be limited to 2,500 square feet of gross floor area and shall not serve as a location primarily for in-person customer contact.
- ~~(3)~~ A community/government service use located in the OS district shall be set back not less than 100 feet from any property in a residential district.
- ~~(4)~~ A community/government service use located in the SR district shall be for the use of seniors.

(l) *Day care.* A day care facility shall be permitted, subject to the following conditions, in addition to the general development standards applicable in the districts:

(1) All day care facilities shall meet the minimum state requirements for such facilities.

(2) Day care facilities located in C-2 and OF-1 districts that do not have frontage on a designated arterial roadway may not exceed 5,000 square feet. All day care facilities located in C-2 and OF-1 districts shall meet following requirements as required for the size of the facility:

a. All day care facilities regardless of size shall provide a 25-foot unencumbered landscape buffer along property lines that adjoin existing or planned single- or two-family homes. However, this increased buffer shall not be required if the outdoor play/instruction area is located adjacent to a principal building elevation that is the farthest away from the single- or two-family lots.

b. All day care facilities less than 7,500 square feet shall provide a masonry fence at least six feet in height along property lines that adjoin existing or planned single- or two-family homes with a residential zoning designation.

c. All day care facilities that exceed 7,500 square feet shall provide a masonry fence at least eight feet in height along property lines that adjoin existing or planned single- or two-family homes.

d. All day care facilities that exceed 7,500 square feet shall submit a traffic impact analysis (TIA) for review and approval by the transportation division. The TIA shall address the projected traffic impacts to the surrounding neighborhood and how these impacts will be mitigated. This TIA is required regardless of whether or not the proposed facility generates at least 100 trips during the peak hour.

e. All day care facilities 10,000 square feet and larger shall require special exception approval by the zoning board of adjustment (ZBA) and shall meet the aforementioned standards.

(3) Day care facilities in the OF-2 district shall meet the following requirements:

a. The establishment may not be located in a building with no other uses.

(m) *~~Dog~~Small animal day care, indoor kennel, grooming, and training facility.* Dog day care, grooming, and training facilities in the C-2 district are subject to the following standards:

(1) ~~Small a~~Animals shall not be allowed to be dropped off or picked up except between the hours of 6:00 a.m. and 9:00 p.m.

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

(3) On sites larger than two acres, the gross floor area shall not exceed 5,000 square feet.

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

(n) *Golf courses and country clubs.* Any structure established in connection with such uses shall be set back not less than 100 feet from any property in a residential district.

~~(m) *Government facilities.*~~

~~(1) *Government facilities in the C-2 district or any district adjacent to a residential district shall have their principal vehicular entrance and exit on a collector street or local street within 200 feet of its intersection with a collector or arterial street.*~~

~~(2) *Government facilities in the C-2 district shall not exceed 1,500 square feet of gross floor area.*~~

(o) *Group home (six or fewer persons).* Group homes shall comply with state licensing requirements.

(p) *Hospital heliports.*

(1) Hospital heliports shall comply with FAA hospital heliport design standards (U.S. Department of Transportation, Federal Aviation Administration, Advisory Circular No. 150/5390-2A, as amended).

(2) Hospital heliports shall be limited in use to touchdown and lift-off areas only and shall not include maintenance, storage or refueling facilities.

(3) Touchdown and lift-off areas may be located at ground level or on the rooftop of a hospital facility.

(4) Ground level touchdown and lift-off areas shall be paved and maintained in accordance with Sec. 8-52(d).

(5) Touchdown and lift-off areas shall not be located on required parking spaces for the hospital facility.

(6) Touchdown and lift-off areas shall be shown on the site development plan submitted for the hospital facility.

(7) Touchdown and lift-off areas shall not be located within 1,000 feet of residentially zoned property.

(q) *Hotel/motel/lodging.*

(1) Hotels/motels/lodging in the MU-1 and MU-2 districts shall be subject to the following standards:

a. Exterior entrances to guest rooms shall not face a public street;

b. One hundred percent of the primary face on the ground floor of the primary structure shall consist only of lobby, reception areas, dining areas, drinking areas, and/or other facilities associated with the hotel/motel/lodging use.

(r) *Indoor entertainment activities.*

- (1) In the C-1 or C-1a districts, a freestanding 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~~are prohibited within 150 feet of a residential property line.
- (2) In the C-1 and C-1a districts, an indoor entertainment activities facility within a multi-tenant building ~~shall not be permitted~~are prohibited 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~~are prohibited within 150 feet of a residential property line.
- (3) In MU-1, ~~and~~ MU-2, ~~and~~ MU-R districts, indoor entertainment activities shall be subject to the following standards:
  - a. Video arcades with more than five (5) machines and firing ranges are ~~not permitted~~prohibited.
  - b. Outdoor rear or side patio areas shall be screened by a natural stone, simulated stone, or brick fence that is eight feet in height in MU-2 and at least six (6) feet in height in MU-1 and MU-R.  
The zoning administrator may waive the above requirement based upon a finding of any of the following:
    1. The zoning administrator determines that due to the site plan layout and/or existing conditions, potential impacts will be negligible;
    2. The zoning administrator receives a letter from the adjacent residential property owner(s) requesting that the fence not be installed; or
    3. The zoning administrator determines that existing and/or proposed vegetation will serve as an adequate screen.

~~(s) Kennel, indoor.~~

- ~~(1) Indoor kennels permitted in the C-2 district are subject to the following requirements:~~
- ~~a. On sites smaller than two acres, the gross floor area shall not exceed 2,500 square feet.~~
  - ~~b. On sites larger than two acres, the gross floor area shall not exceed 5,000 square feet.~~
  - ~~c. On sites with 50 percent or greater frontage on an arterial roadway, the gross floor area shall not exceed 7,500 square feet.~~

(s) Light industrial services, manufacturing, and assembly.

- (1) All activities shall occur within a fully enclosed building; and
- (2) Outdoor loading docks, service areas, and fleet parking are prohibited.

(t) *Live/work units.*

- (1) Live/work units permitted in the MU-1, ~~and MU-2,~~ and MU-R districts shall be subject to the following standards:
  - a. The occupant of the unit shall be the person who operates the business or trade that occupies the unit.
  - b. The unit may have nonresident employees and a commercial exterior.
  - c. The unit shall have the elements of a dwelling unit, including a kitchen and a bathroom but may not have more than one kitchen.
  - d. Home occupation requirements as provided for in Sec. 2-93(b) shall apply to a nonresidential use in a townhouse or upper-story residence.
  - e. The work component of a live/work unit shall be limited to the nonresidential uses permitted for that district in which the unit is located.
- (2) Live/work units permitted in the MU-L district shall be subject to the following standards:
  - a. The work component of a live/work unit in the MU-L district shall be limited to office or to the limited retail sales and services provided in Sec. 2-91(ee)(5).

(u) *Office.*

- (1) Office uses in the C-2 district are subject to the following requirements:
  - a. On sites smaller than two acres, office uses shall not exceed 2,500 square feet of gross floor area.
  - b. On sites larger than two acres, office uses shall not exceed 5,000 square feet of gross floor area.
  - c. On sites with 50 percent or greater frontage on an arterial roadway, office uses shall not exceed 10,000 square feet of gross floor area.
- (2) Office uses in the MU-1 district are subject to the following requirements:
  - a. Except as provided below, in the two blocks of Main Street between Mays and Sheppard, office uses are prohibited on the ground floor of all buildings. Regardless of the foregoing, office use shall be permitted on the ground floor of buildings that contain office uses on the ground floor as of July 11, 2013, which such buildings are located at the following addresses, to wit: 100 E. Main, 102 E. Main, 104 E. Main, 105 E. Main, 108 E. Main, 109 E. Main, 110 E. Main, 115 E. Main, 116 E. Main, 206 E. Main, and 212 E. Main.

(v) *Office, medical.*

- (1) ~~Emergency medical services are~~ Ambulance access ramps and other special design features for the accommodation of ambulances are prohibited.

- (2) With the exception of sleep clinics, medical offices in the MU-2, C-2, ~~and OF-1~~, and MU-R districts shall be limited to regular service hours not beginning before 7:00 a.m. and not extending past 9:00 p.m. Sleep clinics are prohibited in the MU-2 district.

(w) Outdoor entertainment. Amplified live music performed in association with a restaurant/bar is permitted by right in the C-1 and C-1a districts. All other outdoor entertainment in the C-1 and C-1a districts requires special exception approval from the Zoning Board of Adjustment.

(x) *Park, community.* Any structure established in connection with such uses shall be set back not less than 100 feet from any property in a residential district.

(y) *Park, linear and linkages.* In residential districts, any trailhead (with parking) shall be located on a collector or higher street. Trail access points, intended to serve only pedestrians from the subdivision or neighborhood, may be located on local streets.

(z) *Passenger terminal.* Passenger terminals in the C-1 and C-1a districts may not include airports.

(aa) *Places of worship.*

(1) *With accessory uses totaling less than 2,500 square feet:* Places of worship shall meet development standards and supplementary use standards for any accessory uses. They are required to have direct access to a collector or higher street.

(2) *With accessory uses totaling greater than 2,500 square feet but less than 20,000 square feet:* Places of worship shall meet development standards and supplementary use standards for any accessory uses. They are required to either front on or have direct access to a collector or higher street.

(3) *With unrestricted square footage of accessory uses:* Places of worship shall meet development standards and supplementary use standards for any accessory uses. They are required to either front on or have direct access to an arterial street.

(bb) *Research and development.* No facilities for overnight stays by human test subjects shall be provided, nor shall such overnight stays be permitted.

(cc) *Residential to office conversion.* In cases where an existing single family or two family residential structure is converted to an office use in a C-1, C-1a, C-2 or OF-1 zoning district, the following special standards shall apply. Where standards are not mentioned in this section, applicable district standards shall apply:

(1) Any architectural changes to an existing building associated with a change in use for a residential to office conversion shall reflect the original architecture, including roof, roof pitch, articulation, windows, doors, treatment and exterior finish.

- (2) Residential to office conversions shall apply only to existing structures that were formerly used as single-family or two-family residences. The existing principal building on a site establishes the allowable setbacks for a residential to office conversion. Any expansions shall be subject to the zoning district standards. Existing residential structures that were expanded after the adoption of the ordinance from which this section is derived, and prior to an office conversion, shall not be allowed to utilize these standards for a period of five years after rezoning.
- (3) A residential to office conversion may also operate as a live/work unit, as defined in Sec. 1-50, provided the work component is limited to an office use.
- (4) The hours of operation of any residential to office conversion use shall be limited to 7:00 a.m. to 8:00 p.m. for access by the public. No emergency medical services shall be permitted.
- (5) Landscaping requirements provided in Sec. 8-10, with the exception of landscape buffer requirements, apply to all residential to office conversions.
- (6) Parking.
  - a. Residential to office conversions shall have an off-street parking requirement of one space per 250 square feet of gross floor area.
  - b. If a residential to office conversion operates as a live/work unit, parking shall be calculated using the relevant office requirements for the total square footage of the structure. No additional parking spaces shall be required for the residential component.
- (7) Outdoor storage and display ~~shall not be permitted~~ is prohibited.
- (8) Fencing requirement. All residential to office conversions shall be required to install and maintain a fence constructed of masonry materials such as brick, natural stone, simulated stone, decorative reinforced concrete, or other equivalent material approved by the zoning administrator, a minimum of six (6) feet in height along every property line which abuts residential uses. The zoning administrator may waive the requirement based upon a finding of all of the following:
  - a. The zoning administrator determines that due to the site plan layout and/or existing conditions, potential impacts will be negligible;
  - b. The zoning administrator receives a letter from the abutting residential property owner requesting that the fence not be installed; and
  - c. The zoning administrator determines that existing and/or proposed vegetation will serve as an adequate screen.
- (9) Lighting.
  - a. All external lighting shall be arranged and controlled so as to deflect light away from residential areas and shall not result in any spillover to adjacent properties.
  - b. Site lighting.
    1. Freestanding fixtures shall not exceed eight feet in height and shall not be required to be concealed within an opaque housing. For parking lot lighting fixtures, if a site has greater than ten parking spaces,

freestanding fixtures may be up to 16 feet in height; however, the light source for fixtures taller than eight (8) feet shall be completely concealed (recessed) within an opaque housing.

2. Building fixtures shall not be required to be concealed within an opaque housing if located at a height of no more than eight (8) feet above grade.

c. The design of building fixtures shall be consistent with the character of the area and the style of the building.

(dd) *Restaurants/bars.*

(1) *Freestanding restaurants/bars.* In the C-1, ~~and C-1a,~~ and MU-R districts, freestanding restaurants/bars shall locate any ~~which include~~ outdoor eating, drinking, or entertainment areas, patios, ~~or~~ drive-through lanes, speaker boxes, and associated facilities ~~shall be located more than a minimum of~~ 150 feet from any residential property line. This requirement may be waived in situations where the zoning administrator determines that topography, natural features, site design, or other existing site conditions render such a setback unnecessary or impractical.

(2) *Restaurants/bars in a multi-tenant building.* In the C-1, ~~and the C-1a,~~ and MU-R districts, ~~any~~all outdoor eating, drinking, or entertaining areas, patios, ~~or~~ drive-through lanes, speaker boxes, and associated facilities with a restaurant/bar in a multi-tenant building shall be located more than 150 feet from any residential property line. This requirement may be waived in situations where the zoning administrator determines that topography, natural features, site design, or other existing site conditions render such a setback unnecessary or impractical.

(3) *Requirements for C-2.* Restaurants/bars in the C-2 district are subject to the following requirements:

- a. On sites smaller than two acres, the gross floor area shall not exceed 2,500 square feet.
- b. On sites larger than two acres, the gross floor area shall not exceed 5,000 square feet.
- c. On sites with 50 percent or greater frontage on an arterial roadway, the gross floor area shall not exceed 7,500 square feet.
- d. No drive-through service is allowed.

(4) *Requirements for BP and OF-2.* Restaurants/bars permitted in the BP and OF-2 districts are subject to the following requirements:

- a. The gross floor area shall not exceed 2,500 square feet.
- b. The establishment shall clearly be a secondary, support use for the regular operation of the business park or office building.
- c. The establishment may not be located in a building with no other uses.
- d. All outdoor eating, drinking, or entertaining areas, patios, drive-through lanes, speaker boxes, and associated facilities with a restaurant/bar shall be located

more than 150 feet from any residential property line. This requirement may be waived in situations where the zoning administrator determines that topography, natural features, site design, or other existing site conditions render such a setback unnecessary or impractical.

(5) Requirements for MU-1. No greater than 15 bars may operate at any one time in the MU-1 zoning district. Additionally, no greater than four (4) bars may operate within any single block in the MU-1 district. For the purposes of this section, a bar shall be defined as an establishment that derives greater than 50% of its gross receipts from alcoholic beverages sold for on-site consumption.

(65) *Requirements for MU-2.* Restaurants/bars in the MU-2 district shall be subject to the following requirements:

a. Outdoor rear or side dining areas shall be required to install and maintain a natural stone, simulated stone, or brick fence that is eight (8) feet in height along any shared property line with a residential use, with the exception of multi-story apartments and upper story residential.

The zoning administrator may waive the above requirement based upon a finding of any of the following:

1. The zoning administrator determines that due to the site plan layout and/or existing conditions, potential impacts will be negligible;
2. The zoning administrator receives a letter from the adjacent residential property owner(s) requesting that the fence not be installed; or
3. The zoning administrator determines that existing and/or proposed vegetation will serve as an adequate screen.

b. All restaurants/bars that serve alcohol must hold a food and beverage certificate issued by the Texas Alcoholic Beverage Commission pursuant to V.T.C.A., Alcoholic Beverage Code § 28.18.

(ee) *Retail sales and service.*

(1) Special standard for banks and pharmacies in any district. Stacking spaces, speaker boxes, service windows, and other facilities associated with a drive through lane shall be located a minimum of 150 feet from any residential property line. This requirement may be waived in situations where the zoning administrator determines that topography, natural features, site design, or other existing site conditions render such a setback unnecessary or impractical.

(2) *C-1a district.* Retail sales and service uses in the C-1a district are subject to the following standards:

a. Amusement parks or carnivals; boat sales (except on IH-35); camper sales (except on IH-35); campgrounds; flea markets; heavy equipment sales, rental and leasing; kennels; landscaping services; manufactured home sales; pawn shops; portable building sales; recreational vehicle parks; self-service storage;

sexually oriented businesses; shooting ranges; tattoo parlors; truck service or repair; and truck stops are ~~not permitted~~prohibited in the C-1a district.

- b. Resale stores in the C-1a district are ~~not permitted~~prohibited on lots with frontage on IH-35.

(3) C-2 district. Retail sales and service uses in the C-2 district are subject to the following requirements:

- a. On sites smaller than two acres, retail sales and service uses shall be limited to 2,500 square feet of gross floor area. No drive-through facilities are permitted.
- b. On sites larger than two acres, retail sales and service uses shall be limited to 5,000 square feet of gross floor area. No drive-through facilities are permitted.
- c. On sites with 50 percent or greater frontage on an arterial roadway, retail sales and service uses shall be limited to 7,500 square feet of gross floor area. Drive-through facilities are permitted for banks as long as there is an intervening building that effectively screens the drive-through area, including stacking spaces, from adjacent residences.
- d. Auto sales, rental, and leasing facilities; boat sales; camper sales; check-cashing services; flea markets; gold sales; gun sales; heavy equipment sales, rental and leasing; manufactured home sales; pawn shops; portable building sales; recreational vehicle parks; self-service storage; sexually oriented businesses; shooting/archery ranges; tattoo/piercing shops; title loan or payday loan services; truck service or repair; and truck stops are prohibited.
- e. Fuel sales is permitted with the following conditions:
  - 1. For establishments that share a common lot line with a single-family or two-family use, the number of fuel pumps is islands shall not exceed four (4) without special exception approval from the Zoning Board of Adjustment. There is no limit to the number of fuel pumps for establishments that do not share a common lot line with a single-family or two-family use;
  - 2. The canopy shall have a pitched roof with a minimum 3:12 pitch;
  - 3. Lighted bands around the exterior of the canopy are prohibited;
  - 4. Columns supporting the canopy over the fuel pumps shall be clad in brick or natural stone that is complementary to the masonry used on the exterior of the convenience store;
  - 5. No automated teller machines (ATMs) may be located outside the convenience store; and
  - 6. The hours of operation for the convenience store may not exceed 6:00 a.m. to 10:00 p.m.

(4) OF-2 district.

- a. Retail sales and services are permitted only when incorporated into the ground floor of a multi-story structure.

b. Animal boarding; art and craft studios with welding or heavy machinery; auto parts sales; auto sales, rental, and leasing facilities; boat sales; camper sales; donation centers; flea markets; fortune tellers/psychic readers; heavy equipment sales; machinery repair and services; manufactured home sales; mortuaries; pawn shops; portable building sales; self-service storage; sexually oriented businesses; shooting/archery ranges; tattoo/piercing shops; taxidermists; and title loan or payday loan services are prohibited.

(54) *BP district.* Retail sales and service uses in the business park (BP) district are restricted to commercial gyms only. They are permitted provided that they generally serve the employee population of the business park.

(65) *MU-1, ~~and~~ MU-2, and MU-R districts.* Retail sales and services in the MU-1, ~~and~~ MU-2, and MU-R districts are subject to the following standards:

- a. Animal boarding; attached wireless transmission facilities; art and craft studios with welding or heavy machinery; auto parts sales; auto repair and body shops; auto sales, rental, and leasing facilities; boat sales; camper sales; campgrounds; car washes; donation centers; flea markets; gasoline and fuel sales; heavy equipment sales; machinery repair and services; manufactured home sales; mini-warehouses; monopoles; mortuaries; pawn shops; portable building sales; recycling centers; self-enclosed monopoles; self-service storage; sexually oriented businesses; shooting/archery ranges; taxidermists; wholesale nurseries; and wrecking yards are ~~not permitted~~ prohibited.
- b. Tattoo and/or piercing shops shall be prohibited within a 500-foot radius of an existing tattoo and piercing shop, as measured from property line to property line.
- c. Gun and/or firearm shops shall be prohibited within a 500-foot radius of an existing gun and/or firearm shop, as measured from property line to property line.
- d. Veterinary clinics and animal grooming shops are prohibited in MU-1, but permitted in MU-2 and MU-R.

(76) *MU-L district.* It is the intent of the MU-L district to encourage the establishment of specialized personal services, boutique shops selling specialty items, and artisanal workshops. Therefore, retail sales and service uses are subject to the following standards:

- a. The following uses are prohibited: animal boarding; art and craft studios with welding and heavy machinery; attached wireless transmission facilities; auto parts sales; auto repair and body shops; auto sales, rental, and leasing facilities; banks including savings and loans, credit unions, and check-cashing facilities; campgrounds; car washes; donation centers; dry cleaning; flea markets; food sales with a commercial kitchen of greater than 500 square feet; fortune tellers/psychic readers; gasoline and fuel sales; gun or firearm shops; hair salons; heavy equipment sales; laundromats; machinery repair and services; manufactured home sales; mini-warehouses; monopoles; mortuaries; nail salons; pawn shops; portable building sales; recycling centers; self-enclosed monopoles;

self-service storage; sexually oriented businesses (as defined in the Code); shooting/archery ranges; tanning salons; tattoo and piercing shops; taxidermists; wholesale nurseries; and wrecking yards.

- b. All permitted uses shall have no more than 2,000 total square feet of sales floor, service areas accessible to the public, food preparation areas, and manufacturing areas.

(ff) *Schools, public and private.*

- (1) *Elementary schools, public.* Elementary schools shall have a front yard setback of not less than 50 feet, shall front on a collector street, and shall not front on an arterial street. Portable classrooms ~~shall not be permitted~~ are prohibited in any the front street yard.
- (2) *Middle schools, public.* Middle schools shall have a front yard setback of not less than 50 feet and shall front on either a major collector or minor arterial street. Portable classrooms ~~shall not be permitted~~ are prohibited in any the front street yard.
- (3) *High schools, public.* High schools shall have a front yard setback of not less than 50 feet and shall front on either a minor or major arterial. Portable classrooms ~~shall not be permitted~~ are prohibited in any the front street yard.
- (4) *Colleges, universities, business/trade, and other post-secondary educational facilities.* Colleges, universities, business/trade, and other post-secondary educational facilities shall front on either a minor or major arterial street.
- (5) *Primary/secondary, private.*
  - a. ~~No temporary buildings or structures shall be permitted at any time~~ Portable classrooms are prohibited in the front street yard.
  - b. Schools shall front on collector or arterial streets.

(gg) *Self-service storage.* Self-service storage facilities shall be allowed subject to the following standards:

- (1) In the C-1 district only multi-story facilities with internal access to storage units are allowed.
- (2) The use of the ~~facility and its~~ individual storage units shall be limited to storage purposes only.
- (3) No direct glare from any illumination on the site shall be visible from lots in any adjacent residential zoning district.
- (4) Electrical service to any individual storage unit shall be limited to a single circuit providing a maximum force of 20 amperes, with no more than one duplex outlet providing single-phase electrical service of no more than 110 volts.
- ~~(5) Each individual unit shall be directly accessible from a paved apron that is improved to the same standards generally required for off-street parking areas, and the paved apron shall include a paved extension to the pavement on an adjoining street.~~

- (56) A caretaker's residence is permitted only in the LI and I districts as an accessory use for self-storage facilities.
- (67) Each self-storage facility in the LI and I districts that abuts a designated arterial roadway shall comply with the following requirements:
  - a. Each landscaped street yard shall contain a depth of at least 25 feet.
  - b. Parking spaces shall not be located in the street yard.
  - c. 100 percent of each street yard shall be landscaped.
  - d. Each wall or fence that abuts a street yard shall be constructed of brick, natural stone, simulated stone, or other similar masonry product; but not including cinder block unless covered with stucco or similar material.
  - e. The entire tract shall be enclosed by a building wall or a six-foot perimeter fence. Any portion of said building wall or fence that is visible from the designated arterial roadway shall be constructed of brick, natural stone, simulated stone, or similar masonry product.
  - f. Storage or parking of recreational vehicles, boats, trailers, and other similar unenclosed storage is ~~not permitted~~ prohibited in any street yard and shall be enclosed by a building wall or an eight foot perimeter fence constructed in accordance with subsection (gg)(7)e. of this section.

(hh) *Single family attached and single family detached dwelling units.*

- (1) *C-1 and C-1a districts.* Single family attached (two dwelling units) and single family detached dwelling units in the C-1 and C-1a districts are permitted only in the downtown development area.
- (2) *MU-2 district.* Single family dwelling units are subject to the following standards:
  - a. A single family use that is converted to a nonresidential use shall not return to a single family use.
  - b. Single family uses shall not be required to provide on-site parking in a garage.
  - c. Nonresidential uses shall not be required to provide a compatibility buffer adjacent to single family uses.
  - d. After the 1st day of August, 2013, if a single family structure is damaged or destroyed to an extent greater than 50 percent by natural or manmade disaster, not including damage caused intentionally or negligently by the owner, the single family structure may be rebuilt according to the following density and development standards and time deadlines:
    - 1. No minimum lot area required;
    - 2. Front, side, and rear setbacks shall conform to either SF-2 or MU-2 standards;
    - 3. The exterior finish of all new buildings shall be of natural stone, ~~cast~~simulated stone, brick, ~~three-step hard coat~~ stucco, and/or fiber cement siding;

4. If the building official has not issued a certificate of occupancy within five years following the date of destruction of the single family structure, all future use of the property must conform to all MU-2 standards.
- (3) *TF district.* Single family detached dwelling units in the TF district shall comply with the lot and building dimensional standards for the SF-2 zoning district, which can be found in Sec. 2-26.

(ii) *Small-scale alcohol production.* Small-scale alcohol production in the BP district shall be subject to the following conditions:

(1) All temporary outdoor storage areas shall be screened from any public right-of-way or abutting property by an opaque wall a minimum of six (6) feet in height. The wall shall be constructed of materials complementary to the principal structure.

(jj) *Townhouses.* Townhouses in the SR district are restricted to senior housing.

(kk) *Upper story residential.*

(1) Except as provided in subsection (kk)(2) of this section, upper story residential uses are permitted subject to the following standards:

- a. In the C-1 and C-1a districts, upper story residential is permitted only in the downtown development area and the CT overlay.
- b. In the C-2 district, upper story residential uses are permitted only on sites larger than two acres.
- c. In the C-1, C-1a and C-2 districts, the residential use shall be clearly secondary to the principal commercial use. The gross floor area of the entire building shall include not more than 50 percent residential uses.
- d. In the C-1, C-1a and C-2 districts, separate designated parking spaces for use by the residential units are required. Shared parking calculations ~~shall not be permitted~~ are prohibited.

(2) Upper story residential uses in the MU-1, ~~and MU-2,~~ and MU-R districts shall comply with the following standards:

- a. For upper story residences, on-site resident parking shall be separated from customer or employee parking, reserved for residents' use only, and shall be clearly marked for such purposes.
- b. The ground floor of the building shall be occupied by nonresidential uses.
- c. The residential use shall have a separate entrance from the nonresidential uses.
- d. On the primary facade, direct access from the ground level to balconies or landings of upper story residential uses is prohibited.

(ll) *Urgent care facilities.*

(1) Urgent care facilities in the C-1 and C-1a districts that offer emergency medical services may not be located within 300 feet of an existing or zoned residential use.

(2) Urgent care facilities in the OF-1 district shall not be specifically designed to accommodate ambulances.

(mm) *Utilities.*

(1) *Minor utilities.* Minor utilities shall be treated as ground-mounted mechanical equipment and shall comply with the district-specific standards and any required landscaping standards in Sec. 8-10.

(2) *Intermediate and major utilities.* Except as provided in subsection (jj)(3) below, intermediate and major utilities are required to provide an eight (8) foot masonry fence (or alternate material approved in writing by the zoning administrator) with landscaping in compliance with Sec. 8-10. The facility shall be secured.

(3) *MU-2 district.* Major utilities in the MU-2 district shall be fully enclosed within a building.

(nn) *Veterinary clinic, livestock.*

(1) Corrals and stables may be provided solely incidental to animal hospital use and for convalescing livestock.

(2) Cremation services shall be prohibited.

(oo) *Veterinary clinic, small animals.*

(1) Any veterinary clinic, small animals in the C-2 and OF-1 districts shall be limited to regular service hours beginning at 7:00 a.m. and ending at 9:00 p.m.

(2) Kennel facilities shall be limited to indoors and incidental to animals being treated at the facility.

(3) Ancillary sales of pet care products, including but not limited to, prescription food, medications, and grooming accessories shall be limited to no more than ten percent of the gross floor area of the facility.

(4) Cremation services shall be prohibited.

(pp) *Waste-related service.* Waste-related services are permitted in the LI district, subject to the following conditions:

(1) The facility shall be visually screened from any adjacent roadways, residential districts and any other nonindustrial uses by an eight-foot perimeter fence. Any portion of the fence that is visible from the adjacent roadways shall be constructed of brick, natural stone, simulated stone, or ~~similar masonry product~~ architectural concrete masonry units.

- (2) All recycling bins shall be enclosed behind a minimum eight (8) foot screening fence.
- (3) All solid, liquid or sanitary waste collected shall be stored within an enclosed building.
- (4) All manufacturing or production of goods or energy from solid, liquid or sanitary waste or recycled materials shall be conducted in an enclosed building.
- (5) Accessory buildings shall be set back more than 100 feet from single family and two family lots.

(qq) *Wireless transmission facility (WTF)*. Wireless transmission facilities shall comply with the standards provided in Sec. 2-97.

**Sec. 2-92. Temporary uses, structures, and permits.**

- (a) *Purpose*. Temporary buildings and structures, as set forth below, are declared to have characteristics which require certain controls in order to ensure compatibility with other uses in the district within which they are proposed for location.
- (b) *Temporary buildings*. No temporary building or structure shall be erected in any required setback area.
  - (1) Temporary buildings providing classrooms for schools, religious institutions and other similar facilities may be permitted only where such buildings are part of an approved site plan for future development of the site.
  - (2) Temporary buildings, where permitted, are subject to site plan approval. The zoning administrator may require buffering or screening as set forth in Secs. 8-10 and 8-40.
  - (3) Temporary buildings shall not be placed ~~in front of the principal building, or~~ in any street yard of the principal building, with the exception of those providing classrooms for schools and places of worship, which may be placed in a side or rear street yard.
  - (4) Temporary buildings shall not interfere with on-site circulation.
- (c) *Use of model home as temporary sales office*. The following regulations shall apply to the use of model homes as temporary sales offices:
  - (1) The use of a model home as a temporary sales office may be located within residential districts as part of an ongoing residential development, provided that the office is directly and exclusively related to initial sales of dwelling units within the respective residential subdivision or development.
  - (2) The zoning administrator shall ensure that each use of a model home as a temporary sales office is issued only a temporary certificate of occupancy. The temporary certificate of occupancy shall expire in one year, except as described below or unless it is renewed by the respective real estate agency upon which the burden shall lie to demonstrate that the conditions of approval still exist.

- (3) If a model home is used as a temporary sales office, the sales office shall be removed when certificates of occupancy have been issued to 90 percent of the associated residential units.
  - (4) If any garage space has been used as office space, it shall be converted back to a garage for automobile parking prior to the issuance of a certificate of occupancy for use as a home.
  - (5) Temporary sales offices shall only be located in model homes.
- (d) *Contractors' offices and equipment sheds.* Contractors' offices and equipment sheds containing no sleeping or cooking accommodations are permitted in any district when accessory to an ongoing construction project. Such use shall be removed prior to the issuance of a certificate of occupancy for the associated construction project.
- (e) *Use of temporary buildings or temporary outdoor storage during expansion, remodeling or reconstruction.* The following regulations shall apply to the use of temporary buildings or temporary outdoor storage during expansions, remodeling or reconstruction:
- (1) The temporary buildings or the temporary outdoor storage can only be used to accommodate staff, equipment or inventory displaced by the expansion, remodel or reconstruction.
  - (2) The location of the temporary building or temporary outdoor storage must be shown on a site plan; and reviewed and approved by the zoning administrator. The location requirements are as follow:
    - a. The placement of temporary outdoor storage shall not conflict with any vehicle circulation.
    - b. The placement of temporary outdoor storage shall not conflict with any public utilities, easements or rights-of-way.
    - c. If an alternative location exists, the temporary outdoor storage shall not be placed within the street yard.
    - d. The location of the temporary building or temporary outdoor storage shall meet the accessory building requirements for that zoning district.
  - (3) Upon review and approval by the zoning administrator, a temporary use permit shall be applied for all temporary buildings and temporary outdoor storage used during the expansion, remodeling or reconstruction of an existing business.
  - (4) Separate building permits shall be obtained for the temporary building or temporary outdoor storage; and the expansion, remodel or reconstruction of the existing business.
  - (5) The temporary building or temporary outdoor storage shall be removed no later than 45 days after the issuance of the certificate of occupancy for the building permit related to the expansion, remodel or reconstruction of the existing business.
  - (6) The business undergoing the expansion, remodel or reconstruction must be an existing business and not a new business, changing businesses or changing uses.

- (7) An existing site plan for the existing business must already be on file with the city.
- (8) Temporary outdoor storage uses shall also comply with the requirements provided in Sec. 8-35.

(Code 1995, § 11.425; Ord. No. Z-05-06-23-13C1, 6-23-2005; Ord. No. G-10-08-26-9C2, art. 57, 8-26-2010; Ord. No. G-11-08-25-8A8, art. 34, 8-25-2011)

(f) Temporary portable storage units. Temporary, portable storage units are subject to the following regulations:

- (1) Location. Temporary portable storage units are prohibited in any right-of-way or easement, and must be located on an improved surface such as a paved driveway or parking lot.
- (2) Duration. Temporary portable storage units shall not remain on any residential lot for more than seven (7) consecutive days.
- (3) Shipping containers and conexes. Industrial shipping containers, sometimes known as conexes, are prohibited in any residential or mixed use zoning district except during construction, expansion, or remodeling as noted in subsection (e) above.

(g) Temporary use permits.

- (1) Applicability. Before temporary uses are permitted on private or public property, applicants shall obtain a temporary use permit from the zoning administrator that outlines conditions of operations to protect the public, health, safety and welfare. Temporary uses ~~shall not be permitted~~ are prohibited in public rights-of-way.
- (2) Temporary uses types. Temporary uses shall be deemed to include short-term or seasonal uses that are not otherwise allowed by the zoning district regulations of this Code. The following uses and activities shall be considered temporary uses:
  - a. Fundraising activities by not-for-profits. Fundraising or noncommercial events for nonprofit religious, educational or community service organizations where the public is invited to participate in the activities and which last longer than 72 hours, but not longer than 45 days. This description shall not preclude the use of existing religious institutions or other not-for-profit facilities for events conducted entirely within a building.
  - b. Other temporary uses. Other temporary uses found by the zoning administrator to comply with the provisions of this section.
- (3) Review and action by zoning administrator.
  - a. Application should be made at least 15 days in advance of the requested start date for a temporary use.
  - b. The zoning administrator shall make a determination whether to approve, approve with conditions, or disapprove the permit within ten days after the date of

application and shall determine the length of time that the permit is valid. Permits requested for a temporary building or temporary outdoor storage during expansions, remodeling or reconstruction as provided for in this section shall be valid for a period of up to one year and an extension may be requested from the zoning administrator for a period not to exceed one additional year prior to the expiration of the original temporary use permit issued. All other permits shall be valid for a period between one and 45 days.

- c. Where an application has been disapproved by the zoning administrator, the applicant shall be notified in writing of the reasons for the disapproval.

(4) *Temporary use approval criteria.* Temporary uses shall comply with the following standards:

- a. *Land use compatibility.* The temporary use shall be compatible with the purpose and intent of this Code and the zoning district in which it will be located. The temporary use shall not impair the normal, safe and effective operation of a permanent use on the same site. The temporary use shall not endanger or be materially detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.
- b. *Compliance with other regulations.* A building permit or temporary certificate of occupancy may be required before any structure used in conjunction with the temporary use is constructed or modified. All structures and the site as a whole shall meet all applicable building code, zoning district, and fire code standards and shall be promptly removed upon the cessation of the use or event. Upon cessation of the event or use, the site shall be returned to its previous condition (including the removal of all trash, debris, signage, attention attracting devices or other evidence of the special event or use).
- c. *Hours of operation and duration.* The duration and hours of operation of the temporary use shall be consistent with the intent of the event or use and compatible with the surrounding land uses. The duration and hours of operation shall be established by the zoning administrator at the time of approval of the temporary use permit.
- d. *Traffic circulation.* The temporary use shall not cause undue traffic congestion or accident potential, as determined by the city traffic engineer, given anticipated attendance and the existing design of adjacent streets, intersections and traffic controls.
- e. *Off-street parking.* Adequate off-street parking shall be provided for the temporary use, and it shall not create a parking shortage for any of the other existing uses on the site.
- f. *Public conveniences and litter control.* On-site restroom facilities are required. Adequate on-site solid waste containers may also be required. The applicant

shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the city.

- g. *Appearance and nuisances.* The temporary use shall be compatible in intensity, appearance and operation with surrounding land uses in the area, and it shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.
  - h. *Signs and attention-attracting devices.* The zoning administrator shall review all signage in conjunction with the issuance of the permit. The zoning administrator may approve signs and the temporary use of attention attracting devices that conform to the requirements of chapter 8, article VIII, of this Code.
  - i. *Other conditions.* The zoning administrator may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the temporary use.
- (5) *Expiration and lapse of approval.* If the use described in the temporary use permit has not begun within 60 days from the date of issuance, the temporary use permit shall expire and be of no further effect.

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

- (a) *Generally.* Any accessory use customarily associated with a principal use that may be permitted by right consistent with applicable provisions of this chapter may be permitted. The establishment of such accessory uses shall be consistent with the following standards in addition to any district specific requirements:
  - (1) The accessory use shall be subordinate to and serve a principal use or principal structure.
  - (2) The accessory use shall be subordinate in area, extent and purpose to the principal use served.
  - (3) The accessory use shall contribute to the comfort, convenience or necessity of occupants of the principal use served.
  - (4) The accessory use shall be located within the same zoning district as the principal use.
  - (5) Accessory uses located in residential districts shall not be used for commercial purposes other than legitimate home occupations.
- (b) *Home occupation.*

~~(1) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Bona fide residence* means the principal address and primary residence of an occupant conducting a home occupation, as determined by one of the following criteria: The registered homestead of the occupant, voter registration (precinct), address displayed on driver's license, or other state or federal registration documents identifying the principal address.~~

~~*Home occupation* means any occupation, profession, business or activity serving as an accessory use of a dwelling that constitutes all or some portion of the livelihood of a person or persons living in the dwelling and is conducted entirely within a dwelling unit or attached garage of the bona fide residence of that person or persons.~~

~~*Vehicle trip* means a single directional trip that has one origin and one destination regardless of the number of occupants in the vehicle.~~

(12) *Home occupation limitations.*

- a. The home occupation shall be conducted entirely within a dwelling unit or attached garage which is the bona fide residence of the practitioners.
- b. No person other than a person or persons who reside in the dwelling unit may participate in a home occupation on the premises.
- c. Neither the interior, nor the exterior of the dwelling shall be structurally altered so as to require compliance with nonresidential construction codes to accommodate the home occupation. No additional buildings or structures shall be added on the property to accommodate the home occupation. This provision shall not prohibit the construction of an accessory building as permitted by a residential zoning district.
- d. The home occupation shall not interfere with the use of the garage as a required parking space under this code.
- e. No equipment, goods, supplies or materials associated with the home occupation shall be displayed or stored where visible from an abutting right-of-way or at the property line of an abutting property at a point six (6) feet above the finished grade.
- f. The sale of merchandise directly to a customer on the premises shall be prohibited; provided, however, this provision shall not be construed to prohibit the following:
  1. Up to one garage sale every six (6) months.
  2. A service that involves the sale of a custom item made by the home occupant.
- g. The home occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste runoff outside the dwelling unit or on the property surrounding the dwelling unit. Commercial repair

of automobiles or engines and appliance repair ~~shall not be permitted~~are prohibited, and storage of these items shall not be allowed on the premises.

- h. The street address of the home occupation shall not be advertised through pamphlets, signs, billboards, television, radio, the internet, the phone book, newspapers or on vehicles.
- i. A home occupation shall not generate more than 24 single directional vehicle trips each day of customer-related vehicular traffic.
- j. Not more than two customers shall be permitted to conduct business associated with the home occupation at one time, with the exception of day care, which allows six children to be cared for at one time.
- k. Organized events for the purpose of displaying or modeling articles for sale shall not be conducted at a home more than six times per year.
- l. Signs shall meet the requirements of Chapter 8, article IX, of this code.

(23) *Remedies and enforcement power.* Remedies and enforcement powers shall be as described in Sec. 1, article II of this code.

(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 privateHigher 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; ~~and~~
  - 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, with the exception of Sunday and Thursday nights that coincide with a federal holiday the following day; and

d. For mobile food establishments serving a municipal parks and recreation facility, the Parks and Recreation Department shall determine the permissible duration for which each establishment may operate.

(4) *Permit required.*

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

(5) *Site location criteria.*

- a. Mobile food establishments shall not locate on public streets or in public parking lots, but may locate in an unimproved alley of a property zoned MU-1.
- b. 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.
- c. Mobile food establishments shall not locate in access drives, fire lanes, or improved alleys.
- d. Mobile food establishments shall not locate on sidewalks in or along the right-of-way without prior approval from the city. Approval may be granted if a minimum width of five (5) feet of sidewalk remains free of any obstructions.
- e. Mobile food establishments may not occupy any parking spaces needed for the minimum required parking for the primary use.
- f. Mobile food establishments shall be located a minimum of 15 feet from fire hydrants and five (5) feet from any utility box, ADA accessibility ramp, or building entrance.

(6) *Other requirements.*

- a. The mobile food establishment shall be in compliance with Williamson County & Cities Health District regulations and applicable City fire department regulations.
- b. All signage and identification for the mobile food establishment shall be on or attached to the vehicle. Menu items may be displayed on sandwich boards which are not attached to the vehicle.
- c. The mobile food establishment shall not operate during hours that the primary use is closed.
- d. All food vending transactions shall occur from the vehicle.

- e. No trash or grease shall be left at the site after the departure of the mobile food establishment, except in existing on-site containers specifically designed for such waste.
- f. Vehicles, generators, and other equipment shall be maintained so as to be in operable condition at all times.
- g. Durable exterior-grade finishes and decorations shall be utilized for all exterior materials on the vehicle and shall be maintained in accordance with minimum property, structural and health standards.
- h. Sites smaller than one (1) acre are prohibited from having more than two (2) mobile food establishments on-site at any time.

**Sec. 2-94. Limited and specific use standards.**

(a) *Generally.*

- (1) *Alcoholic beverages.* Regulations pertaining to alcoholic beverages may be found in chapter 4 of the Code of Ordinances.
- (2) *Sexually oriented businesses.* Regulations pertaining to sexually oriented businesses may be found in chapter 6, article III of the Code of Ordinances.
- (3) *Shooting and archery ranges.* Regulations pertaining to shooting and archery ranges may be found in chapter 6, article IV of the Code of Ordinances.

**Sec. 2-95. Renewable energy standards.**

- (a) *Purpose.* The purpose of this section is to facilitate the installation and construction of solar energy systems in the City of Round Rock, subject to reasonable restrictions, which will mitigate possible nuisances and preserve the public health safety, and general welfare.
- (b) *Applicability.* The requirements set forth in this section shall govern the siting of solar energy systems used to generate electricity or perform work which may be connected to the electric distribution grid, serve as an independent source of energy, or serve in a hybrid system.
- (c) *Zoning.* Solar energy systems may be permitted as an accessory structure in all zoning districts.
- (d) *Removal of defective or abandoned solar energy systems.* Any solar energy systems found to be unsafe by the building official shall be repaired by the landowner to meet federal, state and local safety standards or removed within 10 days following written notice. If any solar energy system is not operational for a period of 12 consecutive months or more, the city shall give written notice to the landowner to take corrective action within 45 days after receipt of notice. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the city deems the timetable for corrective action to be

unreasonable, the city must notify the landowner and the landowner shall remove the structure at the landowner's own expense within 30 days of receipt of notice from the city. The city shall have the authority to pursue legal action if necessary.

(e) Application Requirements.

- (1) Building permit applications for solar energy systems shall be accompanied by:
  - a. Standard drawings, and a site plan showing the location of the proposed system and the locations of all existing buildings, structures and property lines to scale along with distances;
  - b. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the adopted electrical code; and
  - c. The specifications and performance standards of the system, as provided by the manufacturer.
- (2) An engineering analysis of any structure over 20 feet in total height showing compliance with the International Building Code and certified by a licensed professional engineer shall also be submitted.
- (3) When a solar energy system will be connected to the electric distribution grid, an interconnect agreement with the electrical utility provider must be in place prior to the issuance of a building permit.

(f) Additional requirements for solar energy systems

- (1) Height
  - a. Roof-mounted systems:
    - i. Must conform to the slope of the roof and the top edge must be parallel to the roofline;
    - ii. Shall not project above the ridge of a gabled or gambrel roof;
    - iii. Shall not project more than five feet above the deck or parapet of a flat roof;
    - iv. Must screen all mounting hardware from public view; screening shall utilize the same or similar materials as the principal structure.
  - b. Ground-mounted systems shall not be higher than eight (8) feet. If located in a fenced yard or patio, height of the system shall not exceed the height of the fence.
  - c. Appurtenant components must be located within an enclosed structure or screened by the planting of one large shrub every four (4) linear feet around the boundary of the equipment.

**Sec. 2-96. Height and placement requirements.**

- (a) *Lot area.* Lot area refers to the land contained within the boundaries of the lot.
- (b) *Lot width.* Lot width is measured between side lot lines along a line that is parallel to the front lot line or its chord and located the minimum front setback distance from the front lot line.
- (c) *Setbacks.* Setbacks refer to the open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this section.
  - (1) *Features allowed within setbacks.* The following features may be located within a required setback:
    - a. Trees, shrubbery or other landscape features may be located within setbacks.
    - b. Fences and walls, provided that they are in compliance with any specific requirements of the zoning district.
    - c. Driveways and parking pads may be located in front and street side setbacks.
    - d. Sidewalks may be located in setbacks.
    - e. Utility lines, wires and associated structures, such as power poles may be located in setbacks.
    - f. Satellite dish antennas are treated as accessory buildings, and may not be placed in required setbacks for accessory buildings.
  - (2) *Corner lot vision clearance.* On all corner lots, nothing shall be erected, placed, planted or allowed to grow in such a manner to impede vision between a height of three feet and ten feet above the centerline grades of the intersecting streets in the area bounded by the curb lines of such corner lots and a line joining points along the curb lines 40 feet from the point of the intersection. See Sec. 8-10 for additional requirements.
  - (3) *Contextual setbacks.* Where 51 percent or more of the frontage within a block is occupied or partially occupied by a building or buildings with front yards of less depth than required by this chapter, the remainder of that block may be developed by observing the established front yard line, if approval thereof is granted by the zoning administrator.
  - (4) *Special setbacks.* Where setback lines have been established on any street by the appropriate approval authority of a subdivision plat, such setback lines shall prevail over the front setbacks of the underlying zoning district if greater than those required by the underlying zoning district.
  - (5) *Structures built over property lines.* Where structures are built over one or more property lines and the lots are owned by the same person, the setback requirements applicable to the property lines crossed do not apply.

- (d) *Building coverage.* Building coverage refers to the area of a lot covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections.
- (e) *Height.*
- (1) *Building height.* Building height refers to the vertical distance from the highest point on a structure to the average ground level of the grade where the walls or other structural elements intersect the ground.
  - (2) *Fences or walls.* In the case of fences or walls, height shall be measured from ground level at any point along the fence and wall.
  - (3) *Height limits.*
    - a. The maximum height permitted for a flagpole is ten feet above the maximum building height for the zoning district in which the flagpole is located.
    - b. The maximum height permitted for belfries, cupolas, spires, ~~or~~ domes or similar architectural features is twice the maximum building height for the zoning district in which the structure is located. In addition, the height of belfries, cupolas, spires, ~~or~~ domes or similar architectural features may not exceed the distance from the base of the structure to the nearest property line.
  - (4) *Exceptions to height limits.* Unless otherwise expressly stated, the height limitations of this code shall not apply to electrical power transmission lines or water tanks.

**Sec. 2-97. Wireless transmission facilities (WTFs).**

- (a) *General standards.* All wireless transmission facilities (WTFs) shall comply with the following standards:
- (1) *Location prioritization.* The city shall prioritize proposed locations for new WTFs in the following order:
    - a. Attached to an existing WTF.
    - b. Attached to a utility infrastructure, as defined in Chapter 44, article X.
    - c. Attached as a stealth WTF to an existing building or structure in a nonresidential zoning district.
    - d. Attached to an existing building or structure in a nonresidential zoning district.
    - e. Located as a freestanding stealth WTF in a permitted nonresidential zoning district.
    - f. Located as a self-enclosed monopole in a permitted nonresidential zoning district.
    - g. Located as a monopole in a permitted nonresidential zoning district.
    - h. Attached as a stealth WTF to an existing nonresidential building or structure in a residential zoning district.

- i. Attached to an existing nonresidential building or structure in a residential zoning district.
  - j. Located as a freestanding stealth WTF on a lot of a nonresidential use within a residential zoning district.
  - k. Located as a self-enclosed monopole on a lot of a nonresidential use within a residential zoning district.
- (2) *Historic regulations.* Any application to locate a WTF in an historic district or on a building or structure that is listed on an historic register shall be subject to review and approval by the historic preservation commission in accordance with Sec. 10-56.
  - (3) *Combination with other uses.* Except as provided in subsection (5) of this section, a WTF is permitted on a lot with an existing use.
  - (4) *Combination with nonconforming buildings, uses and land.* A WTF is permitted on a nonconforming building, on a lot with an existing nonconforming use, or in combination with a nonconforming use of land, provided that the WTF shall cease to operate if and when the provisions in Sec. 2-98 require that the nonconforming building, structure, use or use of land be removed, if the nonconforming use is not able to be brought into compliance with the required provisions of this Code.
  - (5) *Prohibited combination.* A WTF is prohibited on billboard signs.
  - (6) *Signage.* Advertising is prohibited anywhere on a WTF, with the exception of the minimum signage as required by the Federal Communications Commission (FCC) regulations or necessary for the operation of a WTF.
  - (7) *Identification sign.* An identification sign for each service provider responsible for the operation and maintenance of a WTF at the site, not larger than two square feet, shall be posted at a location from which it can be easily read from outside the perimeter of the WTF, and shall provide the name, address, and emergency telephone number of the responsible service provider.
  - (8) *Noise.* Equipment located at the base of a WTF shall not generate noise in excess of 75 db at the property line.
  - (9) *Automation.* Except as provided in subsection (10) of this section and during construction or an emergency, a WTF shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance.
  - (10) *Maintenance and repair.* All WTFs and associated equipment shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person. Routine testing and maintenance shall be limited to weekdays between 8:30 a.m. and 4:30 p.m. Emergency repairs shall be allowed at all times.
  - (11) *Removal.* Any WTF that is not operated for a continuous period of six months shall be considered abandoned, and shall be removed within 60 days of receipt of notice from the city of such abandonment. Each property owner and person in control of the site is responsible for removal, jointly and severally. If such facility is not removed within said 60 days, the city may remove such facility at their expense. If there are two or more users of

a single WTF, then this provision shall not become effective until all users cease operations on the facility housing the users.

- (12) *Improvement and replacement.* An existing WTF may be improved or replaced with a new WTF provided the improvements or replacement comply with the provisions of this article.
- (13) *Violations.* In addition to any other relief provided by this article, the city may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this article and other available relief.

(b) *Monopoles and self-enclosed monopoles.*

(1) *Permitted locations.*

- a. Monopoles may only be located in LI and I zoning districts, subject to the conditions set forth in this article.
- b. Self-enclosed monopoles may be located in SF-R, SF-1, SF-2, SF-3, SF-D, C-1, BP, LI, I, PF-3 and OS zoning districts, subject to the following conditions and the conditions set forth in this article:
  - 1. Self-enclosed monopoles in SF-R, SF-1, SF-2, SF-3, SF-D, C-1, BP, PF-3 and OS districts shall be located at a minimum of 200 feet from a residential property line and 100 feet from the centerline of a public right-of-way.
  - 2. Self-enclosed monopoles shall only be permitted in C-1, BP and PF-3 zoning districts on lots that are ten acres or more; or on a lot adjacent to other lots that are zoned C-1, BP and PF-3, which when combined provide the cumulative sum of ten acres or more.
  - 3. Only one self-enclosed monopole is permitted for every ten acres of contiguous development in C-1, BP and PF-3 districts. Multiple self-enclosed monopoles may be clustered together.
  - 4. Self-enclosed monopoles in BP, PF-3 and C-1 districts are permitted only in the service area at the rear or side of a building.
  - 5. Self-enclosed monopoles in BP, PF-3 and C-1 districts may not be located in a street yard or in a side or rear yard that abuts a residential use.
  - 6. Self-enclosed monopoles shall only be permitted in OS zoning districts on lots that are ten acres or more; or on a lot adjacent to other lots zoned OS, which when combined provide the cumulative sum of ten acres or more.
  - 7. Self-enclosed monopoles in OS districts must be approved by the director of the parks and recreation department.

8. Self-enclosed monopoles shall only be permitted in SF-R, SF-1, ~~and SF-2, SF-3, and SF-D~~ districts on lots used for the following nonresidential purposes: ~~churches~~ places of worship, schools or fire stations.
  9. Self-enclosed monopoles shall only be permitted in SF-R, SF-1, ~~and SF-2, SF-3, and SF-D~~ districts as a special exception in accordance with Sec. 10-53.
- (2) *Setbacks.* The standard setbacks for each zoning district shall apply to monopoles and any associated equipment, with additional setbacks or separation being required in the sections below.
  - (3) *Maximum height.*
    - a. *LI and I zoning districts.* The maximum height of a monopole in LI and I zoning districts shall be no more than 150 feet (including antenna).
    - b. *SF-R, SF-1, SF-2, SF-3, SF-D, C-1, BP, PF-3 and OS zoning districts.* The maximum height of a self-enclosed monopole in SF-R, SF-1, SF-2, SF-3, SF-D, C-1, BP, PF-3 and OS zoning districts shall be no more than 80 feet (including antenna).
    - c. The maximum height of associated equipment located at the base of a monopole or self-enclosed monopole shall be no more than ten feet.
  - (4) *Color.* Monopoles and self-enclosed monopoles shall be painted a non-contrasting gray, beige or similar neutral color minimizing its visibility, unless otherwise required by the FCC or Federal Aviation Administration (FAA).
  - (5) *Lighting.* No monopole or self-enclosed monopole shall be artificially lighted except as required by the FCC and FAA. Security lighting around the equipment shelter is permitted provided it is not visible from neighboring properties. Lighting for maintenance purposes is permitted, provided the lights are not used at any other time.
  - (6) *Screening.* The equipment shelter at the base of a monopole or self-enclosed monopole shall be screened from public view by an unpainted split-face decorative masonry wall with a minimum height of one foot greater than the height of the equipment shelter.
  - (7) *Hazardous waste.* No hazardous waste shall be discharged on the site of any monopole or self-enclosed monopole. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 100 percent of the volume of the hazardous materials stored or used on the site.
  - (8) *Collocation requirements.* New monopoles and self-enclosed monopoles shall be designed to accommodate at a minimum three WTFs, including the antennae and any associated ground-mounted equipment, unless the applicant demonstrates that such a design is not feasible for economic, technical or physical reasons. Service providers shall allow the collocation of attached WTFs by competing service providers.
  - (9) *Application requirements for site plan review and building permit.* The following steps must be taken for the application of a new monopole or self-enclosed monopole to be considered for review:

- a. Applications and all associated plans and documentation shall be submitted to the planning and development services department.
- b. The applicant shall provide an inventory of all existing WTFs used by the applicant within the city limits or its ETJ, including but not limited to the location, height and design of each existing WTF.
- c. The applicant shall demonstrate in writing that the WTF must be located where it is proposed in order to service the applicant's service area and shall address the location prioritization criteria listed in subsection (a)(1) above.
- d. The applicant shall provide evidence of written contact with all wireless service providers which supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter, as well as responses, shall be included in the application as a means of demonstrating the need for a new monopole or self-enclosed monopole.
- e. If the WTF is to be located on a lot with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that vehicular access is provided to the facility.
- f. The applicant shall provide a site plan for the proposed WTF in accordance with the requirements of Sec. 10-45, as applicable.
- g. The applicant shall provide detailed construction plans showing the design and installation of the WTF. These plans shall be sealed by a professional engineer and/or licensed architect, as applicable, and shall be in compliance with the National Electrical Code.
- h. After the WTF has been constructed, the project engineer shall provide a letter certifying that the WTF was constructed in accordance with the approved plans.

(c) *Attached WTF.*

(1) *Permitted locations.*

- a. An attached WTF may be placed on a monopole, building or structure in the SR, MF-2, MF-3, C-1, C-2, OF, BP, LI, I, MI, PF-1, PF-2, PF-3, and OS zoning districts, subject to the conditions of this article.
- b. An attached WTF may be attached to the following nonresidential buildings and structures that are permitted or accessory uses in SF-R, SF-1, SF-2, SF-3, SF-D, TF, TH, MH, MF-1 and SR residential zoning districts: Schools, churchesplaces of worship, municipal or governmental buildings or facilities or buildings or structures owned by a utility, subject to the conditions of this article.

(2) *Mounting and setbacks.* The support structure or equipment for an attached WTF shall be mounted flush with the vertical exterior of the building or structure to which it is attached

or shall project no more than 24 inches from the surface of the building or structure to which it is attached, and shall not violate the building setback requirements of the zoning district in which the building or structure is located.

(3) *Maximum height.*

- a. An attached WTF shall not extend more than ten feet above the building or structure to which it is attached and shall not violate the maximum height restriction of the zoning district in which the building or structure is located. The foregoing restriction shall not apply to WTFs attached to state, county and municipal structures.
- b. An existing WTF may be extended in order to accommodate an attached WTF. Under no circumstances shall the height of the WTF exceed 150 feet (including antenna) in LI and I zoning districts and 80 feet (including antenna) in SF-R, SF-1, SF-2, SF-3, SF-D, C-1, BP, PF-3 and OS zoning districts.

(4) *Visibility.*

- a. Equipment associated with roof-mounted WTFs shall be screened from public view. Screening shall utilize the same or similar materials as the principal structure. If roof decks with mechanical equipment are visible from any level of adjacent buildings, the mechanical equipment must be painted to match the finished roof material.
- b. Attached WTFs that are side-mounted shall blend with the existing building's architecture and shall be painted or shielded with material that is consistent with the design features and materials of the building.
- c. All cabinets, boxes and WTF associated equipment that is not roof-mounted or side-mounted shall be located underground, unless it is so designed and located that it is not visible from a street.

(5) *Application requirements for site plan review and building permit.* The following steps must be taken for the application of a new attached WTF to be considered for review:

- a. Applications and all associated plans and documentation shall be submitted to the planning and development services department.
- b. The applicant shall provide an inventory of all existing WTFs used by the applicant within the city limits or its ETJ, including but not limited to the location, height and design of each existing WTF.
- c. The applicant shall demonstrate in writing that the attached WTF must be located where it is proposed in order to service the applicant's service area and shall address the location prioritization criteria listed in subsection (a)(1) above. If the applicant is applying for a permit in a residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zoning district.
- d. If the applicant is proposing to attach the WTF to any building or structure other than an existing WTF, the applicant shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the

proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter, as well as responses, shall be included in the application as a means of explaining why the proposed attached WTF cannot be located on an existing WTF.

- e. The applicant shall present documentation that the owner of the building or structure to which the WTF will be attached has granted permission for the proposed facility to be attached and maintained.
- f. If the attached WTF includes associated equipment that is ground-mounted, the applicant shall provide a site plan for the proposed WTF in accordance with the requirements of Sec. 10-45, as applicable.
- g. If the applicant is proposing to install a roof-mounted WTF, the planning and development services department shall be provided with an engineer's certification that the roof will support the proposed WTF and associated roof-mounted equipment.
- h. The applicant shall provide detailed construction plans showing the design and installation of the WTF. These plans shall be sealed by a professional engineer and/or licensed architect, as applicable, and shall be in compliance with the National Electrical Code.
- i. After the WTF has been constructed, the project engineer or architect shall provide a letter certifying that the WTF was constructed in accordance with the approved plans.

(d) *Stealth WTF.*

(1) *Permitted locations.*

- a. A stealth WTF may be located in the SR, MF-2, MF-3, C-1, C-2, OF, BP, LI, I, MI, PF-1, PF-2, PF-3, OS, MU-1, and MU-2 zoning districts, subject to the conditions of this article.
- b. A stealth WTF may be attached to a nonresidential building or structure that is a permitted or accessory use in SF-R, SF-1, SF-2, SF-3, SF-D, TF, TH, MH, MF-1, SR, and MU-L zoning districts, including but not limited to, a homeowners' association amenity center, a school, a church, a municipal or governmental building or facility, an agricultural building or a building or structure owned by a utility, subject to the conditions of this article.

- (2) *Setbacks.* The standard setbacks for each zoning district shall apply to all stealth WTFs. To protect citizens in their homes, freestanding stealth WTFs shall be placed a minimum distance equal to the height of the freestanding stealth WTF away from any residential structure. No guy wires may be used.

- (3) *Maximum height.* The maximum height of a stealth WTF shall be determined by the height limitations stated in Chapter 2 for the type of structure the WTF resembles.
- (4) *Visibility.* The antenna and associated equipment of a stealth WTF shall be screened, disguised, concealed or otherwise camouflaged as part of a structure such that the antenna and associated equipment of the WTF are indistinguishable from the structure that it is attached to or within. If the zoning administrator determines that the associated equipment cannot be feasibly or adequately camouflaged due to the unique circumstances of the proposed location, it shall be placed underground; or it may be screened from view from the public right-of-way and adjacent properties by an unpainted decorative masonry wall with a minimum height of one foot greater than the height of the equipment shelter. In zoning districts other than LI, I, and PF-3, the required masonry wall shall be screened by planting one five-gallon or larger size shrub for every three linear feet around the boundary of the wall. Shrubs shall be a minimum height of 2.5 feet at installation.
- (5) *Application requirements for site plan review and building permit.* The following steps must be taken for the application of a new freestanding or attached stealth WTF to be considered for review:
- a. Applications and all associated plans and documentation shall be submitted to the planning and community development department.
  - b. The applicant shall provide an inventory of all existing WTFs used by the applicant within the city limits or its ETJ, including but not limited to the location, height and design of each existing WTF.
  - c. The applicant shall demonstrate in writing that the stealth WTF must be located where it is proposed in order to service the applicant's service area and shall address the location prioritization criteria listed in subsection (a)(1) above. If the applicant is applying for a permit in a residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zoning district.
  - d. The applicant shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter, as well as responses, shall be included in the application as a means of explaining why the proposed stealth WTF cannot be located on an existing WTF and as a means of demonstrating the need for a new stealth WTF.
  - e. If a stealth WTF is to be located on a lot with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that vehicular access is provided to the facility.

- f. The applicant shall provide an artist's rendering of the proposed stealth WTF, along with images of comparable structures, both of similar stealth WTFs and of the actual structures that the WTF will be mimicking.
  - g. The applicant shall provide detailed construction plans showing the design and installation of the WTF. These plans shall be sealed by a professional engineer and/or licensed architect, as applicable, and shall be in compliance with the National Electrical Code.
  - h. Applications for attached stealth WTFs with ground-mounted associated equipment and applications for freestanding stealth WTFs shall also include a site plan for the proposed WTF in accordance with the requirements of Sec. 10-45, as applicable.
  - i. After the stealth WTF has been constructed, the project engineer or architect shall provide a letter certifying that the stealth WTF was constructed in accordance with the approved plans.
- (6) *Criteria for approval.* The zoning administrator shall determine whether or not a proposed stealth WTF is sufficiently camouflaged based on the type, size, scale and appropriateness of the structure that the stealth WTF will resemble in relation to the architectural and land use context in which the stealth WTF is located.

**Sec. 2-98. Nonconformities.**

- (a) *General regulation.* Except as specified in this section, any use, building or structure existing at the time of enactment of this chapter or classification amendment applicable to its use, may be continued even though such use, building or structure may not conform with the provisions of this chapter for the district in which it is located; provided, however, that this section shall not apply to any use, building or structure established in violation of this chapter or ordinance previously in effect in the city.
- (b) *Nonconforming lots of record.* In any district in which single family dwellings are a permitted use, a single family detached dwelling that complies with the restrictions below may be erected on a nonconforming lot that is not less than 30 feet in width, consisting entirely of one tract of land of not less than 3,000 square feet, and that meets each of the following conditions:
  - (1) Has less than the prescribed minimum lot area, width and depth, or any of them.
  - (2) Is shown by a recorded plat or deed to have been a lot of record owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, depth and width at such location would not have been prohibited by any zoning or other ordinance.
  - (3) Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been ~~not permitted~~prohibited by the applicable zoning ordinance or other ordinances.

(c) *Nonconforming buildings, uses, and land.* Prior to the issuance of any building or development permit, all nonconforming buildings, structures and uses shall be removed or brought into compliance with all provisions of the code except as follows:

(1) *Nonconforming buildings and structures.*

- a. Normal repairs and maintenance may be made to a nonconforming building or structure; provided that no structure alterations shall be made except those required by law or ordinance or those necessary for installing or enclosing required sanitary facilities, such as toilets and bathrooms.
- b. Unless otherwise provided, a nonconforming building or structure shall not be added to or enlarged in any manner unless such additions and enlargements meet the requirements of the district in which such building or structure is located.
- c. A nonconforming building or structure shall not be moved in whole or in part unless every portion of such building or structure is made to conform to all regulations of the district in which it is to be located.
- d. If a nonconforming building or structure has been damaged or destroyed to an extent greater than 50 percent of its fair market value (as determined by the most recent appraised value of the appraisal district in which the building or structure is located), such building or structure and its use, if repaired or replaced, shall conform to all regulations of the district in which it is located, and it shall be treated as a new building.
- e. Where the building official determines that a nonconforming building or structure has been damaged or destroyed to an extent greater than 50 percent of its fair market value (as determined by the most recent appraised value of the appraisal district in which the building or structure is located) and denies a building permit for reconstruction on the basis of a nonconforming use, an applicant for a permit shall have the right of appeal to city council within 15 days after receipt of notification of such action. The applicant shall be advised by the city secretary of the time and place of the hearing at which the appeal will be considered and that the applicant shall have the right to attend and be heard as to reasons for filing the appeal. In determining the time and place of the hearing the city secretary shall cause a public notification to be published in the official newspaper describing the requested development, a minimum of ten days prior to the hearing; and cause certified letters to be sent to all property owners within 200 feet of the boundary of the parcel of land for which the building permit is being applied for. In determining whether to allow the issuance of a building permit, the city council shall determine that each of the following standards has been met:
  1. It will not be contrary to the public interest.
  2. It will be in harmony with adjacent land uses.

3. It will not adversely affect the public health, safety and welfare.
- f. A vacant, nonconforming building or structure lawfully constructed before the date of enactment of this section may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period of 90 days after the effective date of the ordinance from which this section is derived. The use of a nonconforming building or structure lawfully constructed before the date of enactment of this section which becomes vacant after the effective date of the ordinance from which this section is derived, may be re-occupied by the use for which the building or structure was designed or intended, if so occupied within a period of 90 days after the building or structure becomes vacant. All such buildings, after 90 days of vacancy, shall be converted to a conforming use.
- (2) *Nonconforming uses.* The nonconforming use of a building or structure may be continued as hereinafter provided:
- a. The nonconforming use of a building or structure may not be changed to a use which does not conform to the requirements of the district in which it is situated.
- b. A nonconforming use of a conforming building or structure shall not be extended or expanded into any other portion of such conforming building or structure, nor changed except to a conforming use. If such nonconforming use or portion thereof is voluntarily discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall conform to the regulations of the district in which such building or structure is located.
- (3) *Nonconforming use of land.* The nonconforming use of land existing at the time of the effective date of the ordinance from which this section is derived may continue as hereinafter provided:
- a. A nonconforming use of land shall not be expanded, extended, or changed to some other use not in compliance with the regulations of the district in which the land is situated.
- b. If a nonconforming use of land or any portion thereof, is voluntarily discontinued for a period of 90 days, any future use of such land or portion thereof shall be in conformity with the regulations of the district in which such land or portion thereof is located.
- (4) *Abandonment.* The nonconforming use of building, structure, or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when:
- a. The intent of the owner to discontinue the use is apparent, for example by termination of utility services;
- b. The characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 90 days;
- c. A nonconforming building, structure, or land, or portion thereof, which is, or hereafter, becomes vacant and remains unoccupied for a period of 90 days; or

- d. A nonconforming use has been replaced by a conforming use.
- (5) *Change in district boundaries.* Whenever the boundaries of a zoning district shall be changed as to transfer an area from one district to another district, or when the boundaries of districts are changed as the result of annexation of new territory, or changed in the regulations or restriction of this section, the foregoing provisions relating to nonconforming uses shall also apply to any uses existing therein which may become nonconforming.

**Sec. 2-99. Air conditioning units.**

- (a) *Purpose and intent.* The purpose of this section is to set forth requirements regarding the installation of air conditioning units in residential properties.
- (b) *Applicability.* This section shall apply to all residential properties within the city limits and in areas where this section is in effect by contractual agreement.
- (c) *Requirements.* Air conditioning units are prohibited from being installed in a wall that is facing a public street.

## Chapter 4 SUBDIVISIONS DESIGN AND CONSTRUCTION

### ARTICLE I. IN GENERAL

#### Sec. 4-1. Title.

- (a) It shall be the policy of the city to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the city pursuant to the general plan for the orderly, planned, efficient and economical development of the city.

#### Sec. 4-2. Statutory authority.

- (a) This chapter is adopted under the authority of the state Constitution and laws, particularly V.T.C.A., Local Government Code ch. 212, "Municipal Regulation of Subdivision and Property Development"; other applicable chapters of this Code; and any other authority provided by law, or as such statutes may be amended.
- (b) Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to the city.

#### Sec. 4-3. Applicability and jurisdiction.

- (a) The owner of any tract of land within the corporate limits of the city or within the extraterritorial jurisdiction of the city as prescribed by state law, as amended, who intends to develop an addition to the city or who divides any tract in two or more parts to lay out a subdivision of the tract of land, to lay out suburban building or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use for or the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts, must have a plat of the subdivision or addition prepared, approved and recorded in accordance with the requirements of this Code. A division of a tract of land under this Code includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of a tract of land under this Code does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

#### Sec. 4-4. Exceptions.

- (a) A plat is required for any tract of land divided into two or more parts, as provided for in Sec. 4-3 above, except as provided in the Texas Local Government Code or for the following:

- (1) The division of land into parts greater than five acres each, each part having access to a public street, where no public improvement is dedicated;
- (2) The acquisition of land by the city, county or state for public facilities; or
- (3) The acquisition of land by a public utility for the purpose of providing or housing needed infrastructure in order to provide utility service to an immediate area.

**Sec. 4-5. Purpose.**

- (a) The provisions of this chapter are adopted to protect and provide for the public health, safety and general welfare of the city as provided below:
  - (1) To guide the future growth and development of the city in accordance with the general plan;
  - (2) To establish reasonable standards of design and procedures for plats and replats of land in order to further the orderly layout and use of land;
  - (3) To ensure that developers provide for the required public improvements attributable to development;
  - (4) To prevent the pollution of air and water; to assure the adequacy of drainage facilities; to safeguards the underground water reserves; and to encourage the use and management of natural resources throughout the city;
  - (5) To provide for parkland and open spaces through the most efficient design and layout of the land;
  - (6) To ensure that land is subdivided to provide for uses of land for which market demand exists and which are in the public interest;
  - (7) To prevent the creation of divisions of land or development of substandard public improvements in violation of this chapter; and
  - (8) To minimize the long-term costs to the city for repair and maintenance of public improvements.

**Sec. 4-6. Planning and zoning commission.**

- (a) The planning and zoning commission of the city, pursuant to Sec. 12.04 of the City Charter, is vested with the authority to review, approve, conditionally approve, and disapprove applications for the plats of land as provided in this Code.

**Sec. 4-7. Standards for approval.**

- (a) The planning and zoning commission shall approve a plat if it conforms to the general plan and to the requirements of this Code while taking into account access to and extension of the city water system, reuse water system (if applicable), wastewater system, and stormwater drainage facilities. In rendering its decision, the planning and zoning commission shall also consider the

location of current and future streets, alleys, parks, easements, and other required public facilities within the city and its ETJ.

**Sec. 4-8. Interpretation and validity.**

- (a) The provisions of this chapter shall be considered to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be interpreted and construed broadly to promote the purposes within Sec. 4-5 above.
  - (1) *Public provisions.* These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in this chapter. Where any provision of this chapter imposes restrictions different from those imposed by any other provision of this chapter or any other ordinance, rule or regulation or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
  - (2) *Private provisions.* These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this chapter shall govern. Where possible, private provisions not inconsistent with the requirements of this chapter shall be operative and supplemental to these regulations.

**Sec. 4-9. Permit issuance.**

- (a) *Building permits.* Except as provided below, no building permits, certificates of occupancy, or other permits of any kind shall be issued by the city for the construction or development of any parcel of land until a plat has been recorded in accordance with this chapter and the requirements of Chapter 8, article X, Buildings and Building Regulations, have been satisfied.
  - (1) A plat is not required for the construction of a wireless transmission facility on a parcel of land.
  - (2) A plat is not required for the construction of a building or structure on property zoned AG; provided that no on-site or off-site public improvements are needed to serve the parcel of land.
  - (3) A plat is not required for any modification to an existing structure if said modification is within the existing footprint of said structure.
  - (4) A plat is not required for expansion to existing structures or site modifications, unless said expansion or site modification triggers a traffic impact analysis, requires extension of city utilities or roadways, or requires floodplain delineation as set forth by this Code.
  - (5) A plat is not required for new installation, repair, replacement, or removal of a sign.
  - (6) A plat is not required for the issuance of a subdivision improvement permit.

(7) A plat is not required for the issuance of a grading permit.

- (b) *Certificate of occupancy.* Whenever a plat is required by this Code, no certificate of occupancy shall be issued for a building on a lot within a plat until such time that the required public improvements serving all lots within the recorded plat have been completely installed, inspected, and accepted by the city as required in article VIII of this chapter.

**Sec. 4-10. Connection of utilities.**

- (a) *Generally.* A tract of land may not be served or connected with city utilities unless a plat has been approved and recorded for said tract of land, nor shall the city have any obligation to extend utility service to any parcel created in violation of this Code.
- (b) *Applicability.* This section shall not apply to a tract of land that was first served or connected with the city's utilities prior to January 1, 1970.

**Sec. 4-11. Non-recorded subdivisions.**

- (a) *Purpose.* The city council finds that strict compliance to the regulations of this Code for certain non-recorded subdivisions may result in undue hardship. The city council shall designate such non-recorded subdivisions by resolution duly adopted. So that the purposes of this Code may be fulfilled, the city council may modify the requirements of this Code's regulations for those non-recorded subdivisions so designated.
- (b) *Criteria for recognition of non-recorded subdivisions.*
- (1) *Required findings.* The city council shall recognize a non-recorded subdivision and authorize the modification of the requirements of this Code when an unnecessary hardship would result from the strict enforcement of this Code. In granting a modification from the requirements of this Code, the city council shall prescribe only conditions it deems not prejudicial to the public interest. Modifications from the requirements of this Code shall only be granted if the city council finds all of the following:
- a. *Extraordinary conditions.* That there are extraordinary or special conditions affecting the tract of land involved such that strict application of the provisions of this Code would cause undue hardship.
  - b. *Application of a substantial property right.* That the modification from the requirements of this Code is necessary for the preservation and application of a substantial property right of the developer.
  - c. *Substantial detriment.* That granting modification from the requirements of this Code will not be detrimental to the public health, safety or welfare, injurious to other property in the area or to the city in administering this Code.

- d. *Other property.* That these conditions do not generally apply to other tracts of land in the vicinity.
  - e. *Developer's actions.* That the conditions are not the result of the developer's own actions.
  - f. *General plan.* That granting modifications from the requirements of this Code will not substantially conflict with the general plan and the purposes of this Code.
- (2) *Profitability not considered.* The fact that the tract of land would be of more value should modification from the requirements of this Code be granted may not be considered as grounds for recognizing the tract of land as a non-recorded subdivision.

**Sec. 4-12. Certification regarding compliance with plat requirements.**

- (a) On the written request of a developer, a utility provider, or a governing body, and in compliance with V.T.C.A., Local Government Code § 212.0115, the PDS director shall make the following determinations regarding the tract of land identified in the request:
  - (1) Whether a plat is required under this Code for the tract of land; and
  - (2) If a plat is required, whether it has been prepared and whether it has been reviewed and approved by the planning and zoning commission or PDS director, as applicable.
- (b) If the PDS director determines that a plat is not required, a written certification of that determination shall be issued to the requesting party. If the PDS director determines that a plat is required and that the plat has been prepared and has been reviewed and approved by the planning and zoning commission, or PDS director where administrative approval is authorized, the PDS director shall issue to the requesting party a written certification of that determination.
- (c) The PDS director shall make a determination within 20 days after the date the written request is received and shall issue a written certification of that determination within ten days after the date the determination is made.

**Sec. 4-13. Enforcement, violations and penalties.**

- (a) *Generally.*
  - (1) The PDS director shall have the primary responsibility to enforce these regulations and to bring to the attention of the city attorney, and any other appropriate authority, any violations or lack of compliance with these regulations. Any department, agency, employee or enforcement officer of the city having information regarding an alleged violation of this chapter shall report that information to the PDS director.

- (2) No owner or owner's agent of any parcel of land located in a proposed final plat shall transfer or sell any part of the parcel before a final plat is duly recorded with the county clerk, as provided by Sec. 10-35, recordation procedure.
- (b) *Violations and penalties.* It shall be unlawful for any person to fail to comply with or violate any section or subsection of this chapter. A fine or criminal penalty prescribed by this chapter does not apply to a violation in the ETJ. The PDS director shall report violations to the city manager and county judge to determine what action is deemed proper.
- (c) *Civil enforcement.* The PDS director shall report violations to the city manager to determine what action is deemed proper, and the city attorney is hereby authorized, without further authorization from city council, to file suit in district court, in addition to any criminal penalties to enjoin the violation of any provision of this chapter. Appropriate actions and proceedings may be taken by the city in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building, structure or premises. These remedies shall be in addition to the penalties described in this section.

**Sec. 4-14. Subdivision fees.**

- (a) Subdivision fees under this chapter shall be as currently established or as hereafter adopted by resolution of the city council from time to time.
- (b) Inspection fees for public improvements and/or private streets shall be equal to 1½ percent of the actual total construction costs of installing and constructing the public improvements and/or private streets being inspected. The amount of the inspection fees for public improvements and/or private streets shall be sealed by the developer's engineer and approved by the PDS director.

**Secs. 4-15. – 4-25. Reserved.**

**ARTICLE II. SUBDIVISION DESIGN AND GENERAL REGULATIONS**

**Sec. 4-26. General design principles.**

- (a) Subdivisions in Round Rock shall be designed with consideration for the wellbeing of the citizens and natural environment of the city. The following general subdivision design principles shall be followed for new subdivisions:  
~~The arrangement of lots and blocks and the street system shall be designed to make the most advantageous use of topography and natural, environmental and physical features.~~
  - (1) Tree preservation and the use of significant trees as a design feature shall be a priority.

- (2) Monarch trees shall serve as focal points with streets and lots designed to take advantage of their presence.
- (3) Sharp elevation changes, bluffs, and similar topographical features shall be accentuated.
- (4) Creeks and streams shall be preserved in their natural state.
- (5) Historic sites shall be made accessible to the public.
- (6) The following additional design standards apply to new subdivisions containing more than 100 residential lots:
  - a. Open spaces with active and passive recreation opportunities shall be easily accessible to all lots.
  - b. Connections to existing parks and trails adjacent to the subdivision shall be accommodated and maintained.
  - c. Pathways, greenbelts, and similar spaces shall be used to break up long blocks and allow pedestrian connectivity throughout the subdivision.
  - d. A variety of lot sizes shall be incorporated.
  - e. New lots located adjacent to existing residential neighborhoods shall be comparable in size to the adjacent lots.

#### **Sec. 4-27. Design and construction standards.**

- (a) The Design and Construction Standards are adopted by ordinance by the city council. All public improvements required by this article shall be constructed and installed in accordance with the Design and Construction Standards to meet or exceed such standards. A subdivision or addition, or any portion thereof, which is within a floodplain as identified in the flood insurance rate maps published by the National Flood Insurance Program, shall meet any Federal Emergency Management Agency (FEMA) requirements for stormwater drainage facilities. To the extent that there is any conflict between any of the minimum standards provided in the Design and Construction Standards or the FEMA requirements, whichever imposes the more stringent restrictions shall prevail. Whenever any standards in the Design and Construction Standards are in conflict with the provisions of this article, the provisions of this article shall govern.

#### **Sec. 4-28. Easements.**

- (a) *General provisions.* The developer shall dedicate easements that allow approved lots within the addition or subdivision to have access to all public utilities. Where necessary to adequately serve the addition or subdivision with public utilities, easements shall be dedicated for all public utilities including water lines, reuse water lines, wastewater lines, and stormwater drainage facilities and associated appurtenances. Such easements shall be provided as deemed necessary by the planning and zoning commission. Easements shall be dedicated according to the requirements delineated in the development packets.

- (b) *Location and widths.* Easements shall be appropriately located and of sufficient width to accommodate the required utilities. All easements for city utilities shall conform to the Design and Construction Standards. The width of the public utility easement required by the development packet for platting procedures in the downtown area may be altered by the zoning administrator to meet building setbacks.

**Sec. 4-29. Subdivision identification signs.**

- (a) Subdivision identification signs shall conform to the provisions of chapter 8, article IX, Signs. The colors and materials selected for subdivision identification signs shall be complementary to the architectural design of the structures to be constructed within the subdivision.

**Sec. 4-30. Subdivision walls.**

- (a) *Walls required.* Where subdivisions are platted so that the rear and/or side yards of residential lots are adjacent to a major collector or higher classification street, the developer shall construct, at his sole expense, walls between said rear and/or side yards and said street, in accordance with the standards set forth below. Where said lots are corner lots, the wall requirements of this section shall take precedence over corner lot fencing specifications regulated by Sec. 8-35.
- (b) *Standards.* It is intended that all walls erected pursuant to this section be constructed in such a manner to last 30 years with minimal maintenance required during said period. All walls required by this section shall conform to the following minimum standards:
- (1) Where applicable, materials and installation of walls shall comply with the most recent edition of "Selected ASTM Standards for Fence Materials and Products," a copy of which shall be maintained by the PDS director. Structural plans and specifications for walls shall be approved by the PDS director. Such plans and specifications are to be submitted at the same time as other construction plans required by this chapter. In approving said plans and specifications, the PDS director shall consider the site's soil characteristics, wind loadings and other environmental considerations.
  - (2) Walls shall be constructed of the following materials: brick, natural stone, simulated stone, split faced or architectural concrete masonry unit (CMU), decorative reinforced concrete, or other equivalent materials approved by the PDS director, ~~subject to the following:~~
    - ~~a. Wall pillars shall be constructed of masonry of sound structural integrity.~~
    - ~~b. Wall panels shall be constructed of brick, natural stone, simulated stone, split faced or architectural concrete masonry unit (CMU), decorative reinforced pre-cast concrete panel, or other equivalent materials approved by the PDS director. Panels shall be top capped as determined by the PDS director.~~

- (3) Walls shall be a minimum of six (6) feet and a maximum of eight (8) feet in height. The materials, color and design of walls shall be uniform within an approved preliminary plat, unless otherwise approved by the planning department. A finished side of all walls shall face the thoroughfare.
- (4) All walls shall be placed at least five (5) feet from any existing or proposed city water line, reuse water line or wastewater line.
- (5) All walls required herein shall be placed ~~on~~ along the property line between the right-of-way and the adjoining private property and outside any easements.

(c) *Miscellaneous provisions.*

- (1) A plat note describing the location of proposed wall and associated landscaping including irrigation shall be included on the preliminary plat and final plat.
- (2) Detail plans for walls and associated landscaping including irrigation shall be submitted with the construction plans for public improvements.
- (3) Walls shall conform to the requirements of this Code governing sight distance for traffic safety.
- (4) Prior to the city's acceptance of the public improvements the developer must complete all walls required herein.
- (5) It is not the intent of this section to regulate the design and/or construction of entrances to subdivisions.
- (6) The city, at its option, may maintain the wall. As a result, a five (5) foot access easement shall be provided along the back and sides of the property abutting the wall for maintenance purposes.

**Sec. 4-31. Bike ways.**

- (a) The developer shall dedicate and construct all bike ways identified in the general plan that are located within the boundaries of the subdivision or addition. The bike lanes shall be designed and identified with markings and materials in accordance with the Design and Construction Standards.

**Sec. 4-32. Postal delivery service.**

- (a) *Requirement.* A developer shall provide neighborhood delivery and collection box units for postal service to lots within a residential subdivision. The neighborhood delivery and collection box units shall meet the minimum lot requirements and design standards for such facility as determined by the United States Postal Service ("postal service").
- (b) *Neighborhood delivery and collection box units.* The developer shall provide for neighborhood delivery and collection box unit locations within dedicated rights-of-way, easements or on special

purpose lots shown on the preliminary and final plats. The preliminary and final plat shall show the neighborhood delivery and collection box unit locations as approved by the postal service. Approved neighborhood delivery and collection box unit locations shall also be shown on construction plans.

- (c) *Location of neighborhood delivery and collection box units on streets.* Neighborhood delivery and collection box units shall be placed in a location that is convenient, accessible, safe and efficient to all lots in the subdivision. The developer shall abide by the standards established by the postal service. In addition, the following criteria shall be used to determine the site location of neighborhood delivery and collection box units:
- (1) In the street right-of-way of a local street, the site shall be generally located adjacent to a common rear lot line of two lots;
  - (2) In the street right-of-way of a collector street, the site shall be designed in accordance with the Design and Construction Standards;
  - (3) The site shall not be located in the street right-of-way of an arterial street; and
  - (4) In situations where special conditions exist and the location requirements provided above cannot be met, the planning and zoning commission may approve an alternate location for the neighborhood delivery and collection box unit.
- (d) *Parking requirements for neighborhood delivery and collection box units.*
- (1) A minimum of one parking space shall be provided for each eight (8) individual postal boxes for the first 32 postal boxes excluding package boxes. One additional space shall be provided for each 16 individual postal boxes thereafter excluding package boxes.
  - (2) Parking spaces for neighborhood delivery and collection box units may be located in the public right-of-way on public streets or within the special purpose lot for private streets. Parking spaces shall be designed in accordance with the Design and Construction Standards. All aforementioned parking spaces shall not reduce the required roadway width.
- (e) *Design and lighting requirements for neighborhood delivery and collection box units.* Design and lighting requirements for neighborhood delivery and collection box units shall be in accordance with the Design and Construction Standards.

**Sec. 4-33. Protected trees related to platting.**

- (a) All protected trees on the site shall be protected in accordance with the tree protection plan provided for in Sec. 8-22.

**Sec. 4-34. Rural standards.**

- (a) *Criteria.* A subdivision may be approved with rural standards if the following conditions are met:
- (1) All lots are a minimum of two (2) acres;
  - (2) All lots have a minimum 50-foot building setback;
  - (3) All lots are single-family either by a zoning classification or by deed restrictions; and
  - (4) No new collector or arterial streets are required.
- (b) *Standards.* The following rural standards are permitted if Sec. 4-35(a) is met:
- (1) Streets may have either standard or ribbon curbs;
  - (2) Open channels may be utilized and shall be constructed in accordance with the Design and Construction Standards;
  - (3) Sidewalks are required on one side of the street for all residential subdivisions comprised of four lots or greater; for three or fewer lots no sidewalks are required;
  - (4) Flag lots are permitted if the conditions set out in Sec. 4-46(c) are met; and
  - (5) Streets shall be constructed in accordance with the Design and Construction Standards.

**Sec. 4-35. Alternative standards agreement.**

- (a) *Criteria.* The unique nature of the land being platted may require, under proper circumstances, the departure from the adopted design criteria and Design and Construction Standards. The city council may enter into an alternative standards agreement with a developer that departs from this chapter if the following is met:
- (1) The proposed alternatives, in aggregate, fully address the intent and purpose of the standards of this chapter; and
  - (2) The alternative standards agreement conforms with the general purposes, goals and objectives of the general plan.
- (b) *Recording the alternative standards agreement.* The alternative standards agreement shall be recorded ~~and the plat shall be recorded simultaneously in the official deed records of the county where the property is located~~ prior to the submittal of the preliminary plat application. The recording costs shall be paid by the developer. The plat shall include a note referencing the alternative standards agreement.

**Secs. 4-36. – 4-45. Reserved.**

**ARTICLE III. LOT AND BLOCK DESIGN STANDARDS**

**Sec. 4-46. Lots.**

- (a) *Special purpose lots.* Special purpose lots established for the purpose of private streets, parkland dedication, landscaping, postal boxes, floodplain, drainage conveyance, storage, or sedimentation and filtration, lift stations, or water storage, electrical substations, switching stations and other similar facilities needed for transmission and supply of public utilities, may be approved as exceptions to the lot requirements provided in chapter 2 of this Code. In addition, except for private streets, a special purpose lot does not require street frontage but must be provided vehicular access approved by the PDS director. A special purpose lot established for a private street must connect to either a public street or another private street that connects to a public street. A special purpose lot that is to serve as a common area, open space, or recreational field for a new subdivision in the SF-2 (Single Family – Standard Lot) or SF-3 (Single Family – Mixed Lot) zoning districts shall be irrigated by reuse water where available.
- (b) *Double frontage lots.* Double frontage lots are prohibited for all single family, two-family and single-lot townhouse lots unless no other lot configuration is practical as determined by the PDS director.
- (c) *Flag lots.* Flag lots ~~shall be permitted~~ ~~are prohibited unless the following conditions are met~~ at the discretion of the Planning and Zoning Commission at the time of subdivision platting. In order for a flag lot to be considered for approval, it must meet the following conditions:
- (1) The lot is intended for nonresidential use, except as provided for in Sec. 4-34(b)(4);
  - (2) The lot has a minimum width of 50 feet at the street;
  - (3) The length of the projection to the street does not exceed 500 feet or the depth of the abutting lot, whichever is less; and
  - (4) There is a minimum distance of 400 feet from the nearest flag lot as measured along the street frontage.
- The Planning and Zoning Commission may deny an application for a flag lot if the location creates site specific traffic safety concerns or conflicts with access to abutting lots or driveway separation standards.
- (d) *Lot size.* Except for special purpose lots and lots in the ETJ, the size of the lots shall conform to the requirements of chapter 2.
- (e) *Lot width.* Lot widths shall be determined according to the requirements of chapter 2.
- (f) *Lot numbering.* All lots shall be numbered consecutively within each block unless an alternative lot numbering arrangement is approved by the PDS director.
- (g) *Lot street frontage.*

- (1) The lot street frontage for a single family residential lot shall be no less than 25 feet.
- (2) The lot street frontage for a nonresidential or residential lot other than a single family lot shall be no less than 50 feet.

**Sec. 4-47. Blocks.**

- (a) *Block configuration.* The configuration of blocks shall promote convenient and safe traffic and pedestrian circulation throughout the subdivision. create aesthetically pleasing neighborhoods, foster a desirable living environment, and provide fire and police access to ensure public safety.
- (b) *Restriction.* Blocks of single family, two-family or single-lot townhouse lots shall not contain more than two tiers of lots.
- (c) *Block length.* ~~Block lengths shall be designed to.~~ Blocks within new residential subdivisions shall meet the following standards:
  - (1) Where houses have frontage on a collector street, the block length shall not exceed 1,000 feet without approval of the Planning and Zoning Commission. The City encourages developers to limit block length to 600 feet, but the length may be varied according to circulation, topography, and provisions of the General Plan.
  - (2) Where block lengths are permitted to exceed 1,000 feet, the developer shall provide a pedestrian access easement, greenbelt, or similar interrupting feature within 100 feet of the mid-point of the block.

**Sec. 4-48. Driveways.**

- (a) For single family, two-family and single-lot townhouse residences, as defined in Sec. 1-50, residential driveways are permitted on local streets and local collector streets only. Residential driveways for double frontage lots and corner lots must be located on the lesser classification street. Driveways serving single family, two-family or single-lot townhouse residences are ~~not permitted~~ prohibited on major collectors or arterial streets unless the transportation director determines no other access is possible.
- (b) Common-lot townhouse, as defined in Sec. 1-50, multifamily, and nonresidential driveways are permitted on all streets; however, the driveways must have a minimum of 200 feet spacing between driveways on arterial streets and from the street centerline at an intersection.
- (c) The driveway restrictions above do not prohibit driveway access to alleys. Alley driveway access may be permitted upon approval of a TIA by the transportation director.
- (d) Driveway construction shall be in accordance with the Design and Construction Standards.

**Secs. 4-49. – 4-55. Reserved.**

#### **ARTICLE IV. GATED COMMUNITIES**

**Sec. 4-56. Gated communities.**

- (a) *Intent and purpose.* It is the intent of these gated communities regulations to:
- (1) Allow gated community developments to occur within the city on a limited and restrictive basis; and
  - (2) Provide for gated communities and private streets as alternative types of development to allow the city to expand its development types.
- (b) *Guidelines for gated community.* The following guidelines are to be satisfied as part of the review and approval process for all gated communities and private streets:
- (1) All gated communities shall be located in areas zoned as planned unit development district (PUD) in accordance with Secs. 10-22 and 2-76.
  - (2) Each application for a gated community PUD shall be subject to the approval of the commission and the city council, on a case by case basis, based upon the criteria described in this section. However, an applicant who meets the stated criteria will not be entitled to the gated community PUD as a matter of right, but shall obtain approval of the gated community PUD at the discretion of the commission and city council.
  - (3) A gated community shall be designated solely for residential uses.
  - (4) A gated community shall not impede a current or future development of a collector street or arterial; or other minor or major thoroughfare.
  - (5) A gated community shall not disrupt an existing or proposed public pedestrian pathway, hike and bike trail or park.
  - (6) A gated community shall not contain more than 120 dwelling units.
- (c) *General requirements.* All gated community PUDs shall include the following minimum requirements in the PUD ordinance and/or development plan included therein:
- (1) The gated community private street system must comply with design standards in this Code. All ordinances, rules, regulations, design standards and construction standards which govern public streets shall apply to gated community private streets, including, but not limited to, street and roadway width, paving, drainage, sidewalks, submission of plans, and street lighting requirements.
  - (2) The private street system within a gated community shall provide perpetual access for all lots within the development, for police and other emergency vehicles, public and private

utility maintenance and service personnel, solid waste collection services, the U.S. Postal Service, and government employees in pursuit of their official duties.

- (3) Any type of gate or controlled access means or mechanism is subject to the approval of the city's fire marshal, and any corrective action shall be the responsibility of the property owners association. The location of any such gate or controlled access means or mechanism and any associated appurtenances shall be subject to the approval of the transportation director, and shall not impede necessary sight lines for traffic, nor create vehicular stacking that adversely affects an adjacent street. A turnaround area subject to the approval of the transportation director shall be provided on the exterior side of any such gate or controlled access means or mechanism to allow traffic to reverse direction. The city shall bear no responsibility or liability in connection with the removal or destruction of any gate or other controlled access mechanism while engaged in an emergency action.

(d) *Specific requirements.*

- (1) Each gated community plat shall contain the following wording on the face of the plat:
- "The streets have not been dedicated to the public, for public access nor have they been accepted by the City of Round Rock as public improvements, and the streets and roadways shall be maintained by the property owners association within the subdivision, except that the streets and roadways shall always be open to emergency vehicles, public and private utility maintenance and service personnel, solid waste collection services, the U.S. Postal Service, and governmental employees in pursuit of their official duties".
- "The undersigned, his successors, and assigns hereby agrees to release and hold harmless the City, any governmental entity and public utility for damages to the private streets occasioned by the reasonable use of the private streets by the City, governmental entity or public utility, for damages and injury (including death) arising from the condition of said private street; for damages and injury (including death) arising out of the use by the City, governmental entity or public utility of any restricted access gate or entrance; and for damages and injury (including death) arising out of any use of the subdivision by the City, governmental entity or public entity. The owners of all lots contained in this plat shall release and hold harmless the City, governmental entities and public utilities for such damages and injuries. The releases contained in this paragraph apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the City, governmental entity or public utility, or their representative officers, employees or agents".
- "The undersigned, his successors, and assigns hereby agrees that the City is not obligated to provide certain City services on the private streets contained within the development, including, without limitation, routine police patrols, street lighting, enforcement of traffic and parking ordinances and preparation of accident reports".

- (2) A PUD for a gated community must be approved by the city prior to the approval of the final plat. The city shall consider the PUD application after review and recommendation by the city staff. Subject to city council approval, the requirements of this Code may be modified in the ordinance adopting the PUD.
- (3) Easements. Gated community plats shall provide the following easements:
  - a. Public utility easements containing the private streets and public utilities;
  - b. Additional public utility, drainage and storm sewer easements required by the city, public utilities, or other public agencies;
  - c. Preexisting easements unaffected by the platting process; and
  - d. Such private service easements, including but not limited to, utilities, fire lanes, street lighting, government vehicle access, mail collection and delivery access, and utility meter reading access, as may be necessary or deemed mutually convenient by the applicant and the city.
- (4) Access. To ensure adequate access to each gated community, there shall be at least two points of ingress and egress, except for a gated community containing no more than 30 dwelling units. The second entry may be designated for emergency access only.
- (5) Private access amenity plan. For each gated community, a private access amenity plan shall be submitted to the PDS director for review and approval in consultation with other city departments. A private access amenity plan shall be submitted with any gated community PUD application. At a minimum, the private access amenity plan shall include a scale drawing showing the plan and profile of all walls, gates, entry areas, landscaping, architectural features, and signs, etc. This will provide opportunity to review proposed controlled access mechanisms, access points, landscaping, screening walls, or similar buffering barriers, and other related private street components.
- (6) The city staff may request rendered perspectives and elevations of proposed structures that are components of the private streets, including description of proposed building materials, roof pitches, signage, and showing relationships to adjacent structures and such other items as the city staff might reasonably request.
- (7) The city staff may require additional data to amplify and clarify the private access amenity plan; such information may include, without limitation, fencing, access controllers, entrance areas, barriers, perimeter walls, and exterior landscaping.
- (8) The city staff may require additional data to illustrate items outside the gated community, such as entrance area, barriers, perimeter walls, exterior landscaping, and other elements as required by city staff.
- (9) No credit will be allowed for the development of private parks, not open to the public. The developer of the gated community shall pay a parkland fee in lieu of parkland conveyance in accordance with Sec. 4-68.
- (10) Private streets and alleys must be constructed within one or more separate lots. Such lots must conform to the city's standards for public streets and alley right-of-way. An easement covering the street lots shall be granted to the city providing unrestricted use of the lots for utilities and the maintenance of same. This right shall extend to all utility

providers, including telecable companies, operating within the city. The easement shall also provide the city with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The easement shall permit the city to remove any vehicle or obstacle within the street lot that impairs governmental service or function, or emergency access.

- (11) With respect to the maintenance and repair of public utilities located within the boundaries of the special purpose lots for private streets, the city's obligation to restore the surface of the special purpose lot shall be limited to the repair or restoration of any grassed area, broom-finished concrete driveway or sidewalk, concrete roadway curb, or asphaltic concrete roadway surface that is removed or disturbed in the course of installing, operating, repairing, or accessing any utilities, lines, or associated appurtenances owned by the city or public utilities. The city and public utilities shall not be obligated to repair or restore any other item so removed or disturbed, including but not limited to trees, shrubs, non-grass ground cover, grass other than common St. Augustine or Bermuda, walls, posts, fences, lighting other than street lighting required under Sec. 6-16, decorative paving, or structures. The city and public utilities shall have final authority in determining the limits of any such repair or restoration, the satisfactoriness of such repair or restoration, and that such repair or restoration is in keeping with the standards of other such repairs or restoration provided elsewhere in the city.
- (12) All private traffic signs shall conform to the Texas Manual of Uniform Traffic Control Devices, as amended, and city ordinances and regulations.
- (13) Until conveyance of the private streets, appurtenances, related private storm sewers and drainage facilities to the property owners association, the developer will maintain a commercial general liability insurance policy written by a company licensed to do business in the state, with a combined single limit of not less than \$500,000.00, which coverage may be provided in the form of a rider and/or endorsement to a previously existing insurance policy. Such insurance coverage shall specifically name the city as an additional insured. This insurance coverage shall cover all perils arising from the use of the private streets. A copy of each instrument affecting coverage shall be delivered to the city on or before recordation of the plat. Until the private streets are conveyed to the property owners association, the developer shall not cause such insurance to be canceled nor permit such insurance to lapse. All insurance certificates shall include a clause to the effect that the policy shall not be canceled, reduced, restricted or otherwise limited until 30 days after the city has received written notice as evidenced by a return receipt of registered or certified mail.

(e) *Property owners associations.*

- (1) Each gated community PUD shall have an approved property owners association. The developer will cause to be recorded community covenants that include provisions for:

- a. Mandatory membership in a property owners association by all property owners within the gated community;
- b. Mandatory assessments secured by a lien, which assessments will include maintenance of private streets, appurtenances, related private storm sewers and drainage facilities;
- c. Requirements that the property owners association be responsible for the maintenance of private streets, appurtenances, related private storm sewers and drainage facilities; and
- d. Such other provisions required by this subsection.

The covenants required herein shall be approved by the director of planning and city attorney, and filed for record contemporaneously with the filing of the final plat in the county records department. In lieu of filing the covenants with the final plat, the developer may record with the final plat a street restrictive covenant, approved by the director of planning and city attorney, obligating the developer to maintain and repair the private streets, appurtenances, related private storm sewers and drainage facilities and common areas and facilities (and such other provisions required by the city) until a property owners association has been created and community covenants recorded which otherwise comply with this section; provided, however, that in any event the property owners association must be created and the community covenants must be recorded prior to the developer's conveyance of any lot to a third party. No assessments need be levied by the property owners association until the property owners association has been created and community covenants recorded and the private streets, appurtenances related private storm sewers, and drainage facilities and common areas and facilities have been conveyed by the developer to the property association; provided that such private streets, appurtenances, related private storm sewers and drainage facilities, or common areas and facilities must be conveyed to the property association no later than 12 months after completion.

- (2) The community covenants shall provide for a street maintenance reserve fund for the maintenance, repair and reconstruction of private streets, related private storm sewers and drainage facilities, access control structures and equipment. This reserve fund shall be maintained in a separate account and may not be co-mingled with any other property owners association funds. A portion of the assessments levied by the property owners association will be placed in the street maintenance fund. The portion of the assessments collected from lot owners and placed in the street maintenance fund will be based on the current maintenance and replacement schedule prepared and certified by a licensed engineer or an individual holding an RS ("reserve specialist") designation from the Community Associations Institute. In conjunction with approval of the final plat, the basis and formula for calculating the amount of assessments to be deposited in the street maintenance fund, shall be subject to review and approval by the director of transportation and the PDS director. The property owners association shall provide to the city: (i) annually an affidavit setting forth the fund balance and any expenditures

therefrom; and (ii) at least once every three years, an updated maintenance and replacement schedule prepared and certified by a licensed engineer or a reserve specialist. No more than once annually, the basis and formula for calculating the amount of assessments to be deposited in the street maintenance fund may be amended, subject to the review and approval of the director of transportation and the city PDS director.

- (3) The community covenants will permit, but shall not obligate, the city to repair and maintain private streets, appurtenances, related private storm sewers and drainage facilities if the developer or the property owners association, as applicable fails to maintain such facilities in good condition and repair after the city has provided such party written notice and the 30 days to remedy such failure. Notice will not be required in the case of an emergency. The term "emergency" means a condition threatening the health or safety of any person, or significant damage to any publicly owned property or utilities, as determined by the city in its sole and absolute discretion. The community covenants shall further provide that the city may use the outstanding balance in the street maintenance reserve fund if the city is required to repair or maintain the private streets, appurtenances, related private storm sewers and drainage facilities.
- (4) Membership requirements. Every lot owner within the gated community shall be a member of the property owners association.
- (5) The community covenants shall provide that the streets within the gated community are private, owned and maintained by the property owners association and that the city has no obligation to maintain or reconstruct the private streets, nonpublic storm sewers and drainage facilities. The covenants shall include the following provision:  
"The property owners association shall be responsible for contacting the City of Round Rock Transportation Department every two years, or as needed, from time of initial completion to schedule an inspection, to include city staff and the property owners association's representative for reviewing the private streets".
- (6) The community covenants shall include language, approved by the city attorney, whereby the association agrees to release and hold harmless the city, its officers, agents, and employees, from any and all claims, lawsuits, judgments, costs or causes of action of any nature whatsoever, whether real or asserted, brought for or on account of any injuries or damages to persons or property including death, resulting from or in any way connected with the construction, maintenance or operation of the private streets.
- (7) Upon conveyance of the private streets, appurtenances, or related private storm sewers and drainage facilities to the property owners association, the property owners association will maintain a commercial general liability insurance policy, written by a company licensed to do business in the state with a combined single limit of not less than \$500,000.00, which coverage may be provided in the form of a rider and/or endorsement to a previously existing insurance policy. Such insurance coverage shall specifically name the city as an additional insured. This insurance coverage shall cover all perils arising from the use of the private streets. A copy of each instrument effecting coverage shall be delivered to the city on an annual basis. The property owners association shall

not cause such insurance to be canceled or permit such insurance to lapse. All insurance certificates shall include a clause to the effect that the policy shall not be canceled, reduced, restricted or otherwise limited until 30 days after the city has received written notice as evidenced by a return receipt of registered or certified mail.

- (f) *Voluntary conversion of private streets to public streets.* The city may, but is not obligated to, accept private streets for public access and maintenance. The procedure must conform to all of the following provisions:
- (1) The property owners association must submit a petition signed by 100 percent of its members.
  - (2) All of the streets must be in a condition that is acceptable to the city, in its sole judgment.
  - (3) All access controllers and other structures not consistent with a public street development must be removed at the expense of the property owners association and to the satisfaction of the city.
  - (4) If any maintenance of the streets and roadways is required, the city may use the outstanding balance in the reserve fund for such maintenance. Any remaining balance in the fund shall be returned to the lot owners at the time the private street and/or roadway is converted to a public street on a fair and equitable basis to be determined by the city council. If the outstanding balance is insufficient to perform the required maintenance, the property owners association shall provide additional funds as required.
  - (5) Each lot owner shall execute an instrument of dedication for filing of record, the form of which shall be approved by the city attorney's office.
- (g) *Design standards; structures.* The design and construction of the infrastructure within a gated community shall conform to the same rules, regulations, standards and specifications established for standard subdivisions with public streets.
- (1) Perimeter fences at entry access points, entry monuments, and access controllers, may be erected within public utility, drainage and storm sewer easement(s), provided they do not impede the operation, installation, maintenance, repair, or replacement of public utilities, drainage facilities, and storm sewers within the easement(s), as determined solely by the city PDS director.
  - (2) Where access controllers are a part of a larger, multipurpose structure, only that portion of the structure which functions as access controllers may encroach the building line adjacent to the private street.
- (h) *Street lights on private streets.* Street lighting shall be provided on private streets in accordance with Sec. 6-16. It shall be the responsibility of the property owners association to pay for the cost of operating the street lights on private streets.

- (i) *Additional requirements or standards.* The foregoing requirements and standards for gated community PUDs are considered to be the minimum requirements. However, nothing contained herein shall be considered as a limitation on the city council's discretion to modify these or other requirements or standards to make them more or less restrictive, as required by the unique circumstances of each PUD application.

**Secs. 4-57. – 4-60. Reserved.**

## **ARTICLE V. PARKLAND REQUIREMENT**

### **Sec. 4-61. Parkland policy and purpose.**

- (a) This article is enacted in accordance with the home rule powers of the city, granted under the state Constitution, and the state statutes. It is hereby declared by the city council that open space and recreational areas in the form of parks are necessary for the health, safety and welfare of the public. It is hereby further declared by the city council that a parkland fee in lieu of parkland dedication for residential and nonresidential development is necessary to further the pursuit of obtaining open space and recreational areas.
- (b) The primary purpose of the parkland requirements is to ensure that the need for parkland that arises from new development is at least partially satisfied by the developer of the new development, so that those who generate the need contribute their proportionate share. Accordingly, when new development occurs, a reasonable contribution is to be made for open space for those who live or work in the new development so that they may engage in active and passive recreational activities within or near the new development. In some instances, the need for parks resulting from new development may be addressed most effectively through the development and acquisition of community or regional parks serving several neighborhoods.
- (c) It shall be required that a developer of any residential subdivision or addition set aside and convey to the public sufficient and suitable lands within the subdivision or addition for the purpose of parkland or contribute cash in lieu of land conveyance or combination thereof as determined by the planning and zoning commission upon the recommendation of the parks director.
- (d) The requirements for the conveyance of parkland established by this article are based in part on the goals, recommendations, needs and standards set forth in the general plan adopted by the city council. The general plan describes the needs prioritization and implementation plan, standards for parks and recreation units, planning and land acquisitions methods, as well as goals and objectives.

### **Sec. 4-62. Parkland requirement.**

- (a) *Residential.* The developer of a residential subdivision or addition shall provide for the parkland needs of the community by conveyance of suitable land in accordance with Sec. 4-63. For purposes of this article, a residential subdivision shall include single-family, two-family, townhouse, multifamily and senior development. To meet the parkland requirements, the city may allow a developer of a residential subdivision or addition to convey off-site land, contribute cash in lieu of parkland pursuant to Sec. 4-68, or any combination thereof.
- (b) *Nonresidential parkland fee.* In order to provide for the open space needs of the community, the developer of a nonresidential subdivision will be assessed a parkland fee as currently established or as hereafter adopted by resolution of the city council from time to time payable in accordance with Sec. 4-68(c). The parkland fee may be reduced or waived by the parks director should the developer choose to dedicate parkland at the time of platting.
- (c) *Mixed-use parkland fee.* The parkland fee shall be determined at the time of subdivision platting for developments in the following mixed-use zoning districts: MU-1, MU-2, MU-L, MU-R, and MU-G. The fee shall be determined based on the split of proposed uses of the subdivision. Residential uses in a mixed-use district shall be assessed the fee equivalent to those found in Sec. 4-63 based on the housing unit type. Nonresidential uses in a mixed-use district shall be assessed the fee equivalent to nonresidential uses noted in subsection (b) above.
- (~~d~~e) *City purchase of parkland.* In order for the city to achieve the goals of the general plan, the city may need to purchase land that exceeds standard dedication requirements from the developer for parkland. The city may enter into an agreement with the developer to purchase the property from the developer. If the city and developer cannot agree on the terms of said agreement, the city may choose to prohibit any construction on the proposed parkland for a period not to exceed 120 days from the date of approval of the preliminary plat, during which time the city shall use reasonable and diligent efforts to acquire the necessary funds or financing to purchase the parkland. The foregoing provision shall not be construed as a limitation of the city's authority to acquire land by eminent domain.

**Sec. 4-63. Parkland calculation for residential development.**

- (a) The developer of a residential subdivision or addition is required to convey the amount of land equivalent to the following percentages of the total acreage of the subdivision excluding any lots zoned for nonresidential use:

Single Family (SFR)	One percent
Single Family (SF-1)	Six percent
Single Family (SF-2, <u>SF-3, and SF-D</u> )	Eight percent

Manufactured Housing (MH)	Eight percent
Two Family (TF)	Fourteen percent
Townhouse (TH)	Sixteen percent
Senior (SR)	Ten percent
Multifamily – Low Density (MF-1)	Sixteen percent
Multifamily – Medium Density (MF-2)	Twenty percent
Multifamily - Urban (MF-3)	Twenty percent

- (b) The developer of a residential subdivision or addition will be allowed up to 50 percent credit toward fulfilling the requirements of subsection (a) of this section for land designated as privately owned and maintained park and recreational facilities that are for use by the residents of the subdivision or addition.

**Sec. 4-64. Review by parks director.**

- (a) As part of the plat review process, the parks director shall make recommendations based upon requirements of this article to the planning department at the appropriate time within the plat review process. Recommendations received shall be noted on the written report for the plat prepared by the PDS director.

**Sec. 4-65. Standards for parkland dedication.**

- (a) *General standards.* Parkland conveyed to the city as provided in this article shall meet each of the standards set forth below:
- (1) The general plan shall be used as a guide for location of park sites;
  - (2) The parkland shall have frontage on a public street equal to or greater than the square root of the total square footage of park area to be conveyed (e.g., a 435,600-square-foot park area, which is the equivalent of a ten-acre park, would require 660 linear feet of frontage);
  - (3) Unless otherwise approved by the parks director, parkland which is a part of the citywide trails master plan shall be designed and located within a subdivision or addition to allow for an extension or connection of a public park or public recreational facility within an abutting subdivision;
  - (4) A minimum of 50 percent of the dedicated parkland within a subdivision or addition shall be outside of the ultimate 1% annual chance ~~100-year~~ floodplain and shall have a size, configuration and topography to be developable for active park purposes, unless identified in the general plan as a regional trail or a community/regional park;

- (5) Parkland shall not be encumbered with existing or proposed public utility easements or drainage channels that would unduly restrict the development of the site for recreational purposes except as provided in subsection (b) of this section; and
  - (6) Property identified with environmental hazards that limit its use as a public park as indicated by a phase I or phase II environmental assessment, as provided for in Secs. 10-27 through 10-29, shall not qualify as lands eligible for parkland dedication.
- (b) *Dual park and stormwater drainage facility.* The parkland may be designed and constructed to allow for dual recreational and stormwater drainage purposes. Approval must be obtained from both the parks director and PDS director for the location and design of the dual park and stormwater drainage facility. Areas designated for dual use purposes shall not exceed 50 percent of the parkland dedication requirement per Sec. 4-63, unless otherwise approved by the parks director and the PDS director.
- (c) *Improvements required.* Parkland conveyed to the city shall be improved as required by this article. The developer shall indicate the proposed parkland improvements within the construction plans as required in article VIII of this chapter. Construction of the required parkland improvements shall be in accordance with the accepted construction plans, and shall be completed by the developer within the time period specified for construction of public improvements in this chapter. An improved park shall, at a minimum, include the following:
- (1) Paved frontage, curbs and gutters for all required street frontages abutting the outside perimeter of the parkland;
  - (2) A sidewalk or trail installed in the park, and/or a sidewalk installed along the street frontage of the park with the location approved according to the construction plans;
  - (3) Water, reuse water (if applicable), wastewater, electrical services and all other utilities provided to the remainder of the subdivision or addition shall be provided to the park as part of standard subdivision improvements; and
  - (4) The grading of site and installation of grass with irrigation. Irrigation may cease when the grass becomes fully established.

**Sec. 4-66. On-site conveyance of parkland.**

- (a) *Parkland shown on preliminary and final plats.* Parkland to be conveyed shall be designated as a lot on both the preliminary and final plats as "Parkland ~~Dedicated~~ to be Conveyed by Deed to the City of Round Rock" with the acreage of the parkland also shown. In addition, a note referencing the ~~dedication-conveyance~~ of the parkland shall be placed on the final plat.
- (b) *Title insurance policy required.* Prior to recording the final plat, the developer shall deliver to the planning department a title insurance policy with the city as the holder and covering the parkland being conveyed.

- (c) *Deed required.* Prior to recording the final plat, the developer shall deliver to the planning department the deed, in a form approved by the city attorney, conveying parkland shown on the final plat as approved by the planning and zoning commission. The parkland deeded to the city shall not be subject to reservations of record, encumbrances or easements that will interfere with the use of the land for park purposes. The deed delivered to the planning department shall be recorded in conjunction with the recordation of the final plat.

**Sec. 4-67. Off-site conveyance of parkland.**

- (a) *Approvals required.* Upon affirmative recommendations from the parks director and approval from the planning and zoning commission, the city may accept parkland that is not part of an addition or subdivision in order to meet the parkland requirement.
- (b) *Deed required.* A deed shall be required in accordance with the provisions of Sec. 4-66(c).

**Sec. 4-68. Parkland fee in lieu of parkland conveyance.**

- (a) *When applicable.* The city may, at its option, require a parkland fee for all or part of the required parkland conveyance under the following circumstances:
  - (1) When less than three acres is required to be conveyed;
  - (2) Where the proposed parkland does not meet the standards set forth in Sec. 4-65;
  - (3) When a replat or amending plat is submitted subsequent to a rezoning to a higher density classification; or
  - (4) When the development is a gated community.
- (b) *Parkland fee for residential additions and subdivisions.* Where applicable, the developer shall pay a parkland fee as adopted by city council.
- (c) *Form tendered.* The parkland fee shall be tendered in the form of a cashier's check or other form of payment acceptable by the city, payable to the City of Round Rock Parks Improvement and Acquisition Fund. The cashier's check or other form of payment acceptable by the city shall be submitted to the PDS director and shall accompany the request for plat recordation.
- (d) *Refunds.* No refund of a parkland fee received in lieu of parkland conveyance required by this article shall be made except as provided in Sec. 4-69.

**Sec. 4-69. Parks improvement and acquisition fund.**

- (a) *Parkland fee.* Parkland fees shall be deposited into the parks improvement and acquisition fund. The city shall account for all parkland fees with reference to the individual additions or

subdivisions involved, and all sums received shall be spent or committed by the city within ten years from the recordation of the plat. For purposes of this article, parkland fees shall be considered committed when:

- (1) Under an earnest money agreement for the purchase of parkland;
- (2) For a park improvement project;
- (3) In a grant application; or
- (4) Encumbered fees are not expended because of delays by reason of strikes, court action or any similar impediment which renders it impossible or illegal to spend the money.

(b) *Use of parkland fees.*

- (1) Parkland fees may be used for acquisition and/or development of public parkland or other recreational facilities. Where fees are received in lieu of parkland conveyance in additions or subdivisions, the parkland fees collected shall be expended on a neighborhood park within the park zone in which the addition or subdivision is located or the park zones surrounding it, for a total maximum area consisting of nine park zones. In the event that there is not a suitable neighborhood park location within the aforesaid park zones, then the parkland fees collected shall be expended on the closest community park.
- (2) If parkland fees are not spent or committed within the required ten-year time period commencing from the final acceptance of subdivision improvements, the record owner shall be entitled to a refund.

(c) *Accountability.* The city shall maintain a record of parkland fees and expenditures, including:

- (1) The developer's name and address;
- (2) The date monies were received;
- (3) The total amount of parkland fees received;
- (4) The addition or subdivision generating the fees;
- (5) The addition, subdivision or park zone where monies are to be spent;
- (6) The expiration date for monies to be committed;
- (7) The balance after expenditures;
- (8) A statement of expenditures; and
- (9) The parkland description where monies are spent.

**Secs. 4-70. – 4-75. Reserved.**

## **ARTICLE VI. UTILITIES**

**Sec. 4-76. ~~Utilities~~ Water system.**

- (a) *Provide water lines.* The developer shall provide all water lines necessary to properly serve each lot of the subdivision or addition and ensure that existing and/or new water facilities can supply the required demand, including fire protection. The developer shall install all necessary on-site and off-site mains and shall extend service to all lots terminating with a meter stop and meter box. For the orderly extension of water lines as established in the water and wastewater master plan, the developer shall install water mains to the boundaries of his development for future connection by the development of the abutting land. Extension of service lines to multifamily and nonresidential lots may be postponed until development of the lot if a main is installed in the abutting right-of-way located on the same side of the street as the lot. The developer's engineer shall include a statement with the water system plans that the system meets the requirements of this section and complies with the rules and regulations established by the TCEQ.
- (b) *Design and construction.* All water systems shall be designed and constructed in accordance with the Design and Construction Standards and conform to the TCEQ design criteria in the Texas Administrative Code, as amended.
- (c) *Hydrant flow tests.*
  - (1) The fire department shall provide hydrant flow tests to developers as requested.
  - (2) Developers shall pay the fire department a fee as currently established or as hereafter adopted by resolution of the city council from time to time for each hydrant flow test requested.

**Sec. 4-77. Wastewater system.**

- (a) *Sewer service to each lot inside city limits; connection with wastewater system required.*
  - (1) Connection to the city's wastewater system shall be required except where the director of utilities determines that such connection would require unreasonable expenditure of funds when compared with alternate methods of sewage disposal. Where alternative sewage disposal is permitted, the plans for such system must meet the requirements of the TCEQ and be approved by the county health department, prior to approval of the final plat by the planning and zoning commission.
  - (2) The developer shall install all wastewater mains and lines necessary to serve each lot. The developer shall install necessary on-site and off-site wastewater mains and shall extend service to all lots, terminating each service with a cap. For the orderly extension of wastewater lines as established in the water and wastewater master plan, the developer shall install wastewater mains to the boundaries of his final plat for future connection by the development of the abutting land. For multifamily and nonresidential plats, services to the lots shall connect at manholes.

- (b) *Sewer service to property in the city's extraterritorial jurisdiction; connection to approved wastewater system required.* Connection to either the city's wastewater system or a TCEQ approved wastewater system shall be required. If the city's wastewater system is not utilized, the alternative sewage disposal system must meet the requirements of the TCEQ and be approved by the county health department prior to approval of the final plat by the planning and zoning commission.
- (c) *Developer to submit certificate.* The developer's engineer shall include a statement with the wastewater system plans that the wastewater system meets the requirements of this section and complies with the rules and regulations established by the TCEQ.
- (d) *Design and construction criteria.* All wastewater systems shall be designed and constructed in accordance with the Design and Construction Standards and conform to the TCEQ design criteria in the Texas Administrative Code, as amended. Privately maintained wastewater facilities located between the publicly maintained portion of the wastewater system and up to the point five (5) feet away from the building foundation shall follow all requirements of the Utilities Design and Construction Standards and shall not violate the International Plumbing Code, with local amendments.

**Sec. 4-78. Oversize mains.**

- (a) *Size of mains.* All water and wastewater mains shall be installed in accordance with the water and wastewater master plan maintained by the utility director. All water and wastewater mains shall be sized to provide necessary service to the tract to be developed. The cost of water mains up to eight inches, or of a size required to serve a tract being developed, whichever is larger, shall be paid in full by the developer.
- (b) *Oversize mains.* Where it is determined that on-site water and/or wastewater mains need to be of a larger size than is required to serve the tract to be developed, the city may require the developer to install such oversize mains. For water mains less than 16 inches the developer shall be reimbursed the incremental cost difference for oversizing from the oversize account described in subsection (c) of this section. For oversize water mains 16 inches or greater, the developer shall be reimbursed for the incremental cost difference required for oversizing from the oversize account approved for capital improvement projects, or through reimbursement contracts. For wastewater mains less than 15 inches, the developer shall be reimbursed the incremental cost difference for oversizing from the oversize account described in subsection (c) of this section. For oversize wastewater mains 15 inches or greater, the developer shall be reimbursed for the incremental cost difference required for oversizing from the oversize account approved for capital improvement projects, or through reimbursement contracts.

(c) *Oversize account.* A special oversize account is hereby established for the purpose of reimbursing developers for the cost of oversizing water and wastewater mains. The account shall be funded by water and wastewater oversize fees which are based on the number of LUE service units to be added to the respective water and wastewater systems. The number of service units will be determined in accordance with Sec. 4-82(e).

~~(1) — One LUE is equal to the amount of water consumed by a single-family dwelling unit based on an average consumption of 450 gallons per day and the amount of wastewater produced using 280 gallons per day average flow.~~

~~(2) — To determine the number of residential LUE's, the following calculations shall apply:~~

<del>LUE</del>	<del>Land Use</del>
<del>1.0</del>	<del>Single-family/per dwelling unit</del>
<del>0.7</del>	<del>Duplex or single family attached/per dwelling unit</del>
<del>0.7</del>	<del>Townhouse/per dwelling unit</del>
<del>0.5</del>	<del>Multifamily/per dwelling unit</del>

~~(3) — LUE determinations for all other types of land uses shall be determined by the PDS director pursuant to data submitted by the applicant from a certified engineer.~~

(d4) Oversized fees assessed. The water and wastewater oversize fees will be assessed to all developers regardless of whether or not they are required to install an oversized line. For single family, two-family, and single-lot townhouse plats the water and wastewater oversize fees shall be paid when the developer requests recordation of the plat. For all other uses including but not limited to common lot townhouse, multifamily and nonresidential plats, or when a plat is not required, the water and wastewater oversize fees shall be paid when an application for a building permit is submitted. Interest income earned from this account shall be added to the account.

(ed) *Reimbursement.* After acceptance of the public improvements by the PDS director, a developer shall present in writing to the PDS director, a request for oversize reimbursement. A request for reimbursement shall be made within five years from the date of recordation, building permit application submittal or effective date of the reimbursement contract, whichever is applicable. After review by the PDS director for completeness of the request, the request for reimbursements shall be presented to the city council for approval. The reimbursement for the cost of oversizing will be paid from available funds within 30 days after the city council approves the reimbursement amount. Developers shall be reimbursed in chronological order of the written request for reimbursement. In the event that sufficient funds are not available, interest will accrue at a rate established by the city council. If a developer is delinquent in the payment of fees and taxes to the city, the city council may deduct from the reimbursement the amount owed to the city.

(fe) *Oversize credit.* In the event that there are sufficient funds in the oversize account to meet approved reimbursement in accordance with subsection (d) of this section and to meet contractual obligations, a developer may be entitled to a credit against the water and wastewater oversize fees; provided, however, no credit will be granted to any developer who is delinquent in the payment to the city of any fees or taxes. Subject to the foregoing, a developer may reduce the amount of the water and wastewater oversize fees by an amount equal to the reimbursement, if any, to be issued upon the acceptance of the public improvements.

(gf) *Fees, reimbursement rate and interest rate.* Water and wastewater oversize fees shall be established by the city council. Fees shall be paid at recordation as provided for in Sec. 10-35(a)(9). Periodically, the city council shall review and approve the water oversize fee, wastewater oversize fee, a fixed rate of reimbursement per inch of diameter per linear foot of oversize mains installed, and the rate of interest to be paid.

**Sec. 4-79. Water and sewer system requirements to eliminate infiltration and contamination from flooding.**

(a) The authorized building official of the city shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwaters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding. See also chapter 8, article X, division 12 flood damage prevention, and Sec. 4-88, subdivision and addition plats.

**Sec. 4-80. Furnishing of water, reuse water, and sewer services outside city limits.**

(a) *Conditions under which city services will be provided.* The city shall furnish water, sewer and/or reuse water services to residential and commercial users located outside the city limits only upon the following conditions:

- (1) *Adequate capacity exists.* There is adequate capacity of city services available for the purpose of servicing residential and commercial users outside the city without impairing services within the city. Whether such adequate capacity exists shall be determined solely by the city council, and the determination of the city council shall be final.
- (2) *Owners outside city limits to bear costs of lines and furnish easements.* The construction costs of water, sewer and/or reuse water lines and appurtenances which serve residential and commercial users outside the city limits shall be paid for by the owner, developer, or political entity requesting the service. Such owner, developer, or political entity shall also furnish suitable construction and permanent easements and rights-of-way for utility lines.
- (3) *Construction to conform to city standards.* All design and construction shall be in accordance with city standards and specifications.

- (4) *New subdivisions to comply with subdivision regulations.* New subdivisions recorded after the date of passage of this section desiring city water, sewer and/or water reuse services shall comply with the subdivision regulations of the City of Round Rock, Texas, in effect at the time such new subdivision is approved. Existing subdivisions whose plats were recorded with the County Clerk of Williamson County, Texas, at the time of the passage of the original Ord. No. 269 (January 8, 1976) can be furnished with water and sewer services without the necessity of having sanitary sewer collection and treatment facilities.
- (5) *City to have right of review.* The city shall have the right to review and approve all plats and plans and inspect and approve all water, sewer and/or reuse water construction within subdivisions where water, sewer, and/or reuse water service is to be provided.
- (6) *Water and sewer facility requirements.* Except as provided in subsection (4) of this section, all residential and commercial users shall have sanitary sewer collection and treatment facilities. Water will not be provided to residential and commercial users who utilize septic tanks save and except water can be provided to subdivisions whose plats were recorded with the County Clerk of Williamson County, Texas, at the time original Ord. No. 269 was adopted (January 8, 1976).
- (7) *Water, sewer, and/or reuse water lines to meet ultimate requirements of city.* Where water, sewer, and/or reuse water lines and appurtenances are extended outside the city limits, the lines shall be sized to serve the ultimate requirements of the city.
- (8) *Extended lines to be designed and inspected by city's engineer.* All water, sewer, and/or reuse water lines and appurtenances extending from existing city facilities to any tract of land outside the city limits requesting water, sewer, and/or reuse water service shall be designed and inspected by the city's engineer. The owner, developer, or political entity requesting the service shall pay for these services in keeping with the current contract between the city and the engineer employed by the city.
- (9) *City may reimburse owner for oversized lines.* Where the size of the water, sewer, and/or reuse water lines required to meet the ultimate requirements for the city is larger than eight inches and the total capacity is not required to serve the tract of land to be developed, the city may enter into a contract with the owner, developer, or entity constructing the lines for reimbursement for the excess capacity as other users request and are granted service. The developer or entity requesting service from an existing line shall pay a tap fee on a pro rata basis, as hereinafter set forth. The reimbursement to the owner, developer, or entity who paid for the line construction shall be made only from those tap fees paid to the city by users of the facility paid for by the said owner, developer, or entity.
- (10) *Pro rata basis for tap fee.* The pro rata basis for the tap fee shall be computed based upon the required demand for use and the fire protection as specified by the engineering criteria approved by the city's engineer. The basis for cost shall be the actual total cost of the facility plus five percent (5%) interest. The total cost shall include, but shall not be limited to, construction costs, engineering costs, and inspection costs.

(11) *Wholesale bulk rate sales of water.* Facilities constructed and paid for by another public entity or facilities which will later be acquired by a public entity may be owned, operated, and maintained by that entity. Such facilities shall purchase water from the city at a negotiated wholesale bulk rate. The city shall own, operate, and maintain all other facilities.

(b) *Rates.* The rates paid by residential and commercial users located outside the city limits for the use of the water, sewer, and/or reuse water facilities of the city shall be in accordance with sections 44-32, 44-33, and 44-34 of the Code of Ordinances.

**Sec. 4-81. Water and reuse water meters required, inspection fees.**

(a) *Meters required.* All premises using the city potable water and/or reuse water supply must be equipped with adequate water meter(s) furnished by the city, but paid for by the customer.

(b) *Installation and maintenance.*

(1) Meters shall be installed in a location that will be easy to access.

(2) The meter box shall be maintained by the customer to ensure that no obstacle will hinder or prevent adequate access to the meter for reading and servicing. Adequate access is a condition precedent to the receipt of utility services from the city and a requirement for continued service. The term "adequate access," for purposes of this section, shall be defined as the ability of an authorized city representative to get to a meter without visual aids, without the presence of the customer or without threat of bodily injury and must not be hindered by shrubs, trees, locked gates or any other obstruction. No authorized city representative shall be denied access to a meter.

(c) *Reading meters.* The city shall read or cause to be read every water and reuse water meter used in the city at such times as are necessary that the bill may be sent out at the proper time. No person shall cause interference with reading a meter by building, installing or planting any obstacle that would prevent access to a meter temporarily or permanently. If an obstacle prevents the meter from being read, an additional trip fee as set forth in Sec. 44-30(b) shall be charged to the water and reuse water bill as a reread fee. Should an authorized city representative be unable to have adequate access more than three times, the city shall notify customer, in writing, of such obstruction and give customer ten days to provide adequate access. The city may, at its option, relocate the meter and charge customer for the actual costs of relocating the meter. Failure to comply within the ten-day period shall be grounds for termination of service and customer shall be charged the a water inspection and meter setting fee set forth in subsection (f) of this section.

- (d) *Testing meters.* Any customer requesting the municipal water and reuse water meter to be tested shall pay, as a fee, the actual cost of testing the meter by a third party licensed meter tester. The city will retain the fee if the meter is within three percent of being accurate. If the meter is not within three percent of being accurate, it shall be repaired or replaced and the fee returned to the customer or credited on the customer's account.
- (e) *Right of entry.* Any employee of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, meter reading and testing.
- (f) *Water and reuse water service, inspection and meter setting fees.*
  - (1) *Water and reuse water inspection and meter setting fee.* Each applicant for a plumbing permit, whether for new construction or otherwise, shall at the time the permit is issued, pay a water inspection and meter setting fee of \$100.00.
  - (2) *Fees for water service outside city limits.* Applicants for water and reuse water service outside the city limits shall pay the same fees as set forth above. Applicants who are otherwise required by contract to obtain building permits shall pay the fees when a permit is issued. Other applicants shall pay the fees when water service is requested.
- (g) *Sewer inspection fees.*
  - (1) *Service connection.* Each applicant for a plumbing permit, whether for new construction or otherwise, shall, at the time the permit is issued, pay a sewer inspection fee of \$100.00 for each sewer service connection to the main line.
  - (2) *Sewer service outside city limits.* Applicants for sewer service outside the city limits shall pay the same sewer inspection fee as set forth above. Applicants who are otherwise required by contract to obtain building permits shall pay the fees when a permit is issued. Other applicants shall pay the fee when water or wastewater service is requested.

**Sec. 4-82. Water and wastewater impact fees.**

- (a) *General provisions.*
  - (1) *Purpose.* This section is intended to ensure the provision of adequate public facilities to serve new development in the city by requiring each development to pay its pro rata share of the costs of improvements necessitated by and attributable to such new development. Impact fees established by this section are additional and supplemental to, and not in substitution of any other requirements imposed by the city on the development of land or the issuance of building permits or certificates of occupancy.

Such fee is intended to be consistent with and to further the policies of the city's comprehensive plan, the capital improvement plan, the zoning ordinance, subdivision regulations and other city policies, resolutions and ordinances by which the city seeks to provide adequate public facilities in conjunction with the development of land.

- (2) *Applicability.* This section shall be applicable uniformly to new development that occurs within the water and wastewater service area. For new development that occurs within the boundaries of the city's wholesale customers or other political subdivisions, the applicability and terms for the assessment and collection of the impact fee shall be defined by agreement.
- (3) *Authority.* This section is adopted pursuant to V.T.C.A., Local Government Code ch. 395, the Constitution and laws of the state, and the city Charter. The provisions of this section shall not be construed to limit the power of the city to adopt an impact fee pursuant to any other source of local authority nor to limit the utilization of any other methods or powers otherwise available for accomplishing the purposes set forth herein.
- (4) *Development approval.* No application for new development shall be approved by the city without assessment of an impact fee pursuant to this section, and no water and wastewater tap shall be connected unless the impact fees assessed by this section have been paid.

(b) *Land use assumptions.*

- (1) The updated land use assumptions contained within the April 2012 Update of the Water and Wastewater Impact Fees of the City of Round Rock, dated April 2012, are hereby adopted and incorporated by reference and shall be kept of record in the office of the city secretary.
- (2) Said land use assumptions for the city shall be updated at least every five years utilizing the amendment procedure set forth in V.T.C.A., Local Government Code ch. 395.
- (3) Amendment to the land use assumptions shall incorporate projections of changes in land uses, densities, intensities and population for the service area over at least a ten-year period.

(c) *Water and wastewater impact fee service area.*

- (1) The water and wastewater impact fee service area, the boundaries of which are depicted on the map contained within the April 2012 Update of the Water and Wastewater Impact Fees of the City of Round Rock, is hereby adopted and incorporated by reference and shall be kept of record in the office of the city secretary.

- (2) The boundaries of the water and wastewater impact fee service area may be amended from time to time in accordance with the procedures set forth in V.T.C.A., Local Government Code ch. 395.

(d) *Impact fee capital improvements plan for water and wastewater facilities.*

- (1) The impact fee capital improvements plan for water and wastewater facilities contained within the 2012 Update of the Water and Wastewater Impact Fees of the City of Round Rock, dated April 2012, is adopted and incorporated in this section by reference and shall be kept on record in the office of the city secretary.
- (2) The impact fee capital improvements plan for water and wastewater facilities may be amended from time to time pursuant to the procedures set forth in V.T.C.A., Local Government Code ch. 395.

(e) *Determination of service units.*

- (1) *Table for non-multifamily uses.* The number of service units for non-multifamily uses for both water and wastewater service is determined by the size and type of the water meter purchased for the property in accordance with the following table. The number of service units associated with the use of compound meters is determined by the size of the largest meter installed:

<b>Meter Size (inches)</b>	<b>Service Units</b>
5/8 x 3/4	1.0
3/4	1.5
1	2.5
1.5	5.0
2	8.0
3	16.0
4	25.0
6	50.0
8	80.0

<b>Meter Size (inches)</b>	<b>Service Units</b>
10	115.0

- (2) *Table for multifamily uses.* The number of service units for multifamily uses for both water and wastewater service is determined in accordance with the following table:

<b>Type of Multifamily Use</b>	<b>Service Unit Equivalents</b>
Apartments	0.5 per unit
Multifamily house	0.5 per unit
Townhouse	0.7 per unit
Single-family attached house with two dwelling units	0.7 per unit
All other multi-unit residential buildings	0.7 per unit

- (3) *Calculation.* Service units shall be calculated based upon the size of the water meter for non-multifamily uses, or the type of multifamily use, as set out above.
- (4) *No water meter.* Upon application for a building permit for lots for which no water meter has been purchased, wastewater service units shall be determined by a professional engineer licensed in the state, subject to the approval of the director.
- (5) *Nonstandard meter.* No adjustment in service units shall be made for water use or fire demand that falls between standard meter sizes or combinations.
- (6) *Revision of service units designation.* The city may revise the service units designation in accordance with the procedures set forth in V.T.C.A., Local Government Code ch. 395.
- (f) *Impact fees per service unit.*
- (1) *Maximum allowable fee.* The maximum impact fee per service unit shall be computed by dividing the cost of water and wastewater capital improvements and facilities expansions necessitated by and attributable to new development identified in the impact fee capital improvements plan for each category of capital improvements by the total number of projected service units in the impact fee service area based upon the land use assumptions, and then may be adjusted to reflect a credit, as appropriate, for

other non-fee methods of capital payments referenced in V.T.C.A., Local Government Code § 395.014(7). Maximum impact fees per service unit shall be established for each category of capital improvements and are on record in the office of the city secretary, and incorporated in this section by reference.

- (2) Beginning on March 1, 2016, the city shall assess and collect per service unit to be served by the city's water system a water impact fee of \$4,025.00.
- (3) Beginning on March 1, 2016, the city shall assess and collect per service unit to be served by the city's wastewater system a wastewater impact fee of \$2,099.00.

(g) *Assessment of impact fees.*

- (1) The city shall assess the impact fees per service unit in effect at the time of plat recordation of a subdivision plat or other plat under V.T.C.A., Local Government Code ch. 212, subch. A, or the city's subdivision ordinance.
- (2) Except as provided in V.T.C.A., Local Government Code § 395.019, the city shall collect the fees as follows:
  - a. At the time the political subdivision issues a building permit; or
  - b. For land platted outside the corporate boundaries of the city, the city shall collect the impact fees at the time an application for an individual meter connection to the city's water or wastewater system is filed.
- (3) For land on which new development occurs or is proposed to occur without platting, the city may assess the impact fees at any time during the development and building process and may collect the fees at either the time of recordation of the subdivision plat or connection to the city's water or wastewater system or at the time the city issues either the building permit or the certificate of occupancy.
- (4) Following assessment of the impact fee hereunder, the amount of the impact fee per service unit may not be increased above the assessed fee unless the owner obtains final approval for replatting in which case a new assessment shall occur at the assessed water and wastewater impact fee per service unit in effect at the time of such replatting.
- (5) An application for an amended plat made pursuant to V.T.C.A., Local Government Code § 212.016 or the city's subdivision rules is not subject to a reassessment of the impact fee.

(h) *Calculation of impact fees.*

- (1) The water and wastewater impact fees shall be based on the number of service units required for non-multifamily uses or the size of the water meter determined by the director to be necessary to serve multifamily uses and the number of service units associated with that size of water meter. If the city allows a development to connect to the wastewater system without connecting to the water system, the director shall

- determine the number of service units that would be required if the development did connect to the water system. The number of service units associated with the various sizes of water meters or multifamily types are set forth herein in subsection (e) above.
- (2) A property owner may submit, or the director may require the submission of a study, prepared by a professional engineer, licensed in the state, clearly indicating the number of water and/or wastewater service units which will be consumed or generated by the new development. The director will review the information for completeness and conformity with generally accepted engineering practices and may, when satisfied with the completeness and conformity of the study, modify the total number of service units required for the new development.
  - (3) Total service units and any fraction thereof shall be multiplied by the impact fee per service unit for water or wastewater service as set forth in subsection (f) of this section.
  - (4) All applicable offsets, credits or discounts per service unit allowable under this section for water or wastewater service shall be subtracted from the product derived under subsection (h)(3) of this section.
  - (5) The amount of impact fees due for new development shall not exceed the amount computed by multiplying the assessed fee for water or wastewater service by the total number of service units generated by the development.
  - (6) Whenever the property owner increases the number of service units for a development, the additional impact fees collected for such new service units shall be determined based on the assessed fee and applicable offsets, credits and discounts then in effect and such additional fee shall be collected at the time the additional meters are purchased.
  - (7) For the purpose of determining water impact fees attributable to the addition of a separate irrigation meter, the water impact fee shall be based on the size of the irrigation meter shown in the table of **Sec. 44-32** of the Code of Ordinances. No wastewater impact fee shall be charged for an irrigation meter.
  - (8) In determining the number of service units for wastewater impact fees, no service units will be attributed to irrigation meters.
  - (9) Payment of an impact fee in accordance with the terms and conditions of this section shall entitle the payor to receive a credit for same to be used in the event the tap for the property for which the fee is paid expires and must be repurchased; provided, however, that the impact fee is not refundable upon expiration of the tap.
  - (10) If the tap or building permit for the property on which an impact fee is paid has expired and a new application is thereafter filed for the identical property and the same number of service units, the impact fee previously paid satisfies the requirements of this section.
  - (11) The impact fee shall attach to the property for which the impact fee was paid and shall not be transferable to other properties or service units.

- (12) No request to connect to the water and wastewater system shall be granted and no building permit shall be issued if the applicant cannot verify payment of the appropriate impact fee and other applicable fees or if existing facilities do not have actual capacity to provide service to the new connection.
- (i) *Credits.* If the city requires, as a condition of development approval, or otherwise enters into an agreement with a developer, to have the developer construct, fund or otherwise contribute toward the cost of a capital improvement or facility expansion included in the adopted water or wastewater capital improvements plan, the city shall provide for reimbursement in the form of credits against impact fees that would otherwise be due from the development. Such credits shall run with the land and shall be used to reduce the amount of the impact fee that would otherwise be owed at the time of collection of impact fees. If the amount of such credits would be insufficient to reimburse the developer for the cost of required improvements, the city shall provide for reimbursement to the developer up to the balance of the cost of the required improvements from water or wastewater impact fees collected from other new development within the same service area. In determining the amount of such credits, the developer shall submit evidence of the actual, fair-market cost of the required improvement. Such credits shall only be applicable against the impact fees for the type of facility (water or wastewater) for which the capital improvement is made.
- (j) *Exceptions and exemptions.*
- (1) *Limitation on modification.* Except as provided in this section or by contract in existence on the effective date of the ordinance codified in this section, any reduction, change or modification in the amount or time of payment of the impact fee must be approved by a duly enacted ordinance of the city council.
- (2) *Fire protection capacity.* No fee shall be collected for the purchase of a tap that is utilized to provide only fire protection capacity.
- (3) Nothing hereinabove stated shall be construed to alter the terms of a contract with a wholesale customer of the city regarding the payment of impact fees and shall not be construed to authorize the payment of impact fees in installments in areas encompassed by such a contract for wholesale service.
- (4) *Exchange.* A tap may be exchanged before any water or wastewater service has been received for another tap without collection of the impact fees established in this section if the exchange will result in an equivalent or lesser number of service units to be utilized on the property for which the tap was originally purchased. The number of service units to be exchanged shall be determined in accordance with subsection (e) of this section and shall not be based on the number of units at the time of initial purchase.
- (5) *Waiver.* By majority vote of the city council, a resolution or ordinance may be adopted waiving or reducing the impact fees for a certain class of development, or for a specific

development if there is a finding that the proposed waiver or reduction would result in substantial economic benefit to the city. All water and wastewater impact fees for public school buildings were waived pursuant to Ord. No. G-95-03-23-9A, 3-23-1995.

(k) *Accounting for fees and interest.*

- (1) All water and wastewater impact fees collected by the city shall be deposited in interest bearing accounts clearly identifying the category of capital improvements for which the fees were collected.
- (2) Interest earned by each account shall be credited to the account on which it is earned and shall be used solely for the purposes specified for impact fees as authorized herein below.
- (3) The city shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes authorized in this section. Disbursement of funds shall be authorized by the city at such times as are reasonably necessary to carry out the purposes and intent of this section; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten years from the date the fee is deposited into the account.
- (4) The city shall maintain and keep adequate financial records for each such account, which shall show the source and disbursement of all revenues, which shall account for all moneys received, the number of service units for which the moneys are received, and which shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of projects specified in the impact fee capital improvements plan as system-related capital projects. The city shall also maintain such records as are necessary to ensure that refunds are appropriately made in accordance with this section.

(l) *Use of proceeds of impact fee accounts.*

- (1) Water and wastewater impact fees shall only be used to pay the costs of constructing water and wastewater capital improvements or facility expansions, including and limited to the following:
  - a. Construction contract price;
  - b. Subject to the provisions of V.T.C.A., Local Government Code § 395.012(b), interest charges, including projected interest charges, or other finance costs;
  - c. Surveying and engineering fees;
  - d. Land acquisition costs, including land purchases, court awards and costs, attorney's fees and expert witness fees; and
  - e. Fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the city.

- (2) Impact fees collected pursuant to this section shall not be used to pay for any of the items set forth in V.T.C.A., Local Government Code § 395.013.
- (m) *Refunds.* All or any portion of a water or wastewater impact fee payment that has been collected by the city and has not been spent as authorized by this section within ten years from the date such impact fee was collected shall be refunded pursuant to the provisions set forth in V.T.C.A., Local Government Code § 395.025.
- (n) *Updates to plan and revisions of fees.* The city shall review the land use assumptions and impact fee capital improvements plan for water and wastewater facilities at least every five years, with the five-year period to commence from the date of adoption of the impact fee capital improvements plan referenced in this section. The city council shall accordingly make a determination of whether changes to the land use assumptions, impact fee capital improvements plan or impact fees are needed and shall, in accordance with the procedures set forth in V.T.C.A., Local Government Code ch. 395, or any successor statute, either update the fees or make a determination that no update is necessary.

**Sec. 4-83. Petition for the Creation of a municipal utility district (MUD).**

- (a) *Fee required.* Each request or petition to the city for its written consent for the creation of a municipal utility district shall be accompanied by a fee of \$5,000.00 which shall be paid to the city to defray the expense of reviewing and responding to said request or petition.

**Sec. 4-84. Reserved.**

**ARTICLE VII. STORMWATER DRAINAGE FACILITIES**

**Sec. 4-85. General policies.**

- (a) Stormwater drainage improvements shall be provided for the subdivision or addition. Stormwater ~~drainage improvements~~ impacts resulting from new development must not adversely affect ~~abutting~~ any properties, including those abutting, downstream, and in upstream areas. Stormwater drainage facilities shall be designed by an engineer licensed to practice in Texas and in compliance and in accordance with this chapter, the Design and Construction Standards, and generally recognized and accepted engineering practices. Privately maintained stormwater drainage facilities including channels and swales located outside a public easement shall follow all requirements of the Drainage Design and Construction Standards, with exceptions for the following components: pipe material, pipe size, junction structures, inlets, roof drains, and minimum depth requirements. Variations to the aforementioned components shall not violate the International Plumbing Code, with local amendments, and must be approved by the zoning administrator. Variations are not permitted for any residential use.

- (b) The ultimate 4% and ultimate 1% annual chance floodplains shall be determined for watercourses draining 50 or more acres. Calculations for floodplains shall utilize generally recognized backwater computational methods and actual field channel and overbank configuration.
- (cb) At a minimum, Aall stormwater drainage facilities shall be engineer-designed to intercept and transport the projected runoff from a ~~25-year frequency storm~~ 4% annual chance event. In addition, those flows greater than a ~~25-year frequency~~ 4% annual chance event up to and including a ~~100-year frequency storm~~ 1% annual chance event, shall be contained within private streets, public streets, drainage easements, or a combination thereof.
- (d) All stormwater drainage facilities shall be designed to prevent the erosion of existing and proposed on-site and off-site facilities.
- (ee) Projected runoff rates for the design and analysis of stormwater drainage facilities shall be based on the expected ultimate developed state of the upstream contributing area and shall apply to any and all references to floodplain, flows, design frequencies or any other ~~quantitative hydrologic and hydraulic description~~ reference found in this chapter.
- (ef) The requirements provided in this chapter shall not relieve the owner of responsibility under state law to adjacent, upstream, and downstream property owners.

#### **Sec. 4-86. On-site facilities, regional program, and fees.**

- (a) *On-site detention facilities.* Except as stated herein, all development establishing impervious cover or otherwise modifying an existing site shall incorporate on-site drainage facilities to prevent any increase in the peak rate of runoff from the ~~two-, ten- and 25-year frequency storm~~ 50%, 10%, 4%, 2%, and 1% annual chance events. The PDS director may modify this requirement under either of the following circumstances:
- (1) An approved off-site storage is provided by the developer for the required regulation of peak flows; or
  - (2) Sealed engineering data and calculations are presented which fully describe, explain, and justify recommended alternatives.
- (b) *Regional stormwater management program.*
- (1) *Participation.* In lieu of required on-site or off-site detention facilities, a developer may request to participate in the regional stormwater management program. The PDS director, in consultation with the utilities director, may accept a tract of land in the regional stormwater management program if the proposed development, including any off-site

improvements, will not result in additional identifiable adverse flooding of other property or is not in an area of special flooding concern as identified by the utilities director. A comprehensive engineering report providing engineering data and calculations which fully describe and justify participation in the program shall accompany all participation requests. The report should address the following as they apply:

- a. If the property is suspected of being located in an area of the watershed where ponding would have an identifiable adverse effect on downstream or adjacent property, a spatial series of hydrographs must demonstrate that releasing the developed flows without ponding would not cause adverse impacts.
- b. If no direct access to a main watercourse is available and the outflows from the property will eventually confluence at a point satisfying subsection a. above, an analysis of the secondary drainage system must also be submitted. The secondary drainage system is defined as any gutter, storm sewer, minor channel, or other similar intermediate drainage facility.
- c. If the subject tract does not satisfy the conditions of subsection a., it must have access to a designated regional pond. The engineer must submit a report addressing the conveyance capabilities of the secondary drainage system as mentioned in subsection b. above. If the pond is either under construction or proposed for construction, the PDS director will make a determination of the applicant's participation ability. The criteria for this participation will be based on existing sensitivity in the watershed, as presented in the engineering application report. If participation is denied due to a lack of available facilities, provisions may be made for temporary detention within the applicant's tract, with the intention of their removal as soon as regional facilities are made available.

(2) *Regional stormwater management program fees.*

- a. ~~Participation fees shall be established by the city council. The participation fees are as provided in Chapter 14, article V, and based upon proposed land use.~~ The fees are as follows:

\$ 800.00/acre	Single family
\$1,600.00/acre	Multifamily
\$2,400.00/acre	Commercial/Industrial

- 1. Adjustment of these fees ~~will~~ may be allowed ~~at the discretion of~~ by the PDS director, in consultation with the utilities director, if it is determined that certain impervious coverage restrictions, (e.g., special watershed ordinances), reduce the actual land use. However, the minimum fee ~~regardless of any land use restrictions~~ shall not be less than \$800.00/acre.

2. Upon approval of participation, the full ~~participation~~-fee will be due prior to approval of construction plans for single family projects and upon building permit approval for multifamily, commercial, and industrial projects.

#### **Sec. 4-87. Computations and plans.**

- (a) Sealed engineered Pplans for proposed drainage facilities shall be submitted to the PDS director for acceptance prior to construction.
- (b) Computations for all drainage related design shall be submitted with the ~~plans~~application for either a site development permit or subdivision improvement permit. Data submitted shall include, ~~but is not limited to~~, a drainage area map, a summary of methodology employed and resulting data, land use and runoff coefficient assumptions and other pertinent hydrologic and hydraulic data. Additional data may be required by the city engineer.
- (c) Certification shall be submitted by an engineer licensed in the State of Texas that the plans and computations are in compliance with the requirements of this chapter.
- (d) Following construction, but prior to acceptance of improvements by the city, the design engineer shall furnish certification that based upon his or her periodic inspection of the work all improvements, including those covered by this section, have been constructed in compliance with the city's requirements.

#### **Sec. 4-88. Subdivision and addition plats.**

- (a) Preliminary and final plats for additions or subdivisions shall show the limits of the ultimate ~~400-year~~1% annual chance floodplain for all waterways draining 50 or more acres by hatch marking said floodplain on the plat. In addition, all preliminary and final plats shall show the limits of zones A and AE as depicted on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), if such zones fall within the boundaries of the plat.
- (b) The final plat of any proposed addition or subdivision showing the limits of the ultimate ~~400-year~~1% annual chance floodplain shall contain the following plat note:  
“No fences, structures, storage or fill shall be placed within the limits of the ultimate ~~400-year~~1% annual chance floodplain unless approved in accordance with city ordinances.”
- (c) The final plat of any proposed addition or subdivision containing any property within SF-R, SF-1, SF-2, SF-3, SF-D, TF or TH zoning districts, or single family condominiums or detached townhomes contained within a Planned Unit Development, shall provide public right-of-way, drainage easements or separate lots dedicated for such purposes, as approved by the city, to

cover at a minimum the ultimate ~~100-year~~ 1% annual chance floodplain areas, drainage channels, pipe systems, and any other related drainage facilities. All other final plats shall provide drainage easements or separate lots dedicated for such purposes, as approved by the city, to cover at a minimum the ultimate ~~25-year~~ 4% annual chance floodplain areas, drainage channels, pipe systems and any other related drainage facilities.

- (d) If any lot is adjacent to the ultimate 1% annual chance floodplain, ~~the~~ final plat shall establish minimum finished floor elevations for all such lots at two feet above the ultimate ~~100-year~~ 1% annual chance floodplain elevation. ~~The establishment of minimum finished floor elevations is required except when proof is presented that the lots are two feet above the nearest ultimate 100-year floodplain.~~

(1) For single-lot plats containing multiple foundations, a separate exhibit shall be provided prior to recordation indicating the minimum finished floor elevation for each proposed slab adjacent to the ultimate 1% annual chance floodplain.

- (e) The final plat shall contain a statement by an engineer certifying the easements, slab elevations and any other drainage related notes are in compliance with this chapter.
- (f) No portion of any land located in the ultimate ~~100-year~~ 1% annual chance floodplain shall be counted toward the minimum lot area requirement.

#### **Sec. 4-89. Drainage channels.**

- (a) No channel modifications shall be undertaken within the area of the ultimate 1% annual chance floodplain without permission of the city engineer. Such permission shall be based upon certified engineering data and calculations furnished by the proposing permittee.
- (b) All constructed or modified earthen channels shall be designed utilizing a side slope of 3:1, or flatter, to allow for future maintenance and promote adequate slope stability.

#### **Sec. 4-90. Streets and storm sewers.**

- (a) All street sections shall be in accordance with city standards with an allowable design drainage capacity for gutter flow no deeper than the top of the curb.
- (b) Depth of flow in streets is to be controlled to allowable levels by modification of crossfall, gradient changes, or the use of curb inlets and storm sewers.
- (c) Curb inlets shall be spaced as required to control flow in streets to allowable levels and placed to minimize interference of runoff to traffic flow, particularly at intersections.

- (d) All storm sewer pipe shall be reinforced concrete, minimum size 18 inches diameter, and installed in compliance with the city's standard specifications for public works construction for the city.

**Sec. 4-91. Bridges and culverts.**

- (a) All bridge or culvert structures shall be designed to carry and/or store the upstream runoff from a 4% annual chance event.
- (b) Runoff from the 1% annual chance event may overtop the road surface at bridge or culvert crossings a maximum of six (6) inches for a major or collector street crossing, and a maximum of 12 inches on a minor or residential street crossing.

**Sec. 4-92. Building permits.**

- (a) Plans submitted for building permits other than single family residential or duplex construction shall include the necessary drainage related facilities designed and provided for in compliance with this chapter and the drainage criteria manual.
- (b) Plans and design calculations for all drainage facilities shall be submitted to the PDS director for review and approval prior to issuance of the building permit.
- (c) The design engineer shall certify that the plans and calculations for all drainage facilities are in compliance with the ordinances of the city.
- (d) Following construction, but prior to issuance of a certificate of occupancy, the design engineer shall certify that the public works improvements, including those covered by this section, have been constructed in compliance with the city's requirements based on his/her inspection of the completed work.

**Secs. 4-93. – 4-94. Reserved.**

**ARTICLE VIII. PUBLIC IMPROVEMENTS**

**Sec. 4-95. Constructions plans submission.**

- (a) *Submittal.* Subdivision improvement construction plans shall be submitted for review and acceptance by the PDS director for all development for which public improvements are required.

- (b) *Developer must retain engineer.* The developer must retain the services of a civil engineer, registered in the state, whose seal shall be placed on the subdivision improvement construction plans in accordance with the Texas Engineering Practice Act. The engineer shall be responsible for the services as described in the Design and Construction Standards. The services performed by the engineer shall be as designated in the latest edition of the Manual of Professional Practice—General Engineering Services, published by the Texas Society of Professional Engineers, and shall include both design and inspection as defined therein.
- (c) *Submittal content.* Except as provided herein, after preliminary plat approval, subdivision improvement construction plans may be submitted to the PDS director for acceptance. The subdivision improvement construction plans submittal shall include all of the information specified in the development packet.
- (d) *State review.* All subdivision improvement construction plans must comply with the Texas Accessibility Standards administered by the Texas Department of Licensing and Regulation and the Americans with Disabilities Act of 1990, as amended. The developer shall submit applicable portions of the subdivision improvement construction plans to the Texas Department of Licensing and Regulation for review. Upon the completion of construction, the developer shall request inspection of all pedestrian facilities by the Texas Department of Licensing and Regulation and pay all necessary fees. The city will not accept the public improvements until the developer provides evidence that the plans have been reviewed and approved by the Texas Department of Licensing and Regulation and that payment of the required inspection fees has been made.
- (e) *Expiration of accepted subdivision improvement construction plans.* The subdivision improvement construction plans will expire two years from the date of acceptance by the PDS director if construction has not commenced. Even after construction has commenced, the accepted subdivision improvement construction plans will expire three years from the date of acceptance. If accepted subdivision improvement construction plans expire, the plans shall be resubmitted for review and acceptance to ensure compliance with the current Design and Construction Standards.
- (f) *Preconstruction conference.* After the issuance~~acceptance~~ of the subdivision improvement permit~~construction plans~~, a preconstruction conference shall be required prior to commencement of construction of the public improvements. The preconstruction conference shall be held with the PDS director and include the following people: Developer, developer's contractor, developer's engineer and other parties as determined by the PDS director.

#### **Sec. 4-96. Construction of public improvements.**

- (a) *Requirement.* All public improvements required by these regulations shall be installed and constructed by the developer, or his successors in title, within three years from the acceptance

issuance of the subdivision improvement ~~construction plans~~ permit. All improvements shall conform with the provisions of this chapter and the ~~accepted~~ permitted plans.

(b) *Failure to complete improvement.* Where public improvements are not completely ~~installed and~~ constructed and accepted within the three years, the city may do the following:

- (1) Where an additional fiscal security was required by Section 4-98, obtain the funds under the security to complete the public improvements using a third party selected by the city; and/or
- (2) Exercise any other rights available under the law.

(c) *Sidewalk construction.*

- (1) *Sidewalks for single family, two family, and single-lot townhouse lots.* Except as provided in subsection 6-26(c), a developer shall install sidewalks on the rear of double frontage lots, on the side of a corner lot and where shown on the subdivision improvement construction plans.
- (2) *Sidewalks for common-lot townhouse, multifamily and nonresidential lots.* A developer shall install sidewalks for common-lot townhouse, multifamily and nonresidential lots that abut a street and where shown on the subdivision improvement construction plans. A subdivision shall not be accepted until the sidewalk has been constructed in accordance with the regulations of this chapter and has been inspected and approved by the PDS director.
- (3) *Deferment of sidewalk construction.* Sidewalks shall be installed in accordance with subsections (c)(1) and (2) of this section, except under the following circumstances, as determined by the transportation director:
  - a. Where the existing cross section of the street makes immediate construction of a sidewalk impractical;
  - b. Where a nonresidential subdivision abutting an existing street is isolated from any other sidewalk by a distance of twice the frontage of the subdivision; or
  - c. Where construction or reconstruction of the street where a sidewalk is to be placed is imminent and the sidewalk would be destroyed if constructed.
  - d. Where construction of a single family home within a residential subdivision would potentially damage or destroy a sidewalk immediately adjacent to the lot, the sidewalk shall be constructed prior to issuance of a certificate of occupancy for each individual residence.

The city may require a cash payment by the developer in lieu of construction of the sidewalk if the ~~planning and zoning commission~~ transportation director determines that the sidewalk should not be built within the three-year period of the construction plans. The cash payment shall equal the city's estimate of the cost of constructing and installing the sidewalk and associated features, such as but not limited to appurtenances and

drainage features, at the time of permit ~~acceptance~~ issuance of the public improvements. The developer shall pay the cash payment prior to the ~~acceptance~~ issuance of the public improvements permit~~by the city~~.

- (4) *State review.* All sidewalks must comply with the Texas Accessibility Standards administered by the Texas Department of Licensing and Regulation and with the Americans with Disabilities Act of 1990, as amended, whichever is more restrictive. The developer shall submit its sidewalk plans to the Texas Department of Licensing and Regulation for review and upon completion of the construction, for inspection. The city will not accept the public improvements until the developer provides documentation that the sidewalk plans have been reviewed and approved by the Texas Department of Licensing and Regulation. The developer is responsible for all fees associated with the state plan review and inspection and must submit to the city evidence of the payment of all required inspection fees.

(d) *Benchmarks.*

- (1) *Designation.* A permanent benchmark shall be designated with each addition or subdivision. Benchmarks shall be located on public property in a location acceptable to the PDS director. Benchmarks are considered public improvements and shall consist of a brass disk, furnished by the city, set in a concrete structure of such mass and dimensions and constructed on an unyielding foundation that, in the opinion of the PDS director, will ensure the integrity of the benchmark.
- (2) *Installation.* Prior to acceptance of the public improvements, benchmarks shall be installed by the developer. The elevation, horizontal datum and description of each benchmark installed shall be certified by a surveyor and submitted to the PDS director on a form provided by the city and contained in the development packet. In the event that public improvements are not required, benchmarks shall nevertheless be installed by the developer and the certified elevation and description provided to the PDS director prior to plat recordation.
- (3) *Modification.* The PDS director may modify the benchmark requirement if he/she determines one of the following:
- a. The requirement would create needless redundancy of benchmarking because an established public benchmark exists in the immediate vicinity, is readily accessible, and will not be removed or made inaccessible by construction associated with the addition or subdivision;
  - b. The requirement creates undue hardship on the developer;
  - c. The city's supply of brass disks is exhausted or there is no feasible opportunity to install a brass disk in a suitable structure. In this case, the PDS director may approve a permanent benchmark established in conformance with generally accepted surveying and engineering practices; or
  - d. Lack of development within the subdivision or addition.

**Sec. 4-97. Required.**

- (a) The developer shall construct or provide all applicable public improvements required by this chapter. All improvements which the developer is required to make shall be made by the developer at his expense without reimbursement by the city, except as otherwise provided in this chapter. The city may contract with a developer to construct public improvements relating to the development in accordance with V.T.C.A., Local Government Code ch. 212, subch. C; V.T.C.A., Local Government Code § 212.071 et seq.

**Sec. 4-98. Fiscal security.**

- (a) A developer must post fiscal security with the city prior to a request for recordation of the final plat if the public improvements have not been accepted by the PDS director and provided that the subdivision improvement construction plans have been accepted by the PDS director.
- (1) *Amount.* The amount of fiscal security posted by the developer shall equal the estimated cost plus ~~ten~~25% percent for two (2) years for street improvements and the estimated cost plus 10% for one (1) year for all other improvements ~~to complete the public improvements~~ that have not been accepted. The developer's engineer must provide the PDS director with a sealed and certified opinion of the probable cost for his approval.
- (2) *Types.* A developer may post as fiscal security:
- a. A performance bond; or
  - b. A letter of credit, with language approved by the city attorney, as provided in the development packet, and only at the discretion of the PDS Director.
- (3) *Return of fiscal security.* The city shall return the fiscal security to the developer when a final acceptance letter of the public improvements has been issued.
- (4) *Expenditure of fiscal security.* The city may draw on the fiscal security and pay the cost of completing the public improvements if it determines that the developer has breached the obligations secured by the fiscal security, or the three-year time period for the installation and construction of the required public improvements has expired. The city shall refund the balance of the fiscal security, if any, to the developer. The developer shall be liable for the cost that exceeds the amount of fiscal security, if any.

**Sec. 4-99. Inspection and acceptance.**

- (a) *Entry and inspection.*
- (1) The PDS director and other city employees shall have the right to enter upon the construction site for the purpose of conducting inspections. The PDS director shall conduct inspections of the public improvements during construction to ensure general conformity with plans and specifications as accepted. If the PDS director finds upon

inspection that any of the public improvements have not been constructed in accordance with this chapter and the Design and Construction Standards, then the developer shall be responsible for making the necessary changes to insure compliance.

- (2) Upon completion of the public improvements, the developer shall arrange with the PDS director for a final inspection to determine that the public improvements have been installed and in conformity with the accepted subdivision improvement construction plans. The developer shall pay all necessary inspection fees prior to the acceptance of the public improvements by the city.

(b) *Acceptance of improvements.*

- (1) *Request acceptance of public improvements.* Upon completion of the construction of the public improvements, the developer shall request that the PDS director accept the improvements for maintenance. Concurrent with the request for acceptance of the public improvements for maintenance, the developer shall submit all information required for acceptance of improvements specified in the development packet.
- (2) *Letter of acceptance.* Upon satisfactory completion of the public improvements and receipt of the information and items requested for the acceptance, the PDS director shall issue a letter accepting the public improvements ~~and shall forward a copy of the letter of acceptance to the PDS director.~~

**Sec. 4-100. Maintenance of improvements.**

- (a) The developer shall be responsible for the maintenance and repair of all public improvements for one year after acceptance of said public improvements by the city. Prior to issuance of the letter of acceptance by the PDS director pursuant to Section 4-99, a ~~one-year~~ maintenance guarantee, in favor of the city, shall be provided by the ~~developer~~ general contractor by means of a warranty bond in the duration and amounts specified in Sec. 4-98, subject to the approval of the city, in the form specified in the development packet. If the plasticity index (PI) for any proposed street is higher than 20, the general contractor shall provide a two (2) year guarantee, in favor of the city by means of a warranty bond, subject to the approval of the city, in the form specified in the development packet.

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## Chapter 6 STREETS AND THOROUGHFARES

### ARTICLE I. GENERAL POLICY

#### Sec. 6-1. General policy.

- (a) All streets shall be planned to properly integrate with the existing and proposed system of local, collector and arterial streets.
- (b) Local streets shall be designed to conform to existing topography, to discourage use by through traffic, to permit efficient drainage and utility installation, and provide safe access to property.
- (c) Streets shall be provided to the boundary lines of the tract being subdivided, unless the transportation director determines that such an extension is neither necessary, nor desirable.
- (d) All plats shall provide for the appropriate extension of existing and proposed streets in accordance with subsection (f) of this section.
- (e) Streets shall be designed to accommodate anticipated traffic generators such as schools, businesses, shopping centers and population densities.
- (f) The location of arterial streets shall conform to the General Plan.
- (g) Curbing shall be required for the purpose of drainage, safety, delineation, and protection of the pavement edge. Curbing shall be designed so as not to interfere with the movement of pedestrian traffic.
- (h) Except as provided in Sec. 6-26, sidewalks shall be required on both sides of all streets.
- (i) Streets and improvements associated with streets shall be in accordance with the Design and Construction Standards.

#### Secs. 6-2. – 6-10. Reserved.

### ARTICLE II. STREET DESIGN STANDARDS

#### Sec. 6-11. Streets.

- (a) *Street classification and characteristics.*

- (1) *Local streets.* The purpose of a local street is to provide lot street frontage and carry traffic to a higher classification street. ~~Because of its limited purpose, a local street generally carries an average daily traffic volume no greater than 2,000 vehicle trips.~~ Local streets are divided into three subcategories: Local-residential, local-nonresidential or local-rural. Unless approved by the transportation director, a local street shall not connect to two separate higher classification streets or connect directly to arterial streets. Local streets may be designated as private streets.
  - (2) *Collector streets.* Collector streets are divided into two subcategories: Local and major. The purpose of collector streets is to convey traffic from intersecting local streets and to expedite the movement of traffic to an arterial street or other collector street. ~~A local collector street generally carries an average daily traffic volume of 2,000 to 6,000 vehicle trips. A major collector street generally carries an average daily traffic greater than 6,000 vehicle trips.~~ Generally, major collector streets shall not permit on-street parking. No collector street in a residential development shall be designated as a private street. Collector streets in nonresidential private street developments may be designated as private streets.
  - (3) *Arterial streets.* The purpose of an arterial street is to carry high volumes of through traffic. Arterial streets serve as a link between major activity centers within the urban area. Access is usually limited to intersections, multifamily developments and commercial driveways. All arterial streets are designated in the general plan. An arterial street shall not end as a cul-de-sac. Generally, arterial streets shall not permit on-street parking. No arterial street shall be designated as a private street.
- (b) *New streets.*
- (1) *Right-of-way.* A developer shall dedicate or convey at the city's option the amount of right-of-way for each type of street as stated in the Design and Construction Standards. Except as provided below, the developer must dedicate or convey the required right-of-way for all streets within the subdivision as shown on the plat. The city may reduce the amount of right-of-way dedication for an arterial street based on the design consideration, existing land uses, existing development of adjoining properties, and dimensions of the proposed addition or subdivision. In all cases, the amount of right-of-way dedicated for any one street within the addition or subdivision shall not exceed 120 feet wide or 15 percent of the total acreage on the plat submitted.
  - (2) *Street improvements.* All public and private streets shall be designed and built in accordance with the Design and Construction Standards. The developer must construct the full cross section of the arterial streets designated on the general plan which are located within the subdivision unless the TIA for the addition or subdivision documents a need for a lesser cross section. In such a case, the developer shall construct the cross section required by the TIA.

- (c) *Private streets.* Private streets may be permitted, subject to the provisions of Sec. 4-56 and 6-18.
- (d) *Substandard existing street right-of-way.* Whenever a proposed subdivision abuts an existing street that has a substandard right-of-way width for either the existing street or for a future street, the developer shall dedicate the additional right-of-way for the existing street or future street. The developer shall dedicate one-half of the amount required for the type of street to be upgraded measured from the existing centerline of the right-of-way or up to 15 percent of the total acreage of the addition or subdivision, whichever is less. The city may reduce the amount of right-of-way dedication requirement based on design consideration, existing land uses, existing development of adjacent properties, and dimensions of the proposed addition or subdivision.
- (e) *Stub streets.*
- (1) Except for gated communities, a proposed subdivision or addition must provide access to adjacent land subdivided by stubbing appropriate streets to the boundaries of the proposed addition or subdivision. When the abutting land is platted, the developer shall integrate the stubbed streets into the existing traffic system of streets in a logical manner as well as continue the same street classification of the stub street. The developer shall present a schematic plan to demonstrate how the stub street will eventually extend through the adjacent property and connect with a collector or arterial street.
  - (2) Temporary paved turnarounds shall be provided at the end of stubbed streets which are more than 250 feet long.
- (f) *Culs-de-sac.*
- (1) Local streets may terminate in a cul-de-sac. Collectors and arterial streets may not terminate in a cul-de-sac.
  - (2) Except as provided herein, the maximum length of a cul-de-sac street shall be ~~750~~600 feet, measured from the centerline of the nearest intersecting outlet street to the centerpoint of the turnaround; except that a longer length may be allowed upon a recommendation by the fire department and if the planning and zoning commission determines any of the following:
    - a. That no secondary access can be reasonably provided to the portion of the subdivision which is to be served by the cul-de-sac;
    - b. That limited access to the subdivision is due to a topographical condition on the property or a particular physical surrounding; or
    - c. That the cul-de-sac is temporary and the street is planned to extend to the adjacent property.
- (g) *Curbing.* All streets shall have standard curbing and gutter except for the local-rural street classification where ribbon curb is allowed. All raised medians and islands located within the

street pavement shall be bordered by standard curb and gutter, unless otherwise approved by the transportation director. All concrete curb and gutter shall be installed and constructed according to the Design and Construction Standards.

(h) *Curb ramps.*

- (1) Curb ramps are required within a street wherever a sidewalk or pedestrian route intersects with a curb. The design and construction of curb ramps shall be in accordance with the Design and Construction Standards, and shall meet the Texas Accessibility Standards, administered by the state department of licensing and regulation and the Americans with Disabilities Act of 1990, as amended.
- (2) Whenever a sidewalk or pedestrian route crosses a raised median, the raised median shall be cut through level with the street, or shall have curb ramps at both median curbs plus a level area at least four feet long between the curb ramps in the median.

(i) *Access.* All lots shall be provided with frontage on an existing or proposed public or private street.

**Sec. 6-12. Medians and islands.**

- (a) *Standards.* Medians and islands shall be landscaped with grass turf or constructed of stamped pattern concrete, brick, stone or concrete pavers, or other engraved concrete surfaces approved by PDS director. Grass turf areas shall not be less than six feet in width. All medians and islands shall be bordered by standard curb and gutter, unless otherwise approved by the transportation director.
- (b) *Median openings.* Median openings on arterial streets shall be in accordance with the Design and Construction Standards.

**Sec. 6-13. Intersections.**

- (a) Proposed intersections shall be designed to meet the minimum spacing requirements, curb radii, and corner sight distances required in the Design and Construction Standards, and based on the following design specifications:
  - (1) Streets shall ~~inter~~est~~sect~~ at right angles. In the event of physical constraints that prevent right angles, a modification of up to 20 degrees may be permitted by the planning and zoning commission upon recommendation by the transportation director.
  - (2) The right-of-way line at street intersections shall be in accordance with the Design and Construction Standards.
  - (3) The centerline of intersecting streets shall be a minimum of 200 feet from other street intersections. This offset shall not apply to streets intersecting a street if a raised median

is provided and no median opening is aligned with either of the offset streets. Future median openings ~~shall not be permitted~~ are prohibited where two streets offset and intersect an arterial street at a distance of less than 200 feet; provided, however, median openings may be allowed for one-way traffic circulation subject to the approval of the transportation director.

**Sec. 6-14. Acceleration/deceleration lanes.**

- (a) Acceleration/deceleration lanes shall be provided along existing and proposed arterial streets when required by the findings of a city-approved TIA.
- (b) Additional right-of-way shall be dedicated by plat if required to accommodate acceleration/deceleration lanes or turning lanes.

**Sec. 6-15. Street names and addresses.**

- (a) *Street names.* Each preliminary plat shall indicate proposed street names for streets within the addition or subdivision. The PDS director shall review and approve the proposed street names according to the following standards:
  - (1) Street names shall not conflict with or duplicate any existing street names within Williamson County and the portion of Travis County north of the Colorado River. The disapproval of a proposed street name may be based on but is not limited to the following: close pronunciation to another street name, street name is too difficult to pronounce, street names with undesirable meanings or connotations, street names with language translation problems or street names that may cause the theft of a street sign.
  - (2) New streets which are extensions or in alignment with existing streets shall bear the name of the existing street unless otherwise approved by the PDS director.
  - (3) Street suffix terms shall be assigned in accordance with the guidelines contained in the latest edition of the "Street Naming and Property Numbering Systems", provided in Report Number 332 by the Planning Advisory Service of the American Planning Association. A copy of the report is maintained by the planning department.
- (b) *Final plat.* Approved street names shall be shown on the final plat.
- (c) *Street addresses.* Street addresses shall be assigned by the PDS director.

**Sec. 6-16. Street lighting.**

- (a) *Requirement.* The developer shall provide street lighting along all streets including culs-de-sac and at all intersections. The street lighting requirements for local, collector and arterial streets

shall be in conformance with the spacing, height, illumination and other specifications found in the Design and Construction Standards.

- (b) *Illumination plan.* An illumination plan for all streets within the plat shall be filed with the construction plans. The plan shall show the proposed location of the street lights and any electrical facilities within the street right-of-way or public utility easements. The street lighting facilities shall be complete and operational prior to acceptance of the public improvements. The illumination plan is subject to the approval of the PDS director.

**Sec. 6-17. Signage, striping, and signalization.**

- (a) *Signage and striping.* The developer shall design, install and pay all costs for traffic control signs and pavement striping. Traffic control signs and pavement striping shall conform to the accepted construction plans and to the most recent edition of the Texas Manual of Uniform Traffic Control Devices, a copy which is on file with the transportation director.
- (b) *Signalization.* The developer shall design, install and pay all costs for providing any required traffic signalization system identified in an approved TIA, including all related devices, conduits, wiring and junction boxes.

**Sec. 6-18. Nonresidential private street development.**

- (a) *Intent and purpose.* It is the intent of these nonresidential private street development regulations to:
  - (1) Allow nonresidential private street development to occur within the city on a limited and restrictive basis; and
  - (2) Provide for nonresidential private street development as alternative types of development to allow the city to expand its development types.
- (b) *Guidelines.* The following guidelines are to be satisfied as part of the review and approval process for all nonresidential private street development:
  - (1) All nonresidential private street development shall be located in areas zoned as a planned unit development district (PUD) in accordance with Sec. 10-22 and 2-76.
  - (2) Each application for a nonresidential private street development PUD shall be subject to the approval of the commission and the city council, on a case by case basis, based upon the criteria described in this section. However, an applicant who meets the stated criteria will not be entitled to the nonresidential private street development PUD as a matter of right, but shall obtain approval of the nonresidential private street development PUD at the discretion of the commission and city council.

- (3) A nonresidential private street development shall not contain a gated or guarded entrance to limit access to the private street system by members of the general public.
- (c) *General requirements.* All nonresidential private street development PUDs shall include the following minimum requirements in the PUD ordinance and/or development plan included therein:
- (1) The private street system must comply with design standards in this chapter. All ordinances, rules, regulations, design standards and construction standards which govern public streets shall apply to nonresidential private street development, including, but not limited to, street and roadway width, paving, drainage, sidewalks, submission of plans, and street lighting requirements.
  - (2) The private street system within a nonresidential private street development shall provide perpetual access for all lots within the development, for police and other emergency vehicles, public and private utility maintenance and service personnel, solid waste collection services, the U.S. Postal Service, and government employees in pursuit of their official duties.
- (d) *Specific requirements.*
- (1) Each nonresidential private street development plat shall contain the following wording on the face of the plat:

"The streets have not been dedicated to the public, for public access nor have they been accepted by the City of Round Rock as public improvements, and the streets and roadways shall be maintained by the property owners association within the subdivision, except that the streets and roadways shall always be open to the public, as well as emergency vehicles, public and private utility maintenance and service personnel, solid waste collection services, the U.S. Postal Service, and governmental employees in pursuit of their official duties".

"The undersigned, his successors, and assigns hereby agrees to release, indemnify, defend and hold harmless the City, any governmental entity and public utility for damages to the private streets occasioned by the reasonable use of the private streets by the City, governmental entity or public utility, for damages and injury (including death) arising from the condition of said private street; for damages and injury (including death) arising out of the use by the City, governmental entity or public utility of the said private streets. The owners of all lots contained in this plat shall release the City, governmental entities and public utilities for such damages and injuries. The indemnifications contained in this paragraph apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the City, governmental entity or public utility, or their representative officers, employees or agents".

"The undersigned, his successors, and assigns hereby agrees that the City is not obligated to provide certain City services on the private streets contained within the

development, including, without limitation, routine police patrols, street lighting, enforcement of traffic and parking ordinances and preparation of accident reports".

- (2) A PUD for a nonresidential private street development must be approved by the city prior to the approval of the final plat. The city shall consider the PUD application after review and recommendation by the city staff. Subject to city council approval, the requirements of this chapter may be modified in the ordinance adopting the PUD.
- (3) Easements. Nonresidential private street development plats shall provide the following easements:
  - a. Public utility easements containing the private streets and public utilities;
  - b. Additional public utility, drainage and storm sewer easements required by the city, public utilities, or other public agencies;
  - c. Preexisting easements unaffected by the platting process; and
  - d. Such private service easements, including but not limited to, utilities, fire lanes, street lighting, government vehicle access, mail collection and delivery access, and utility meter reading access, as may be necessary or deemed mutually convenient by the applicant and the city.
- (4) Private streets and alleys must be constructed within one or more separate lots owned by the property owners association. Such lots must conform to the city's standards for public street and alley right-of-way. An easement covering the street lots shall be granted to the city providing unrestricted use of the lots for utilities and the maintenance of same. This right shall extend to all utility providers, including telecablecommunications companies, operating within the city. The easement shall also provide the city with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to, fire and police protection, inspection and code enforcement. The easement shall permit the city to remove any vehicle or obstacle within the street lot that impairs governmental service or function, or emergency access.
- (5) With respect to the maintenance and repair of public utilities located within the boundaries of the special purpose lots for private streets, the city's obligation to restore the surface of the special purpose lot shall be limited to the repair or restoration of any grassed area, broom-finished concrete driveway or sidewalk, concrete roadway curb, or asphaltic concrete roadway surface that is removed or disturbed in the course of installing, operating, repairing, or accessing any utilities, lines, or associated appurtenances owned by the city or public utilities. The city and public utilities shall not be obligated to repair or restore any other item so removed or disturbed, including but not limited to, trees, shrubs, non-grass groundcover, grass other than common St. Augustine or Bermuda, walls, posts, fences, lighting other than street lighting required under Sec. 6-7, decorative paving, or structures. The city and public utilities shall have final authority in determining the limits of any such repair or restoration, the satisfactoriness of such repair or restoration, and that such repair or restoration is in keeping with the standards of other such repairs or restoration provided elsewhere in the city.

- (6) All private traffic regulatory signs shall conform to the Texas Manual of Uniform Traffic Control Devices, as amended, and city ordinances and regulations.
- (7) The PUD for a nonresidential private street development may contain provisions to allow driveway access from properties outside the development and adjacent to a private street, as determined by the city.

(e) *Property owners associations.*

- (1) A nonresidential private street development PUD shall have an approved property owners association. The property owners association shall require membership by all property owners within the nonresidential private street development PUD, and have provisions to assess and/or place liens on owners for nonpayment of street maintenance dues. The property owners association shall own and be responsible for the maintenance of private streets, appurtenances, related private storm sewers and drainage facilities. The property owners association shall provide for the payments of dues and assessments required to maintain the private streets. The property owners association covenants and bylaws shall be approved by the director of planning and city attorney. The approved document must be filed for record contemporaneously with the filing of the final plat in the county records department.
- (2) The property owners association covenants and bylaws shall provide for a street maintenance reserve fund for the maintenance, repair and reconstruction of private streets, related private storm sewers and drainage facilities, access control structures and equipment. This reserve fund shall be maintained in a separate account and may not be co-mingled with any other property owners association funds. A portion of the assessments levied by the property owners association will be placed in the street maintenance fund. The portion of the assessments collected from lot owners and placed in the street maintenance fund will be based on the current maintenance and replacement schedule prepared and certified by a licensed engineer or an individual holding an RS ("reserve specialist") designation from the Community Associations Institute. In conjunction with approval of the final plat, the basis and formula for calculating the amount of assessments to be deposited in the street maintenance fund, shall be subject to review and approval by the director of transportation and the PDS director. The property owners association shall provide to the city: (i) annually an affidavit setting forth the fund balance and any expenditures therefrom; and (ii) at least once every three years, an updated maintenance and replacement schedule prepared and certified by a licensed engineer or a reserve specialist. No more than once annually, the basis and formula for calculating the amount of assessments to be deposited in the street maintenance fund may be amended, subject to the review and approval of the director of transportation and the PDS director.
- (3) The property owners association covenants shall contain provisions that allow the city to assume the duty of performing the maintenance obligations should the property owners

association dissolve or in any way fail or refuse to maintain its obligations. The covenants shall further provide that the city may use the outstanding balance in the street maintenance reserve fund for maintenance or in the alternative, levy an assessment upon each lot on a pro rata basis for the cost of such maintenance.

- (4) Membership requirements. Every lot owner within the nonresidential private street development shall be a member of the property owners association.
- (5) The property owners association documents shall indicate that the streets within the nonresidential private street development are private, owned and maintained by the property owners association, and that the city has no obligation to maintain or reconstruct the private streets, related private storm sewers and drainage facilities. The covenants shall include the following provision:

"The property owners association shall be responsible for contacting the City of Round Rock Transportation Services Department every two years, or as needed, from time of initial completion to schedule an inspection, to include city staff and the property owners association's representative for reviewing the private streets".
- (6) The property owners association covenants and bylaws shall include language, approved by the city attorney, whereby the association agrees to fully indemnify, hold harmless and defend the city, its officers, agents, and employees, from any and all claims, lawsuits, judgments, costs or causes of action of any nature whatsoever, whether real or asserted, brought for or on account of any injuries or damages to persons or property, including death, resulting from or in any way connected with the construction, maintenance or operation of the private streets.

(f) *Voluntary conversion of private streets to public streets.* The city may, but is not obligated to, accept private streets for public access and maintenance. The procedure must conform to all of the following provisions:

- (1) The property owners association must submit a petition signed by 100 percent of its members.
- (2) All of the streets must be in a condition that is acceptable to the city, in its sole judgment.
- (3) All structures not consistent with a public street development must be removed at the expense of the property owners association and to the satisfaction of the city.
- (4) If any maintenance of the streets and roadways is required, the city may use the outstanding balance in the reserve fund for such maintenance. Any remaining balance in the fund shall be returned to the lot owners at the time the private street and/or roadway is converted to a public street on a fair and equitable basis to be determined by the city council. If the outstanding balance is insufficient to perform the required maintenance, the property owners association shall provide additional funds as required.
- (5) Each lot owner shall execute an instrument of dedication for filing of record, the form of which shall be approved by the city attorney's office.

- (g) *Design standards.* The design and construction of the infrastructure within a nonresidential private street development shall conform to the same rules, regulations, standards, and specifications established for standard subdivisions with public streets.
- (h) *Street lights on private streets.* Street lighting shall be provided on private streets in accordance with Sec. 6-16. It shall be the responsibility of the property owners association to pay for the cost of operating the streetlights on private streets.
- (i) *Additional requirements or standards.* The foregoing requirements and standards for nonresidential private street development PUDs are considered to be the minimum requirements. However, nothing contained herein shall be considered as a limitation on the city council's discretion to modify these or other requirements or standards to make them more or less restrictive, as required by the unique circumstances of each PUD application.

**Secs. 6-19. – 6-25. Reserved.**

### **ARTICLE III. SIDEWALKS**

#### **Sec. 6-26. Sidewalks.**

- (a) *ADA requirement.* All sidewalks must be designed and constructed to meet the Texas Accessibility Standards administered by the Texas Department of Licensing and Regulation and the Americans with Disabilities Act of 1990, as amended.
- (b) *Design.* Unless excepted in this section, sidewalks for all street classifications shall be installed on both sides of the street right-of-way or within a sidewalk easement. A sidewalk shall be allowed to meander within the right-of-way or an easement upon approval of the PDS director. Sidewalks are required along one side of a local rural street pursuant to Sec. 4-34. Sidewalks are required along street frontage of parks pursuant to Sec. 4-65(c)(2). Sidewalks shall not intersect at driveway wings unless otherwise approved by the PDS director.
- (c) *Exceptions.* Sidewalks shall be required on all streets, except on streets where pedestrian access is provided within the approved subdivision through an alternative sidewalk design as approved by the PDS director.
- (d) *Size.*
  - (1) *Local residential, local rural and local collector streets:* A sidewalk along a local residential, local rural or local collector street be a minimum of four (4) feet in width when separated by a distance of at least three (3) feet from the roadway curb. Sidewalks closer than three (3) feet to the roadway curb shall be a minimum of five (5) feet in width. Where

ribbon curb is installed on local rural streets, the sidewalk shall be at least eight (8) feet from the ribbon curb unless otherwise approved by the PDS director.

- (2) *Local nonresidential, major collector and arterial streets:* A sidewalk along a local nonresidential, major collector or arterial street must be a minimum of four (4) feet in width and a minimum eight (8) feet from the curb.
- (e) *Construction.* The sidewalk construction specifications shall be in accordance with the Design and Construction Standards. Sidewalks shall be installed as shown on the construction plans and in accordance with Sec. 4-96(c) unless construction is deferred in accordance with Sec. 4-96(c)(3).

**Secs. 6-27. – 6-30. Reserved.**

#### **ARTICLE IV. TRAFFIC IMPACT ANALYSIS**

##### **Sec. 6-31. General.**

- (a) A TIA shall be submitted with a voluntary annexation, general plan map amendment, zoning map amendment (original zoning or rezoning), concept plan, preliminary plat, final plat, ~~or replat~~, or building permit application when the proposed development will generate 100 or more peak hour vehicle trips.
- (b) If a TIA has been reviewed and approved for a zoning map amendment on a project and if a site plan, subdivision plat, or building permit application ~~general plan map amendment~~ are submitted for the same project, a TIA addendum and/or update will be required if there are significant changes to the land uses, anticipated target year (build-out year), trip generation, trip distribution, background traffic or funded improvements. The level of detail needed for the revised analysis should be discussed with the Transportation Director during the scoping meeting.
- (c) The applicant is responsible for contacting the Transportation Director before a development application is submitted to determine the proposed trip generation for the site and confirm whether a TIA will be required. Trip generation shall be calculated based on the criteria in Sec. 6-32(b)(1). If a TIA is required, a preliminary meeting must be held to discuss the scope of the TIA and the requirements for TIA content and format.
- (d) The applicant is responsible for submitting five (5) copies of the TIA report at the time that a development application is submitted. Up to 15 additional copies may be required if needed for the Planning and Zoning Commission or other review boards.
- (e) If the applicant fails to comply with the technical requirements and the scope of study outlined in the preliminary meeting, the applicant will be advised in writing that an addendum is needed. An

addendum must be submitted 18 working days or 26 calendar days prior to the date on which the project is scheduled for consideration by the Planning and Zoning Commission. If the TIA addendum is not submitted within this time frame and the staff does not have adequate time to review the report and submit comments to be included in the Commission agenda packet, the development request may be postponed to the next scheduled Commission meeting.

- (f) After the TIA and any addenda have been approved by the staff, three (3) copies of the final version of the TIA incorporating all corrections and additions must be submitted as a permanent file record. A final TIA for a zoning map amendment case must be submitted before the first reading of the case by the City Council. A final TIA for a site plan must be submitted before release of the site plan.
- (g) The TIA must be completed by a professional engineer competent in traffic engineering. The TIA report shall include the following statement, signed by the professional engineer responsible for the contents of the document:

"I hereby certify that this report complies with ordinance requirements and applicable technical requirements of the City of Round Rock and is complete and accurate to the best of my knowledge."

**Sec. 6-32. Technical criteria and requirements.**

Technical requirements have been established to standardize the format by which a TIA is prepared and to ensure that the content and quality of the TIA will result in an accurate and useful analysis. The Transportation Director will review a TIA based on these criteria and may require an addendum for those reports which are incomplete or inaccurate. There are five (5) major elements or activities in preparing a TIA.

- (a) *Determine the scope of the TIA.* The study area or scope of a TIA shall be determined by the Transportation Director. Applicants are responsible for scheduling a meeting to determine the scope of the TIA and to discuss all requirements before any studies are conducted. The elements to be determined during the meeting shall include the following:
  - (1) *Type of study.* The possible types of reports include: a letter report, full traffic impact analysis report or special report (e.g., sight distance survey).
  - (2) *Impact area.* Impact area will include identifying the study intersections and roadways to be analyzed in the study.
  - (3) *Period of analysis.* Periods of analysis generally includes AM peak and PM peak. Depending on the nature of the land use and vicinity to other uses, school peak, weekend peak or event peak hour may also be required to be analyzed.

- (4) *Analysis scenarios.* Scenarios for analysis include existing conditions, opening year conditions without development, opening year conditions with development, and any phased considerations if the project will be developed in phases. Ten years after opening analysis may be required under special cases and will be determined by the Director of Transportation Services.
  - (5) *Type of Analysis.* As a minimum Intersection capacity analysis will be required. Depending upon the nature of the project, roadway capacity analysis, weaving analysis, etc. may also be required as determined by the Director of Transportation Services.
  - (6) *Assumptions.* Assumptions include trip generation land use categories, pass-by reductions, internal capture reductions, transit reductions, and growth rate assumptions.
  - (7) *Roadway Improvements.* Proposed roadway improvements that will be completed prior to the opening year of the development will need to be included in the analysis.
  - (8) *Other projects.* Other projects in the vicinity of the study area that will be completed prior to the opening year of the development will need to be included in the analysis.
- (b) *Estimate and distribute site-generated traffic.* The following procedures are accepted practice in the City's Transportation Master Planning and should be addressed in each report: trip generation, trip distribution and traffic assignment.
- (1) *Trip generation.*
    - a. Trip generation shall be based upon the proposed land use and density. A.M. peak, P.M. peak and total daily site-generated traffic must be calculated using an independent variable or determinant which has been confirmed by the City during the pre-application meeting. The applicant must identify and justify the applicability of the trip rates used. Gross square footage is the usually accepted determinant for office and gross leasable square footage is the usually accepted determinant for retail projects. The number of dwelling units is the most often accepted determinant for residential uses. A table of proposed land uses must also be included in each TIA report for review.
    - b. Trip generation rates shall be adopted from the latest edition of "TRIP GENERATION, An ITE Informational Report, Institute of Transportation Engineers, Washington DC, 2005" (or latest edition). If the above source does not contain the appropriate trip rates for the proposed land use, other sources may be used at the discretion of the Director of Transportation Services. The other sources may include collection of local traffic data for similar land uses, research papers, etc.
    - c. Average weekday trip rates shall be used in estimating total daily trips generated unless otherwise indicated by staff in defining the scope of study. Weekend or other trip rates shall also be required if the peak hour does not occur on an average weekday. The trip rate for peak hour of adjacent street traffic shall be used to estimate A.M./P.M. peak hour traffic entering and exiting the site.

Guidelines in the Trip Generation manual shall be used for determining whether to use average trip rates or equations.

- d. If the TIA is filed in conjunction with a site plan review, trip generation shall be based upon the uses and intensities identified on the site plan. If a site plan is not available, trip generation shall be based upon the maximum allowable density for the most intensive use. Reductions for internal capture, pass-by traffic, and transit usage should be discussed during the pre-application meeting and must be supported by adequate documentation. No reductions in trip rates may be made for driveway turning movements unless it can be documented that certain trips will not use the driveway. Guidelines contained in ITE's Trip Generation manual shall be used to document internal capture and pass-by trips.

(2) *Trip Distribution.*

- a. Percentages for directional distribution of the site generated traffic must be well referenced. The basis for directional attraction shall largely rely on the following information:
  - 1. Marketing Study,
  - 2. Subarea Transportation Study,
  - 3. City or State Travel Demand Estimation, and
  - 4. Local Traffic Data Collected as part of the TIA.
- b. The site traffic distribution on the impacted roadway network shall be documented in the TIA report.

(3) *Traffic assignment.* This is the assignment of site generated traffic according to the percentages of distribution determined in the previous step. Traffic assignments shall be clearly illustrated with roadway and intersection geometry. The proposed roadway network shall include all the study intersections and roadways identified during the pre-application meeting.

(c) *Forecast future non-site related traffic.*

- (1) Non-site related traffic must be estimated for the proposed build-out year of the project. In forecasting future traffic, the following factors must be considered:
  - a. Existing traffic;
  - b. Existing and proposed street network;
  - c. Traffic growth rates, using historic trends;
  - d. Traffic from any site plan within or adjacent to the study area of the TIA;
  - e. A reasonable portion of traffic from any project with a preliminary plat or recorded subdivision plat within or adjacent to the study area of the TIA; and
  - f. A reasonable portion of traffic from any project with approved zoning within or adjacent to the study area of the TIA, unless there is reason to believe that the project is unlikely to be built within the time frame covered in the TIA.

- (2) Traffic growth rates and projects to be considered in background traffic should be determined during the pre-application meeting. Existing 24-hour traffic counts and A.M./P.M. peak hour intersection turning movement counts are needed as input. A copy of the traffic counts with the date and time they were conducted must be provided. Annual traffic growth rates must be well documented. A comparison should be made with other recent forecasts where available.
- (d) *Analyze the capacity and projected operation of roadways and intersections.*
- (1) Levels of service for roadways and intersections must be calculated before and after the proposed development. The acceptable software models for calculating levels of service are:
    - a. HCS (Highway Capacity Software), latest edition by McTrans;
    - b. PASSER V, latest edition by Texas Transportation Institute;
    - c. Synchro plus SimTraffic, latest edition by Trafficware Ltd.; and
    - d. Other methodologies as approved by the Director of Transportation Services.
  - (2) In a multi-phased development, levels of service must be evaluated before and after each new phase. Unless otherwise indicated during the pre-application meeting, Level of Service D shall be the minimum acceptable standard. In addition, the following characteristics shall be addressed when evaluating capacity and level of service:
    - a. Physical configuration - intersection and roadway geometry;
    - b. Traffic characteristics - volume, peak hour factor, heavy vehicle factor;
    - c. Traffic control - signalized or un-signalized control;
    - d. Environmental condition - topography, sight distance and other safety hazards; and
    - e. Capacity - as determined in the latest edition of the Highway Capacity Manual, Transportation Research Board.
  - (3) The applicant must indicate all assumptions used in the analysis, including cycle length, phasing, G/C ratios, etc. Default values must be used for percent of heavy vehicles, peak hour factor, arrival type, etc. (as per the criteria established in the Highway Capacity Manual) unless the applicant can document other values through field data.
  - (4) A capacity analysis must be performed for key intersections within and adjacent to the site, as well as major intersections determined in the scope of the TIA. Volume/capacity ratios for the critical movements ( $X_c$ ) must be provided for each intersection analyzed. If the overall level of service is D or worse, volume/capacity ratios must also be provided for each movement within the intersection.
  - (5) The TIA must present conclusions regarding the impacts of the proposed development on the roadway system. These conclusions should be expressed in quantitative terms whenever possible. The report must specifically address any adverse traffic impacts (worse than level of service D) which cannot be avoided if the development occurs and

recommend improvements to mitigate the traffic impacts. Transit-related issues should also be discussed if applicable.

- (e) *Recommend land use and/or appropriate traffic engineering modifications to mitigate traffic impacts and maintain an acceptable level of service.*
- (1) The TIA must include specific recommendations to mitigate the transportation impacts of site-generated traffic on roadways and intersections to an acceptable level of service. Various traffic control improvements or land use decisions can be used to mitigate traffic impacts on adjacent roadways and intersections. These include, but are not limited to, the following:
- a. Roadway improvements.
    - 1. Lane addition.
      - i. Through traffic lane;
      - ii. right turn lane; or
      - iii. left turn lane.
    - 2. Sight distance improvement.
    - 3. Grade separation.
    - 4. Geometric or alignment improvements.
  - b. Traffic control modifications.
    - 1. Stop sign control.
    - 2. Signal controls.
      - i. New installation; or
      - ii. upgrade existing traffic signal.
    - 3. Other improvements.
      - i. Restricted turns; or
      - ii. Channelized islands.
  - c. Land use controls.
    - 1. Reduce density; or
    - 2. alter proposed land use.
  - d. Alternative Modes and Demand Management Options.
    - 1. Transit incentives;
    - 2. ridesharing incentives;
    - 3. flexible work hours; and
    - 4. other options
- (2) In some cases, a combination of the above strategies may be necessary. The TIA must clearly identify in the recommendations any roadway improvements (including geometric changes), traffic control modifications (including signal retiming), or other measures necessary to mitigate site-generated traffic impacts.

**Sec. 6-33. Submittal requirements.**

The following is a checklist of TIA submittal requirements for voluntary annexations, general plan map amendments, zoning map amendments (original zoning or rezoning), concept plans, preliminary plats, final plats, ~~and~~-replats, and building permit applications when a TIA is required.

- (a) *Scope of TIA.*
  - (1) Study area, as defined in consultation with staff; and
  - (2) target year for project build out.
  
- (b) *Trip generation.*
  - (1) Proposed land use or zoning district for each tract; and
  - (2) generation rates based on proposed land use intensity
    - a. Daily; and
    - b. peak hour (A.M., P.M., other).
  
- (c) *Trip distribution.*
  - (1) Percentages for directional distribution; and
  - (2) sources of information.
  
- (d) *Traffic assignment.*
  - (1) Roadway network in study area (existing and proposed); and
  - (2) access points (driveways).
  
- (e) *Traffic forecast.*
  - (1) Existing 24-hour A.M./P.M. peak traffic, including copies of field data;
  - (2) assumptions on annual growth rate or other source of future background traffic at time of build-out; and
  - (3) projected site, background and total traffic for 24-hour, A.M./P.M. peak at time of build-out.
  
- (f) *Capacity analysis for street intersections and driveways.*
  - (1) Intersection/roadway geometry (existing and proposed);
  - (2) traffic control (signalized or un-signalized); and
  - (3) traffic characteristics (turn movements, percent trucks and buses).
  
- (g) *Traffic impact assessment.*

- (1) Impacts expressed in quantitative terms;
- (2) adverse impacts which cannot be avoided; and
- (3) transit issues (if applicable).

(h) *Recommendations.*

- (1) Roadway improvements;
- (2) traffic operation modifications; and
- (3) limitation of land use intensity.

(i) *Certification statement, as described in Sec. 6-31(g).*

**Sec. 6-34. Fiscal posting.**

The developer will be responsible for posting the pro-rata share of the fiscal for improvements identified in the TIA. The TIA shall contain a table clearly identifying the recommended improvements, entity responsible for the improvements, the cost of construction, site traffic as a percentage of total traffic, and the developer's pro-rata cost. For a multi phased development, the above information shall be provided for each phase of development. The fiscal shall be posted prior to final plat recordation, site development permitting, and/or building permit issuance.

**Sec. 6-35. TIA validity period.**

The TIA will be valid for a 12 month period beyond the ultimate build-out year of the development. If the certificate of occupancy is not obtained by the developer within this time frame and the build out is delayed, a TIA update may be required at the discretion of the Director of Transportation Services.

**Sec. 6-36. Phased developments.**

If the development is constructed in phases, the TIA can be completed to include analysis for all phases and recommend improvements for each phase. The mitigation can also be phased based on the horizon year of each phase. However, if the future phases generate more traffic than what was assumed in the TIA, an addendum will be required. If the developer proposes to build in phases and submits only one phase of development for approval, the developer should be aware that traffic conditions may change when other phases are added, requiring additional on-site and off-site improvements as determined by a TIA addendum.

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## Chapter 8 ZONING AND DEVELOPMENT STANDARDS

### ARTICLE I. COMPATIBILITY STANDARDS AND BUFFERS

#### Sec. 8-1. General Compatibility Standards.

- (a) *Purpose and intent.* Compatibility standards are intended to protect lower-intensity properties and residential neighborhoods from the adverse impacts sometimes associated with adjacent and nearby higher intensity development. These standards apply to all new development in any zoning district with the exception of single family and two family houses. In cases where an individual zoning district identifies a different standard than outlined herein, the stricter standard shall apply.
- (b) *Standards.*
- (1) *Visual screening.* Screening is required for detention/water quality ponds; dumpsters, trash receptacles, outdoor storage; ground-mounted equipment; and other similar structures and facilities. Screening standards are located in Sec. 8-40.
  - (2) *Roof-mounted mechanical equipment.* All roof-mounted mechanical equipment shall be screened from public view. Screening shall utilize the same or similar materials as the principal structure.
  - (3) *Noise.* The noise regulations found in Chapter 14 of the Code of Ordinances shall apply, along with the following additional standards:
    - a. Increased setbacks for car wash facilities, outdoor paging systems, speakers, and remote ordering appliances, and drive-through lanes associated with certain uses may be found in Sec. 2-91 ~~shall not be located within 150 feet of any residential zoning district.~~
    - b. Air pumps and vacuums located at car wash facilities, gas stations, and convenience stores shall not be located within 150 feet of a residential property line.
  - (4) *Lighting.*
    - a. *Site lighting design requirements.*
      1. *Fixture (luminaire).* The light source shall be completely concealed (recessed) within an opaque housing and shall not be visible from any street right-of-way or residential property line. Light fixtures within gas station canopies shall be flush with the underside of the canopy.
      2. *Light source (lamp).* Only incandescent, fluorescent, compact fluorescent (CFL), light-emitting diodes (LED), metal halide, or color corrected high-pressure sodium may be used. The same type shall be used for the same or similar types of lighting on any one site throughout any master planned development.

3. *Mounting.* Except as required by subsection c. below. Fixtures shall be mounted in such a manner that the cone of light does not exceed one (1) foot candle at the property line.
  4. All site and building lighting shall be accomplished with light that does not flash, blink, or pulse.
  5. Athletic facilities associated with schools, places of worship, and charitable non-profit organizations may exceed the fixture height requirement if they implement reasonable measures to limit adverse impacts on neighboring properties that may result from the increased fixture height.
- b. *Excessive illumination.*
1. *Interferes with use or enjoyment.* Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other lot is ~~not permitted~~ prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the requirements of this section, or if the standard could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.
  2. *Glare or is excessive.* Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.
- c. *Compatibility with residential properties.*
1. Lighting shall be directed away from any residential properties.
  2. The cone of light shall not exceed 0.5 foot candles at any residential property line.
  3. Exterior shielding of light fixtures or other light mitigation measures shall be required if deemed necessary by city staff during the site plan review process.

## **Sec. 8-2. Compatibility Buffers.**

- (a) *Purpose and intent.* The purpose of this section is to set forth requirements regarding the design, installation, construction and maintenance of compatibility buffers for all property other than those specifically exempted below. A compatibility buffer shall be composed of a landscape buffer and a compatibility fence as provided below. Compatibility buffering is intended to minimize the effects of SR (Senior), MF-1 (Multifamily - low density), MF-2 (Multifamily - medium density), MF-3 (Multifamily - urban), C-1 (General commercial), C-1a (General commercial-limited), C-2 (Local commercial), OF (Office), BP (Business park), LI (Light industrial), I (Industrial), PF-1 (Public facilities), PF-2 (Public facilities - medium intensity), and PF-3 (Public facilities - high intensity), land uses which ~~are adjacent~~ share a common lot line with single-family or two-family ~~SF (Single~~

~~Family) and TF (Two Family)~~ uses, while maintaining the flexibility of allowing such more intense land uses in appropriate circumstances.

- (b) *Applicability.* This section shall apply to all land within the city limits and in areas where this section is in effect by contractual agreement.
- (1) Except as provided in subsection (c) below, the requirements of this section shall apply to:
- a. Any new development or construction requiring a permit;
  - b. Any change of land use from a residential use to a nonresidential use; or
  - c. Any change, conversion, or addition of commercial land uses that result in an increase in the parking requirements.
- (c) *Exemptions.* The following shall be exempt from the requirements of this section:
- (1) Restoration of a building or structure which has been damaged, destroyed or demolished to an extent less than 50 percent of its fair market value (as determined by the most recent appraisal of land value of the appraisal district in which the building or structure is located);
- (2) Exterior or interior renovation of a structure; ~~or~~
- (3) Land located within the central business district;
- (4) Lots where the adjacent SF or TF zoned property is occupied by a place of worship, civic building such as fire or police station, park, pond, or designated open space; or
- (d) A landowner may apply for a special exception to be granted by the ZBA to exempt the proposed use from the requirements of this section based on one or more of the following factors: distance to existing residential structures on the abutting SF or TF property, likelihood that the abutting SF or TF property will be developed into single family dwelling units if presently vacant, change in elevation, or presence of natural features such as creeks or trees. In order for an exemption to be granted, the ZBA must conduct a public hearing and find that the presence of such factors substantially meets the intent of the compatibility buffer requirement by providing adequate separation or buffering between the proposed use and the SF or TF property.
- (e) *Landscape buffer.* A landscape buffer at least eight (8) feet wide shall be provided for all sites subject to this section. ~~(See article III of this chapter for district specific compatibility standards.)~~ Based on the linear footage that extends along the length of the property line between higher and lower intensity land uses, the minimum quantity of landscaping shall be determined by the following requirements:
- (1) One large tree per 50 linear feet with a minimum caliper of three (3) inches, selected from the list of approved evergreen tree species in Appendix B of the Tree Technical Manual; ~~or~~and

- (2) One medium tree per ~~25~~50 linear feet with a minimum caliper of two (2) inches, selected from the list of approved evergreen tree species in Appendix B of the Tree Technical Manual; and
- (3) ~~One hundred percent of~~All trees utilized shall be of an evergreen species.

Other than the required landscaping and associated irrigation, nothing shall be placed within the landscape buffer, including without limitation, accessory buildings, parking lots, storage of materials and refuse containers. The landscape buffer may not be used as a utility easement.

(fe) *Compatibility fence.* In addition to the above landscaping requirement, a compatibility buffer shall also have a compatibility fence installed on the applicable property boundaries. Materials and installation of the compatibility fence shall comply with the most recent edition of "Selected ASTM Standards for Fence Materials and Products", a copy of which shall be maintained by the zoning administrator. Structural plans and specifications for fences shall be submitted at the same time as other construction plans required by this section. In approving said plans and specifications, the development services manager shall consider the site's soil characteristics, wind loadings, and other environmental considerations.

A landowner may select from two options for complying with the requirements for a compatibility fence required by this section. The options are set forth below:

- (1) *Pre-cast concrete panel or architectural concrete masonry units (CMU) fence option.*
  - a. ~~Pre-cast concrete panel f~~Fence materials, construction standards, and miscellaneous requirements shall be as follows:
    1. Pre-cast concrete panels shall be installed per manufacturer's specifications;
    2. Construction details or shop drawings must be sealed by a civil engineer, structural engineer, or landscape architect and provided prior to the issuance of a building permit;
    3. Both sides of the fence shall have a finished face; and
    4. The fence shall have a minimum height of six (6) feet.
  - ~~b. The pre-cast concrete panel fence shall include accent columns installed at each end and/or corner. If the fence exceeds 200 feet in length, one or more additional columns shall be required. The additional column(s) shall be constructed so that no column is more than 110 feet from another column. The columns shall be at least 16 inches in width and shall be constructed of brick or stone with a top cap.~~
- (2) *Masonry fence option.*
  - a. For the purposes of this subsection (e)(2), "masonry fence" shall mean a fence constructed of brick or natural stone. The term shall not include cement-based siding such as HardiePlank, Fenccrete, or similar construction materials.
  - b. Masonry materials, construction standards, and miscellaneous requirements shall be as follows:

1. Brick or natural stone;
  2. A cast-in-place structural footing;
  3. Top capped;
  4. Both sides of the fence shall have a finished face;
  5. The fence shall have a minimum height of six (6) feet; and
  6. Construction details or shop drawings must be sealed by a civil engineer, structural engineer, or landscape architect, shall include wind load calculations certified by an engineer qualified by experience and/or training in structural evaluation in accordance with the most recently adopted International Building Code, and be provided prior to the issuance of a building permit.
- c. If a landowner selects the masonry fence option, he shall be entitled to take advantage of reduced setback requirements as set forth in the lot and building dimensional standards table for the applicable zoning district.

**Secs. 8-3. – 8-9. Reserved.**

## **ARTICLE II. LANDSCAPING**

### **Sec. 8-10. Landscaping.**

(a) *Purpose.*

- (1) The physical appearance of the built environment is an important component of the character, value, and human experience of a community. Landscape treatment and site design function to integrate natural elements into these manmade systems, particularly architectural features and transportation infrastructure. The intent is to make Round Rock a more sustainable and attractive place in which to live, visit and do business.
- (2) Regulations must serve to provide attractive, functional and efficient landscaping, the cost of which is justified by the enhancement of property values and the creation of a sense of place through the cumulative impact of development.

(b) *Intent.*

- (1) To ensure that all planting requirements serve not only to benefit the community aesthetically, but also contribute functionally whenever opportunities to do so are presented.
- (2) To utilize planting and landscape elements to mitigate the negative impacts of development by screening unsightly features, reducing the heat island effect, and buffering incompatible uses.
- (3) To provide incentives for creative subdivision and site design.

- (4) To implement site design and planting requirements which minimize the need for maintenance and utilize sound water conservation practices~~the use of limited resources.~~
- (5) To provide for landscaping regulations that encourage the preservation of protected trees, as defined in Sec. 1-50.
- (6) To establish monarch trees as focal points that should be highlighted by proposed development.

(c) *Applicability.* This section shall apply to all land area (public and private) within the zoning jurisdiction of the city and in areas where this section is in effect by contractual agreement.

- (1) *Application of landscape requirements.* The requirements of this section shall apply to:
  - a. All new development or construction on vacant or previously developed land, that requires site plan approval;
  - b. All new single family or two-family residences in the SF-2 (Single Family – Standard Lot), SF-3 (Single Family – Mixed Lot), and TF (Two Family) zoning districts. Such requirements may be found in subsection (l) below;
  - ~~b.c.~~ Any change of land use which results in redevelopment of a residential use to a nonresidential use;
  - ~~e.d.~~ Any change, conversion, or addition of commercial land uses that result in the requirement for additional parking to be constructed. In this case, the landscape requirements shall apply to only the newly proposed parking area and other areas of the site being modified by development activities; and
  - ~~e.e.~~ Detention ponds and water quality ponds that are part of any development including residential subdivisions. Common development that encompasses more than one lot shall be treated as one for the purposes of application of this section. Split ownership, planning in phases, construction in stages, or multiple building permits for a project shall not prevent it from being considered a common development, provided that a comprehensive site plan is submitted for all portions of the development being considered as a common development.
- (2) *Exemption from landscape requirements.* The requirements of this section specifically shall not apply to the following:
  - a. New construction of detached single family homes in the SF-R (Single Family – Rural), SF-1 (Single Family – Large Lot), and SF-D (Single Family – Downtown) zoning districts;
  - b. Expansions or modifications to an existing ~~One~~ detached single-family residence ~~constructed on its own lot~~ in any zoning district;
  - ~~b.~~ ~~A two-unit, single-family attached structure with each dwelling unit constructed on its own lot;~~
  - c. Restoration of a building or structure which has been damaged, destroyed or demolished to an extent less than 50 percent of its fair market value (as

determined by the most recent appraised value of the appraisal district in which the building or structure is located);

- d. Exterior or interior restoration of a designated historic structure;
- e. Medians in street rights-of-way;
- f. Ground-mounted equipment located in street rights-of-way.

(d) *Landscape plans.* The submittal of landscape plans shall not be required for new homes in the SF-2, SF-3, and TF zoning districts, but shall be required with the following:

- (1) *Standard site plan.* Landscape requirements identified in this section and in the format specified by the development packet necessary to obtain a standard site plan approval shall be depicted on a landscape plan. This landscape plan shall be signed and sealed by a landscape architect.
- (2) *Small project site plan.* Landscape requirements identified in this section and in the format specified by the development packet necessary to obtain a small project site plan approval shall be depicted on a site or landscape plan. If the plan includes 10 or more trees, the plan shall be signed and sealed by a landscape architect. If the plan includes less than 10 trees, the plan shall be signed and sealed by a landscape architect, professional engineer, landscape design professional, licensed nurseryman, or urban forester.

(e) *General planting requirements.*

- (1) The planting specifications and standards included in the tree technical manual are applicable unless otherwise stated herein.
- (2) All trees shall be planted in a pervious area no less than four (4) feet wide in any direction measured from the center of the tree, unless otherwise stated herein. Said pervious area shall be covered with mulch to a minimum average thickness of three (3) inches, with the exception of the area within a six (6) inch radius of the tree trunk which shall have no mulch or other material above the root ball in order to prevent or reduce the possibility of bark rot.
- (3) No more than 50 percent of the required trees and shrubs shall be of the same species without the approval of the zoning administrator. Such approval may only be granted in order to achieve a specific design intent of the landscape architect.
- (4) Improved soils containing a minimum 20% organic content shall be provided in all required landscape areas in accordance with the following:
  - a. Turf areas to a minimum depth of ~~at least three (3)~~four (4) inches;
  - b. Planting beds to a minimum depth of eight (8) inches; and
  - c. Tree planting pits shall be 50% excavated soil and 50% prepared soil.
- (5) All landscaping shall be separated from vehicular use areas by some form of barrier such as raised concrete curbing, bollards, curb stops, or other suitable permanent alternative.

- (6) All landscape beds shall be separated from sod areas by some form of barrier such as steel edging, masonry materials, or another equivalent durable material as approved by the zoning administrator. No plastic materials shall be allowed. Provided however, the barriers may be designed in such a way to capture, filter, reuse or infiltrate rainwater with the purpose of protecting and conserving water resources.
- (7) Landscaping shall not obstruct the view between access drives and parking aisles.
- (8) Nothing shall be erected, placed, allowed to grow, or planted so that it impedes vision between the height of three (3) feet and 10 feet above the curb within a sight visibility triangle, as defined in Sec. 1-50.
- (9) No artificial plant material may be used in any form to satisfy the requirements of this section.
- (10) Berms shall not encroach upon the critical root zones of existing trees, as regulated by chapter 8, Article III, Tree Protection and Preservation.
- (11) Wherever sod or turf grass is used, such grass shall be of a drought-tolerant species.
- (12) Any landscaping placed in utility easements shall not be counted towards the minimum landscaping requirements.
- (13) Notwithstanding the requirements of the tree technical manual, the zoning administrator may allow large trees to be placed closer to a building in order to achieve an urban streetscape.
- (14) At the time of planting, all trees shall have the following caliper measurements:
  - a. Large trees: three (3) inches;
  - b. Medium trees: two (2) inches;
  - c. Small/ornamental trees: one (1) inch.

(f) *Interior parking lot landscape requirements by zoning district.*

- (1) TH (Townhouse), SR (Senior), MF-1 (Multifamily – Low Density), MF-2 (Multifamily – Medium Density), MF-3 (Multifamily – Urban), C-1 (General Commercial), C-1a (General Commercial - Limited), C-2 (Local Commercial), OF-1 (General Office), OF-2 (Mid-Rise Office), BP (Business Park), PF-1 (Public Facilities – Low Intensity), PF-2 (Public Facilities – Medium Intensity), PF-3 (Public Facilities – High Intensity), MU-R (Mixed-Use – Redevelopment and Small Lot), and MU-G (Mixed-Use Greenfield and Large Lot) and all multifamily zoning districts.
  - a. Large trees shall be provided in parking areas. The construction of off-street parking areas requires the planting of one large tree ~~per ten (10) new parking spaces, or portion thereof.~~ Each tree shall be planted in an each island so that there are no more than 10 contiguous parking spaces between islands, except as otherwise provided herein.
  - b. End islands shall be provided at the terminus of each parking bay. Interrupting islands shall be provided within each parking bay as required herein. End islands and interrupting islands shall have a minimum width of nine (9) feet from face of

curb to face of curb and shall contain a large tree. Head-to-head parking bays shall include two (2) such end islands.

- c. In a row of parking immediately adjacent to a perimeter parking lot landscape area, required interrupting islands may be eliminated by planting two (2) additional large trees in the adjacent landscape area for each interrupting island so eliminated.
- d. A median island with a minimum width of nine (9) feet, from face of curb to face of curb, shall be required between every six (6) single parking bays and along primary internal and external access drives. Medium or large trees shall be planted at a rate of one per each 50 linear feet or fraction thereof. Median island intervals may be expanded in order to preserve existing trees, provided an alternative median location has been approved by the zoning administrator.
- e. Other plant materials may be substituted for a large tree between the building and the first drive aisle as per the foundation landscape requirements provided in subsection (h) below. Specifically, plant materials totaling 30 foundation treatment points as set out in the table in subsection (h)(1)c. below, shall be provided in the required island for each large tree to be substituted.
- f. The preservation of existing healthy trees of a protected species, as set forth in the definition of "protected tree" in Sec. 1-50, may be used as credits towards the landscaping required by this subsection. These credits may not be used to replace an end island or median island tree unless the preserved tree is located within the required end island or median island. Each preserved tree is credited towards the adjacent 10, 20, or 30 parking spaces, accordingly:
  - 1. Each healthy large tree with a diameter of at least four (4) inches but less than eight (8) inches within 10 feet of a parking area will be counted as a credit towards one required parking lot tree.
  - 2. Each healthy protected large tree with a diameter of eight (8) inches to 20 inches preserved within 15 feet of a parking area will be counted as a credit towards two (2) required parking lot trees.
  - 3. Each healthy protected large tree with a diameter of more than 20 inches preserved within 20 feet of a parking area will be counted as a credit towards three (3) required parking lot trees.
- g. The area within islands and medians shall not include sod or turf grass, and shall not include more than 50 percent decorative groundcover material, unless approved by the zoning administrator. The remainder of the area shall consist of planting groundcover.
- h. Notwithstanding the requirements of the tree technical manual, large trees required to meet the tree island requirements may be planted closer than 30 feet from a building, but in no event closer than 12 feet from a building.

(2) LI (Light Industrial) and I (Industrial) zoning districts.

- a. End islands shall be provided at the terminus of each parking bay. End islands shall have a minimum width of nine (9) feet from face of curb to face of curb. Head-to-head parking bays shall include two (2) such end islands. A large tree shall be planted in each end island.
- b. The area within islands and medians shall not include sod or turf grass, and shall not include more than 50 percent decorative groundcover material, unless approved by the zoning administrator. The remainder of the area shall consist of planting groundcover.
- c. Notwithstanding the requirements of the tree technical manual, large trees required to meet the tree island requirements may be planted closer than 30 feet from a building, but in no event closer than 12 feet from a building.

(g) *Parking lot landscape buffers by zoning district.*

(1) TH (Townhouse), SR (Senior), MF-1 (Multifamily – Low Density), MF-2 (Multifamily – Medium Density), MF-3 (Multifamily – Urban), C-1 (General commercial), C-1a (General commercial - limited), C-2 (Local commercial), OF-1 (General Office), OF-2 (Mid-Rise Office), BP (Business Park), and LI (Light industrial), PF-1 (Public Facilities – Low Intensity), PF-2 (Public Facilities – Medium Intensity), PF-3 (Public Facilities – High Intensity), and MU-G (Mixed-Use Greenfield and Large Lot) zoning districts.

- a. Landscaping shall be provided between parking areas and all public streets in an eight-foot (8') wide linear ~~planting bed~~landscaped area. The minimum landscaping required for this purpose shall be based on the measured linear footage of parking including vehicular circulation routes that extend along the length of the property line (excluding ingress/egress to the public road) adjacent to the public right-of-way.
- b. The required minimum quantity of landscaping is as follows:
  - 1. One large tree or two small trees per 40 linear feet, or fraction thereof;
  - 2. One small tree per 60 linear feet, or fraction thereof; and
  - 3. One large shrub, small shrub, or ornamental grass per four (4) linear feet, or fraction thereof. Any combination of large shrubs, small shrubs, and ornamental grasses ~~the foregoing~~ is acceptable.
- c. There shall be no gap between required landscaping exceeding 25 percent of the length of the landscaped area, unless approved by the zoning administrator.
- d. Notwithstanding the requirements of the tree technical manual, small trees may be grouped no closer than 12 feet apart and large trees may be grouped no closer than 30 feet apart for the purpose of meeting the requirements of this subsection (g).
- e. If there are overhead utilities above the landscape area, then the required large and/or small trees may be placed in ~~end islands or~~additional interrupting islands within the first row of parking adjacent to the public street. Such islands shall

have a minimum width of nine (9) feet from face of curb to face of curb. In addition, the owner shall have the option of reducing the eight-foot (8') wide linear ~~landscaped area~~ planting bed described in subsection (g)(1)a. above, to a four-foot (4') wide area to accommodate only shrubs.

- f. The area within islands and medians shall not include sod or turf grass, and shall not include more than 50 percent decorative groundcover material, unless approved by the zoning administrator. The remainder of the area shall consist of planting groundcover.

(2) *I (Industrial) zoning district.*

- a. Landscaping shall be provided between parking areas and all public streets in an eight-foot (8') wide linear ~~landscaped area~~ planting bed. The minimum landscaping required for this purpose shall be based on the measured linear footage of parking, including vehicular circulation routes that extend along the length of the property line (excluding ingress/egress to the public road) adjacent to the public right-of-way.

- b. The required minimum quantity of landscaping is as follows:

1. One large or medium tree per 40 linear feet (75 percent of the these trees shall be of a large tree);
2. One small tree per 30 linear feet; and
3. One large shrub per eight linear feet.

- c. Notwithstanding the requirements of the tree technical manual, small trees may be grouped no closer than 12 feet apart and large trees may be grouped no closer than 30 feet apart for the purpose of meeting the requirements of this subsection (g).

- d. If there are overhead utilities above the landscape area, then the required large trees may be placed in ~~end islands or~~ additional interrupting islands within the first row of parking adjacent to the public street. Such islands shall have a minimum width of nine (9) feet from face of curb to face of curb. In addition, the owner shall have the option of reducing the eight-foot (8') wide linear ~~landscaped area~~ planting bed described in subsection (g)(2)a. above, to a four-foot (4') wide area to accommodate only shrubs.

(3) *MU-1 (Mixed-Use Historic Commercial Core), ~~and~~ MU-2 (Mixed-Use Downtown Medium Density) and MU-R (Mixed-Use – Redevelopment and Small Lot) zoning districts.*

- a. Landscaping shall be provided between parking areas and all public open space in an eight-foot (8') wide linear ~~landscaped area~~ planting bed. The minimum landscaping required for this purpose shall be based on the measured linear footage of parking including vehicular circulation routes that extend along the length of the property line adjacent to the public open space.

- b. The required minimum quantity of landscaping is as follows:

1. One large tree or two (2) small trees per 40 linear feet, or fraction thereof;

2. One small tree per 60 linear feet, or fraction thereof; and
  3. One large shrub, small shrub, or ornamental grass per four (4) linear feet, or fraction thereof. Any combination of large shrubs, small shrubs, and ornamental grasses ~~the foregoing is~~ acceptable.
- c. There shall be no gap between required landscaping exceeding 25 percent of the length of the landscaped area, unless approved by the zoning administrator.
  - d. Notwithstanding the requirements of the tree technical manual, small trees may be grouped no closer than 12 feet apart and large trees may be grouped no closer than 30 feet apart for the purpose of meeting the requirements of this subsection (g).
  - e. The area within islands and medians shall not include sod or turf grass, and shall not include more than 50 percent decorative groundcover material, unless approved by the zoning administrator. The remainder of the area shall consist of planting groundcover.

(h) *Foundation treatment by zoning district.*

(1) SR (Senior), C-1 (General commercial), C-1a (General commercial - limited), C-2 (Local commercial), OF-1 (General Office), OF-2 (Mid-Rise Office), BP (Business Park), and LI (Light industrial), PF-1 (Public Facilities – Low Intensity), PF-2 (Public Facilities – Medium Intensity), PF-3 (Public Facilities – High Intensity), and MU-G (Mixed-Use Greenfield and Large Lot) zoning districts.

- a. The purpose of this subsection (h) is to outline requirements for the treatment of landscape areas adjacent to buildings in the ~~OF (Office), C-2 (Local commercial), C-1a (General commercial - limited), C-1 (General commercial), and LI (Light industrial)~~  aforementioned zoning districts. The intent of this section is to allow a variety of landscape treatments in order to achieve particular design goals, e.g., increased building visibility, view corridors to signage, and highlighting special architectural features. Minimum requirements are determined based on the arrangement of parking in the street yard and vary according to the site plan layout. A minimum number of foundation treatment points (FTPs) must be provided based on the site layout and the categories set forth in subsection (h)(1)b. below. Notwithstanding the requirements of the tree technical manual, large trees required to meet the foundation treatment requirements may be planted closer than 30 feet to a building, but in no event closer than 12 from a building.
- b. Foundation treatment points (FTP) determination by category.
  1. *Category 1:* Building with three (3) or more single parking bays in the street yard.  
For Category 1 site plans, FTP requirements are determined by multiplying the linear footage of the building's street-facing facades by a

factor of four (4). For example, a Category 1 building with 100 linear feet of street-facing facade requires 400 FTPs (100 x 4 = 400).

2. *Category 2:* Building with one or two (2) single parking bays in the street yard.

For Category 2 site plans, FTP requirements are determined by multiplying the linear footage of the building's street-facing facades by a factor of three (3). For example, a Category 2 building with 100 linear feet of street-facing facade requires 300 FTPs. (100 x 3 = 300).

3. *Category 3:* Buildings with no parking in the street yard.

For Category 3 site plans, FTP requirements are determined by multiplying the linear footage of the building's street-facing facades by a factor of two (2). For example, a Category 3 building with 100 linear feet of street-facing facade requires 200 FTPs. (100 x 2 = 200).

- c. Foundation treatment point credits. The number of required FTPs shall be achieved by providing a combination of no less than three (3) of the following elements contained in the table below to be located between the building and the first drive aisle. Additional elements may be considered and a point value will be established by the zoning administrator on a case by case basis.

<b>Landscape Feature</b>	<b>Points Credited</b>
Specimen tree <u>(6" caliper or larger)</u>	60
Medium or large tree	30
Ornamental tree	15
Large shrub	5
Small shrub	3
Groundcover planting	2 (per sq. ft.)
Groundcover - decorative	1 (per sq. ft.)
Perennials and annuals	0.5 (per sq. ft.)
Permanently irrigated container plantings	5 (per sq. ft.)
Decorative paving	2.5 (per sq. ft.)
Shade structure	30
Shade structure with vines	33
Site furniture	30
Bike rack	20
Trash receptacle	20

~~(j) Additional street yard landscaping requirements.~~

~~(1) The purpose of this subsection (i) is to establish additional minimum landscaping requirements for relatively large undeveloped areas within street yards. The additional landscaping requirements do not apply to any portion of a street yard which is within the following:~~

- ~~a. The parking lot areas described in subsection (f) above;~~
- ~~b. The eight-foot wide landscaped area described in subsection (g)(1)a. and in subsection (g)(2)a. above;~~
- ~~c. The foundation treatment area described in subsection (h) above; and~~
- ~~d. Any area subject to a public or private utility easement.~~

~~In addition, these requirements apply to only that portion of the street yard which is outside of the foregoing, but is within 16 feet of the eight-foot (8') landscaped area described in subsection (g)(1)a. and in subsection (g)(2)a. above.~~

~~(2) For every 2,000 square feet, or fraction thereof, of the street yard subject to these requirements, additional landscaping shall be required as follows:~~

- ~~a. One large tree with a minimum caliper of three (3) inches; and~~
- ~~b. Two (2) small trees with a minimum caliper of one inch.~~

(ik) *Irrigation.*

(1) *Underground automatic system.* All required landscape areas shall be irrigated by an underground automatic system that may include a drip irrigation system. This system shall adhere to manufacturer specifications and the rules and regulations established by TCEQ or successor agency. In addition, an irrigation system must be designed by a landscape architect or irrigator licensed by the state as described in subsection (3) below.

(2) *System requirements.* An irrigation system shall comply with the following:

- a. Sprinkler head spacing shall be designed for head-to-head coverage and adjusted for prevailing winds. The system shall promote minimum runoff and minimum overspray onto non-irrigated areas (i.e., paving, walkway, buildings).
- b. Sprinkler heads shall have matched precipitation rates within each control valve circuit.
- c. Adjustable flow controls shall be required on circuit remote control valves. Pressure regulation components shall be required where static pressure exceeds manufacturer's recommended operating range.
- d. Valves and circuits shall be separated based on water use requirements, so that turf areas can be watered separately from shrubs, trees and groundcover areas. A minimum of one bubbler each shall be provided for all large and medium size trees, except 4" caliper or larger trees shall have a minimum of two (2) bubblers.

- e. Serviceable check valves shall be required where elevation differential may cause low head drainage adjacent to paving areas.
- f. All automatic irrigation systems shall be equipped with an electronic controller capable of dual or multiple programming. Controller(s) shall have multiple cycle start capacity and a flexible calendar program, including the capability of being set to water every five (5) days.
- g. All automatic irrigation systems shall be equipped with a rain and freeze sensor shut-off device.
- h. Drip irrigation shall have flag heads at the end of the drip tubing.

(3) *License requirements.*

- a. Any person who connects an irrigation system to the water supply within the city or the city's extraterritorial jurisdiction must hold a valid license, as defined by 30 Tex. Admin. Code ch. 30 and required by V.T.C.A., Occupations Code ch. 1903, or as defined by 22 Tex. Admin. Code ch. 365 and required by V.T.C.A., Occupations Code ch. 1301.
- b. A property owner is not required to be licensed in accordance with V.T.C.A., Occupations Code, § 1903.002(c)(1) if he is performing irrigation work in a building or on premises owned or occupied by the person as the person's home. A home or property owner who installs an irrigation system must meet the standards contained in 30 Tex. Admin. Code ch. 344 regarding spacing, water pressure, spraying water over impervious materials, rain or moisture shut-off devices or other technology, backflow prevention and isolation valves. See V.T.C.A., Occupations Code § 1903.002 for other exemptions to the licensing requirement.

(4) *Permit required.*

- a. Any person installing an irrigation system within the city limits or extraterritorial jurisdiction is required to obtain a permit from the city. Any irrigation plan approved for a permit must be in compliance with the requirements of 30 Tex. Admin. Code ch. 344.
- b. Exemptions.
  - 1. An irrigation system that is an on-site sewage disposal system, such as gray water irrigation, as defined by V.T.C.A., Health and Safety ~~Code § 355.002;~~ or
  - 2. An irrigation system used on or by an agricultural operation as defined by V.T.C.A., Agriculture Code § 251.002; ~~or~~
  - 3. ~~An irrigation system connected to a groundwater well used by the property owner for domestic use.~~
- c. The city building inspections department shall be responsible for issuing irrigation system permits and collecting fees. To obtain a permit an applicant must submit a plan, complete an application provided by the department, and pay the applicable fee.

- (5) *Water conservation.* All irrigation systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation.
- (6) *Design, installation and operation.* V.T.C.A., Occupations Code § 1903.053 (standards), and 30 Tex. Admin. Code ch. 344, as amended, are hereby incorporated by reference as the minimum standards and specifications for designing, installing, and operating an irrigation system within the city or the city's extraterritorial jurisdiction.
- (7) *Items not covered by the subsection.* Any item not covered by this subsection and required by law shall be governed by V.T.C.A., Occupations Code, V.T.C.A., Water Code, 30 Tex. Admin. Code, and any other applicable state statute or Texas Commission on Environmental Quality rule.
- (8) *Fees.* The fees for obtaining and renewing an irrigation permit may be found in Sec. 8-106. These fees will be in amounts sufficient to cover the city's costs in issuing and renewing the permits, including but not limited to staff time and other overhead costs.
- (9) *Enforcement.*
  - a. The city shall have the power to administer and enforce the provisions of this subsection as may be required by governing law. Any person, firm, corporation or agent who shall violate a provision of this Code, or fails to comply therewith, or with any of the requirements thereof, is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this subsection is declared to be a nuisance.
  - b. Nothing in this subsection shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this subsection and to seek remedies as allowed by law, including but not limited to the following:
    - 1. Injunctive relief to prevent specific conduct that violates the subsection or to require specific conduct that is necessary for compliance with the subsection; and
    - 2. Other available relief.

(j) *Alternative compliance.*

- (1) In cases where a particular site opportunity exists; a creative design has been proposed; or where there is an unusual site encumbrance, an application for an alternative landscape plan which does not strictly comply to the standards of this section may be submitted for approval to the zoning administrator. If the zoning administrator denies the application for the alternative plan, the applicant may, within 15 business days after receipt of notice of such denial, appeal the decision to the zoning board of appeals (ZBA).
- (2) An application for alternate compliance must include a letter stating how the plan meets the purpose and intent of the Code and the details of the methods used to meet such intent. In addition, a comparison detailing the landscape elements required to satisfy strict compliance versus the alternative plan must be provided.

- (3) In rendering a decision on an alternate compliance plan, the zoning administrator shall consider appropriate circumstances including, but not limited to:
- a. Does the plan result in a creative arrangement of new large or medium trees?
  - b. Does the plan maximize water conservation?
  - c. Does the plan minimize the removal of existing trees or alteration of other significant natural features, such as rock outcroppings, floodplain or waterways?
  - d. Is the plan contextually comparable to surrounding developments in the immediate area?
  - e. Is the site encumbered by easements that prohibit placement of landscaping as required by this section?

(k) *Implementation.*

(1) *Inspection.* Prior to the issuance of a certificate of occupancy for the project, a landscape architect, or the identified professional as determined for small project site plans, shall inspect each site and certify on the appropriate city form that the site meets the requirements of this section and conforms to the approved site plan and/or landscape plan. Upon receipt of the certification, the zoning administrator shall verify that all requirements have been met.

(2) *Certificates of occupancy.*

- a. Prior to the issuance of a certificate of occupancy, the developer/owner shall either have completed the installation of all required landscaping or shall file with the zoning administrator fiscal security (by bond, certificate of deposit, letter of credit or cash security) satisfactory to the city, in the amount of a contractor's estimate using current market prices for materials and installation of the required landscaping plus a 20 percent contingency. The contractor's estimate shall be subject to the approval of the zoning administrator.
- b. Any developer/owner wishing to file fiscal security must also grant license to the city to enter upon the land for the purposes of installing the required landscaping in the event of nonperformance.
- c. Except as provided in subsection d. below, all required landscaping must be installed or planted no later than 45 days from the issuance of a certificate of occupancy unless otherwise approved in writing by the city.
- d. In the event that mandatory water restrictions have been implemented by the city council or city manager in accordance with Sec. 44-233 of the Code of Ordinances, the developer/owner shall comply with the applicable restrictions and regulations contained therein.

(3) *Maintenance.*

- a. All required landscaping, irrigation systems, fences, walls, berms, vegetation and other landscape components shall be maintained by the owner or agent in a healthy, safe and operating condition.

- b. Maintenance practices shall consist of all regular and normal maintenance operations of landscaping including, but not limited to, weeding, irrigation, fertilizing, pruning, mowing and litter pick-up. Plant material that exhibits severe levels of insect or pest infestation, disease and/or damage, shall be appropriately treated, and all dead plant material shall be removed and replaced with living plant material where required according to the city approved plan for the site.
- c. Street right-of-way between a property line and curb or street pavement adjoining the property shall be maintained by the adjacent landowner.
- d. It shall be the responsibility of the owner to maintain and properly irrigate all landscaping required by this section. Failure to replace dead or diseased plant material within 30 days of written notification by the city shall constitute a violation of the zoning ordinance.
- e. It shall be unlawful for any person to damage required landscaping through tree topping, over pruning or chemical poisoning. It shall be an affirmative defense that a maintenance/pruning plan was approved by the zoning administrator and that the work was performed in compliance with said approved plan. In the event that required landscaping has been so severely damaged due to tree topping, over pruning or chemical poisoning that it has died, the developer/owner shall replace the landscaping within 45 days of written notice from the city.

(l) Requirements for new construction of single family and two family residences in the SF-2 (Single Family – Standard Lot), SF-3 (Single Family – Mixed Lot), and TF (Two Family) zoning districts.

- (1) Drought tolerant turf grass shall be planted on all portions of a residential lot not covered by buildings, hardscaping, or planting beds.
- (2) The front yard of all residential lots shall contain trees at the following minimum rate, according to lot width at the front building line:

	<u>80 feet or less</u>	<u>Greater than 80 feet</u>
<u>Large trees</u>	<u>1</u>	<u>2</u>
<u>Small trees</u>	<u>1</u>	<u>3</u>

- (3) Residential lots that abut parks, trails, or similar public open spaces on the side or rear yard shall contain a minimum of one (1) large tree and one (1) small tree in each yard that abuts said space.
- (4) All large trees shall have a caliper of three (3) inches and small trees shall have a caliper of one (1) inch at time of planting and shall be container grown.
- (5) Large trees shall not be planted closer than five (5) feet to any lot line, fire hydrant, underground utility (excluding irrigation), or water meter box, and no closer than four (4) feet to any sidewalk, driveway, or curb.

- (6) Improved soils with a minimum 20% organic content shall be provided in all required landscape areas to a minimum depth of four (4) inches.
- (7) Underground irrigation shall not be required for landscaped areas. However, should underground irrigation be implemented it shall be in accordance with subsection (i) above. Irrigation may be supplemented with a rainwater harvesting system.
- (8) Nothing shall be erected, placed, allowed to grow, or planted so that it impedes vision between the height of three (3) feet and 10 feet above the curb within a sight visibility triangle.
- (9) All minimum required trees shall be in conformance with the preferred species listed in the tree technical manual.
- (10) No artificial plant material may be used in any form to satisfy the requirements of this section.

**Secs. 8-11. – 8-14. Reserved.**

### **ARTICLE III. TREE PROTECTION AND PRESERVATION**

#### **Sec. 8-15. Purpose and intent.**

- (a) Trees have a positive economic effect on the city by enhancing property values, mitigating drainage and flooding issues, improving air quality, helping save energy, and improving health and quality of life, thereby making the city a more attractive place in which to live, visit and do business. The purpose and intent of this article is:
  - (1) To protect, maintain and manage the city's existing forest resources by providing regulations relating to the cutting, removal or destruction of protected trees;
  - ~~(2) To encourage protection and preservation of the natural environmental and beauty of the city;~~
  - ~~(23)~~ To encourage a resourceful and prudent approach to urban development of wooded areas;
  - ~~(34)~~ To minimize tree loss and provide for replacement of trees removed and destroyed resulting from development;
  - ~~(45)~~ To provide an objective method to evaluate a development's impact on trees and wooded areas and identify whether and how the impact may be reduced;
  - ~~(56)~~ To provide incentives for creative subdivision and site design which preserve trees while allowing development in wooded areas; and
  - ~~(67)~~ To provide for the enforcement and administration of tree protection, thereby promoting and protecting the public health, safety and welfare and enhancing the quality of life.
  - (7) To clearly define protected trees and monarch trees and ways in which their encroachment limits differ.

(8) To clearly define the limitations for encroachment of hazardous activities related to protected trees and monarch trees.

(9) To define the penalties for violation of the encroachment limits for protected trees and monarch trees.

**Sec. 8-16. Prohibited activities.**

- (a) It is unlawful for any person to remove any protected tree without first securing a tree removal permit as specified in Sec. 8-19.
- (b) It is unlawful for any person to damage a protected tree, such as through tree topping, over pruning or chemical poisoning.
- (c) It is unlawful for a person to continue work or removal of trees after the forestry manager or zoning administrator has issued a stop work order.
- (d) It is unlawful for a person to engage in any hazardous activities as described in Sec. 8-22(c), which causes damage to the crown or trunk or disturbs the critical root zone of a protected tree without the written approval of the forestry manager.

**Sec. 8-17. Sizes and types of protected trees.**

- (a) *Size.* Except as provided below, a tree having a diameter of eight (8) inches or more is a protected tree:
  - (1) On all developed lots in zoning districts SF-1, SF-2, SF-3, SF-D, MH, TF, and MU-L, and on developed lots smaller than 15,000 square feet in all other zoning districts, only monarch trees are protected trees.
  - (2) On all undeveloped lots in zoning districts SF-1, SF-2, SF-3, SF-D, MH, TF, and MU-L, and on undeveloped lots smaller than 15,000 square feet in all other zoning districts, trees having a diameter of 20 inches or more are protected trees.
- (b) *Mitigation replacement tree.* A tree that has previously been planted as a replacement for a protected tree that has been removed or impacted is considered as protected regardless of its size.
- (c) *Type.* Trees of all species that meet the size requirement in subsection (a) of this section are protected, except for *Celtis occidentalis* (Hackberry), *Melia azedaragh* (China-Berry), *Sapium sebiferum* (Chinese Tallow), *Maclura pomifera* (Osage-orange) and *Juniperus ashei* (Texas Common Cedar).

(d) *Monarch tree.* Except as provided in Sec. 8-25, any tree designated as a monarch tree that has additional development restrictions over and above protected trees and which~~pursuant to Sec. 8-18 is a protected tree that~~ cannot be removed, unless its designation is removed. ~~;~~ ~~and~~ ~~†~~The designation of a monarch tree shall not be removed without city council action, as provided for in Sec. 8-18.

(e) Measurement of trees. Tree size is determined by measuring the diameter at 4½ feet above the ground level. Trees that split into multi-trunks below 4½ feet shall use the sum the largest trunk and one-half of the diameter of each additional trunk measured 4½ feet above the natural grade level to determine the diameter.

**Sec. 8-18. Champion tree registry, designation of monarch trees and removal of designation.**

(a) *Champion tree registry.* The forestry manager shall identify the largest tree within a tree species within the city limits and list the trees in the city's champion tree registry as champion trees. The champion tree registry shall be adopted by city council and reviewed from time to time and adjusted as necessary. The city council shall consider the champion tree registry when adopting or amending monarch tree criteria.

(b) *Designation of monarch trees.* All trees of the following species and size or larger are designated as monarch trees:

TREE SPECIES	SIZE
American Elm	38"
Bald Cypress	34"
Burr Oak	32"
Catalpa	32"
Cedar Elm	25"
Italian Stone Pine	20"
Live Oak	36"
Magnolia	14"
Pecan	34"

Post Oak	24"
Shumard Oak	21"
Sycamore	37"

- (c) *Removal of designation.* A written request by the property owner for removal of a monarch tree designation may be submitted to the zoning administrator for consideration by the city council. After city council approval of a monarch tree designation removal, the city clerk shall notify the property owner in writing of the designation removal.
- (d) *Designation by the city council.*
- (1) *Nomination.* The city council may consider designating a tree as a monarch tree upon the nomination by any person and with the written consent of the property owner.
  - (2) *Designation.* A tree may be designated a monarch tree by the city council upon a finding that it is unique and of importance to the community due to any of the following:
    - a. It is an outstanding specimen of a desirable species;
    - b. It is one of the largest or oldest trees in the city; or
    - c. It possesses a distinctive form, size, age, location, and/or historical significance.
  - (3) *Notification.* After city council approval of a monarch tree designation, the city clerk shall notify the property owner in writing of the designation.
  - (4) *Removal of designation.* A written request by the property owner for removal of a monarch tree designation may be submitted to the zoning administrator for consideration by the city council. After city council approval of a monarch tree designation removal, the city clerk shall notify the property owner in writing of the designation removal.

**Sec. 8-19. Tree removal process.**

- (a) *Applicability of Sec. 8-19.* A dead tree is not considered a protected tree and is not subject to the tree removal permit requirements set forth in this section. The process for removal of a dead tree that was previously designated a monarch tree by city council or was considered a protected tree at the time it was alive, is as follows:
- (1) For removal of a dead tree that was previously designated a monarch tree by the city council:
    - a. A property owner shall request that the forestry manager inspect the tree.
    - b. The forestry manager shall inspect the tree within 15 working days of the request and make a determination if the tree is dead or alive.

- c. Upon a determination by the forestry manager that the tree is dead, the city manager shall approve or deny the removal request.
  - d. Upon a determination by the forestry manager that the tree is alive, the property owner shall comply with the requirements of the protected tree removal permit process as it applies to monarch trees set forth in this section.
- (2) For removal of a dead tree that was not previously designated a monarch tree by the city council, but was considered a protected tree at the time it was alive:
- a. A property owner shall request that the forestry manager inspect the tree.
  - b. The forestry manager shall inspect the tree within 15 working days of the request and make a determination if the tree is dead or alive.
  - c. Upon a determination by the forestry manager that the tree is dead, the forestry manager shall approve or deny the removal request.
  - d. Upon a determination by the forestry manager that the tree is alive, the property owner shall comply with the requirements of the protected tree removal permit process set forth in this section.
- (b) *Protected tree removal permit process.*
- (1) *Protected tree removal permit.* This process is reserved for those situations provided for in Sec. 8-21 and where the subdivision process or site plan process does not apply. Unless the removal is part of the subdivision process or the site plan process, a protected tree shall not be removed without a permit. In all other cases, a permit is required to remove a protected tree. By way of clarification, a permit is required to remove a protected tree as part of the application for a building permit for lots zoned SF-1, SF-2, SF-3, SF-D, MH and TF. Applications for protected tree removal permits are reviewed by the forestry manager or his designee.
- (2) *Tree removal permit application.* The application for a protected tree removal permit shall be made by the owner of the property on which the protected tree is located, and shall be accompanied by documentation showing:
- a. The approximate location of the tree;
  - b. The diameter of the tree trunk measured at 4 ½ feet above grade;
  - c. The approximate dripline of the tree;
  - d. The species and/or common name of the tree;
  - e. The ~~approximate~~ size of the lot, tract or parcel on which the tree is located;
  - f. Reason for the proposed removal;
  - g. Such other information as required by Chapter 2, Zoning, or as otherwise may be reasonably required by the forestry manager; and
  - h. A tree replacement plan, as provided for in Sec. 8-20.
- (3) *Application review.* Upon receipt of the application, the forestry manager shall inspect the subject tree and approve or deny the application in accordance with the provisions of this article.

- (4) *Processing of application.* An application for a protected tree removal permit shall be processed within 15 working days from the date the application is received.
- (5) *Tree protection removal and replacement.*
- a. Except as specifically provided in Sec. 8-21, replacement trees shall be required if any protected tree is removed. See Sec. 8-20 for tree replacement requirements.
  - b. A tree replacement plan shall accompany any tree removal permit application. The tree replacement plan will be reviewed in conjunction with the protected tree removal permit application and will be approved or denied by the forestry manager.

(c) *Protected tree removal through the subdivision improvement permit process.* Tree removal requests, tree surveys and tree replacement plans for all projects requiring plat approval shall be submitted in conjunction with the subdivision approval process. An electronic copy of the tree survey list, including mitigation calculations, shall be provided with the application.

- (1) *Tree survey.*
- a. A tree survey, a tree protection plan, and a tree replacement plan will be reviewed by the zoning administrator as part of the plat approval and subdivision construction improvement acceptance process.
  - b. A tree survey will not be required if a land surveyor certifies that there are no protected trees on the proposed subdivision, within the limits of construction (including off-site utilities), or whose critical root zones encroach into the subdivision or limits of construction.
  - c. A partial tree survey may be permitted if the zoning administrator determines that the replacement and protection requirements of this article have been met.
  - d. A tree inventory in lieu of a tree survey may be accepted by the zoning administrator to document trees outside of the limits of construction shown on the subdivision improvement construction plans provided that the critical root zones of said trees do not encroach into the limits of construction.
  - e. A request to use a tree inventory or a partial tree survey shall be made in writing to the zoning administrator in conjunction with the concept plan submittal. The zoning administrator shall provide written notification approving or disapproving the request within the concept plan review cycle.

- (2) *Tree removal.*
- a. A subdivider who removes one or more protected trees as part of the subdivision process is entitled to a limited amount of allowable tree removal without mitigation credit towards the tree replacement requirements of Sec. 8-20. The foregoing credit allowance is expressed in ~~credit~~ inches and is equal to 30 percent of the total diameter inches of protected trees identified in the above tree survey. The ~~credit~~ inches shall be applied first to the smallest diameter tree and

then to the remainder of the trees in ascending order according to their diameters. After all ~~credit~~ inches are applied, the subdivider shall comply with the requirements of Sec. 8-20.

- b. The tree replacement plan pursuant to Sec. 8-20 will be reviewed in conjunction with the preliminary plat review or subdivision improvement permit review process.

(d) *Protected tree removal through the site ~~plan~~ development permit process.* Tree removal requests, tree surveys, tree protection plans and tree replacement plans for all projects requiring site plan approval, shall be submitted to the zoning administrator, as part of the site plan application approval process. An electronic copy of the tree survey list, including mitigation calculations, shall be provided with the application.

(1) *Tree survey.*

- a. A tree survey, tree protection plan, and tree replacement plan shall accompany all site plans submitted in accordance with Sec. 10-45 of this code and will be reviewed by the zoning administrator.
- b. A tree survey will not be required if a land surveyor certifies that there are no protected trees on the proposed site within the limits of construction (including off-site utilities), or whose critical root zones encroach into the subdivision or limits of construction.
- c. A partial tree survey may be permitted if the zoning administrator determines that the replacement and protection requirements of this article have been met.
- d. A tree inventory in lieu of a tree survey may be accepted by the zoning administrator to document trees outside the limits of construction provided that the critical root zones of said trees do not encroach into the limits of construction.
- e. A request to use a tree inventory or a partial tree survey shall be made in writing to the zoning administrator in conjunction with the preliminary site plan submittal. The zoning administrator shall provide written notification approving or disapproving the request within the preliminary site plan review cycle.

(2) *Tree removal.*

- a. The developer of the project who removes one or more protected trees as part of the site plan development process is entitled to a limited amount of allowable tree removal without mitigation ~~credit~~ towards the tree replacement requirements of Sec. 8-20. The foregoing credit allowance is expressed in ~~credit~~ inches and is equal to 30 percent of the total diameter inches of protected trees identified in the above tree survey. The ~~credit~~ inches shall be applied first to the smallest diameter tree and then to the remainder of the trees in ascending order according to their diameters. After all ~~credit~~ inches are applied, the developer shall comply with the requirements of Sec. 8-20.

- b. A tree replacement plan and tree protection plan shall accompany the site development permit application to the zoning administrator. The tree replacement plan and tree protection plan will be reviewed in conjunction with the site development permit application and will be approved or denied by the zoning administrator.
  - c. When replacement trees are required, replacement shall be in accordance with Sec. 8-20.
- (3) *Reduced parking space requirement for preserving larger protected trees.* A property owner who preserves a protected tree having a diameter of 15 inches or more and who does not disturb more than 25 percent of the said tree's critical root zone shall qualify for a parking space credit as set forth herein. The property owner shall be entitled to reduce his/her parking requirement by one parking space for each 162 square feet of area, or fraction thereof, left undeveloped in order to preserve the protected tree. However, in no case shall the owner receive a reduction in parking spaces in excess of ~~10~~<sup>ten</sup> percent of the total required parking spaces. See Sec. 8-22(c) below regarding the disturbance a monarch tree's critical root zone.

**Sec. 8-20. Tree replacement.**

- (a) *Requirements and regulations.*
  - (1) Except as expressly provided herein, when protected trees are removed, tree replacement shall be required.
  - (2) Replacement trees of the same or similar species as the protected tree to be removed shall be planted as required in the tree replacement schedule in subsection (a)(6) of this section, with the exception that a protected mesquite tree shall have a tree replacement ratio that is 50% of the value stated in the schedule due to its unique multi-trunk structure. Each replacement tree shall be a minimum of three (3) inches caliper and a minimum of ten feet in height and five (5) foot spread, when planted. All replacement trees shall comply with generally accepted criteria such as those provided in the tree technical manual.
  - (3) Each replacement tree shall have an underground automatic irrigation system ~~or~~<sup>and</sup> watering schedule in accordance with the generally accepted methods in the tree technical manual.
  - (4) Each replacement tree shall be planted on the same subdivision or development site from which the tree was removed. In the event that there is not a suitable location for the replacement tree(s) on the same site, as determined and certified by a landscape architect and approved by the zoning administrator, or if the zoning administrator determines that replacement trees are unable to survive on the site based on information submitted by the landscape architect, the owner of the site will be allowed to do one of the following if approved by the forestry manager and/or zoning administrator:

- a. Make a cash payment into the tree fund in accordance with the tree replacement schedule provided in subsection (a)(6) below, which shall be used to fund tree plantings or tree replacement on public property; or
  - b. Plant trees on public property according to the tree replacement schedule provided in subsection (a)(6) below, ~~if~~ approved by the forestry manager.
- (5) Replacement trees required under the subdivision process shall be planted no later than two (2) years from the date of the acceptance letter for the subdivision public improvements, provided that fiscal security is posted in accordance with Sec. 8-23.
- (6) The tree replacement schedule is provided below and the replacement inches shall be calculated as follows: Total diameter of trees in a single category multiplied by the tree replacement ratio for that category equals the tree replacement required for that category of trees. The tree replacement ratio applies to the diameter of the existing tree to be removed.

Diameter of Existing Tree	Tree Replacement Ratio inches	Tree Replacement Fee (per inch)
8 to 19.99 inches	1.0	\$150.00
20 inches to Monarch	2.0	\$300.00
Monarch and larger	3.0	\$450.00

*Example:* If an existing 12-inch tree is removed, 12 inches of tree replacement results. If an existing 20-inch tree is removed, 40 inches of tree replacement results.

- (7) Except as provided herein, any replacement tree that dies prior to the expiration of two years after a site development or subdivision improvement permit acceptance letter certificate of occupancy is issued shall be replaced by the developer or owner. ~~This paragraph shall not apply to any replacement trees planted on lots zoned for single family or two-family uses.~~
- (b) *Tree replacement fee.*
- (1) Fees are based on the ratios in the table in subsection (a)(6) above. Payment is calculated as currently established or as hereafter adopted by resolution of the city council from time to time.
  - (2) The tree replacement fee shall be tendered in the form of a cashier's check or other form of payment acceptable by the city, payable to the ~~city~~ City of Round Rock.
  - (3) The cashier's check or other form of payment acceptable by the city shall be submitted to the zoning administrator at the time of site plan approval; prior to subdivision construction

plan acceptance; prior to plat recordation; or upon the tree removal permit approval, depending on the applicable review process.

(c) *Tree credits.*

- (1) Except for those species listed in Sec. 8-17(c), trees with diameters of three (3) or more inches and less than eight (8) inches located on-site may be credited toward the replacement trees required under this article. For applicable lots under Sec. 8-17(a)(2), trees with diameters of three (3) to 19 inches located on-site may be credited toward the replacement trees required under this article.
- (2) Up to 50 percent of the inches to be replaced may be done through tree credits.
- (3) The trees selected for consideration toward the amount of replacement trees required shall be indicated on the tree survey and the tree replacement plan.
- (4) The trees shown on the tree survey and the tree replacement plan as the trees proposed for tree credits shall be protected in the same manner as a protected tree.
- (5) The forestry manager or zoning administrator, as appropriate, will review the trees proposed for tree credits provided in the tree survey and tree replacement plan and will approve or deny the use of the recommended trees as credits toward the replacement trees required. The review of the forestry manager or the zoning administrator, as appropriate, shall be based on the assessed health, structure, habit, disease, or decline of the tree.

**Sec. 8-21. Tree removal without replacement.**

- (a) A protected tree may be removed without replacement, provided approval is granted under Sec. 8-19, and one of the following conditions exists:
- (1) The protected tree is damaged by natural causes or is diseased beyond the point of recovery;
  - (2) The protected tree should be removed as a safety measure because it is in danger of falling;
  - (3) The protected tree threatens to damage property;
  - (4) The location of the protected tree prevents reasonable access to the property; or
  - (5) The location of the protected tree precludes all reasonable and lawful use of the property on which it is located.
- (b) Transplanting a protected tree to a suitable location on the same property or off-site, as approved under Sec. 8-20, shall not require replacement, provided that the owner complies with the generally accepted transplanting methods described in the tree technical manual and posts either a cash deposit or a letter of credit. The letter of credit shall be in a form acceptable to the city attorney, in the amount of 100 percent of the tree replacement fee required by Sec. 8-20. The city

may draw on the letter of credit if, within two (2) years of the date of the above-described transplanting, the forestry manager reasonably determines that the tree is dead or is in such a state of decline that it is likely to die. In that event, the cash deposit or the amount drawn on the letter of credit shall be deposited in the tree fund.

**Sec. 8-22. Tree protection measures.**

- (a) *Critical root zone.* During construction, temporary tree protection devices shall be installed at least to the limit of the critical root zone or dripline, whichever is greater, for all monarch trees and any protected tree to be preserved when the respective critical root zone is within the limits of construction.
- (b) *Disturbance of critical root zone for protected trees that have no monarch designation.*
- (1) If any of the hazardous activities described in subsections ~~(d)~~(3),(4),(5),(8) or (9) below, occurs within six (6) feet of the trunk of a protected tree, such tree shall be considered removed and shall be replaced as required herein.
  - (2) If disturbance of the critical root zone of a protected tree occurs more than six (6) feet from the trunk and is 25 percent or less of the critical root zone, no replacement or mitigation shall be required.
  - (3) If disturbance of the critical root zone of a protected tree exceeds 40 percent of the critical root zone, such tree shall be considered removed and its removal shall be mitigated as set forth in Sec. 8-20.
  - (4) If disturbance of the critical root zone of a protected tree, not designated as a monarch tree, is less than 40 percent, but exceeds 25 percent, and such disturbance occurs more than six feet from the trunk, the owner shall be required to mitigate such disturbance by selecting one of the following methods:
    - a. The owner shall replace 50 percent of the tree replacement inches or pay 50 percent of the tree replacement fee required by Sec. 8-20; or
    - b. The owner shall post either a cash deposit or a letter of credit in a form acceptable to the city attorney, in the amount of 100 percent of the tree replacement fee required by Sec. 8-20. The city may draw on the letter of credit if, within two (2) years of the date of the above-described disturbance, as determined by the zoning administrator, the zoning administrator reasonably determines that the tree is dead or is in such a state of decline that it is likely to die. In that event, the cash deposit or the amount drawn on the letter of credit shall be deposited in the tree fund.
- (c) *Disturbance of critical root zone for trees with a monarch designation.*

- (1) None of the hazardous activities described in subsections (d)(3), (4), (7), (8) or (9) below may encroach into the critical root zone of a monarch tree more than 25% of the distance of the radius of the critical root zone. For example, a 40" diameter live oak having a 40-foot radius critical root zone cannot be impacted more than 10 feet into its critical root zone (or within 30 feet of the trunk).
- (2) Hazardous activities as described in subsections (d)(3), (4), (7), (8) or (9) below may impact up to 10% of the critical root zone of a monarch tree if the impact complies with the requirement described in subsection (5)(a) above and if approved by the zoning administrator.
- (3) Hazardous activities as described in subsections (d)(1), (2), (5) or (6) below, are prohibited anywhere within the critical root zone of a monarch tree.
- (4) Any pruning or trimming of a protected tree designated as a monarch tree shall only occur if the forestry manager or zoning administrator has granted a monarch tree trimming permit.

(d~~e~~) *Hazardous activities.* Activities hazardous to the health of any protected tree being preserved are prohibited, including but not limited to the following and as generally described in the tree technical manual:

- (1) *Physical damage.* Any physical damage, including tree topping and/or excessive pruning.
- (2) *Equipment cleaning and liquid disposal.* Cleaning equipment, depositing or allowing harmful liquids to flow overland within the limits of the critical root zone. This includes paint, oil, solvents, asphalt, concrete, mortar, tar or similar materials.
- (3) *Grade changes.* Grade changes (cut or fill) within the limits of the critical root zone unless adequate construction methods are approved by the forestry manager or zoning administrator, as appropriate.
- (4) *Impervious paving.* Paving with asphalt, concrete or other impervious materials within the limits of the critical root zone in a manner which may reasonably be expected to kill a tree.
- (5) *Material storage.* Storing materials intended for use in construction or allowing waste materials due to excavation or demolition to accumulate within the limits of the critical root zone.
- (6) *Tree attachments.* Attaching to a tree any signs, wires, or other items, other than those of a protective nature.
- (7) *Vehicular traffic.* Vehicular and/or construction equipment traffic, parking, or storage within the limits of the critical root zone, other than on pre-existing or approved pavement. This restriction does not apply to single incident access within the critical root zone for purposes of clearing underbrush, vehicular access necessary for emergency services, routine utility maintenance, emergency restoration of utility service, or routine mowing operations.

- (8) *Utility encroachment.* Installation of utilities and appurtenances within the critical root zone or crown except as otherwise approved by the forestry manager or zoning administrator, as appropriate.
- (9) *Excavation and trenching.* Excavation and trenching within the limits of the critical root zone, except as otherwise approved by the forestry manager or zoning administrator, as appropriate.

(e) *Plans.* Details and notes prohibiting the above activities as generally provided in the tree technical manual shall be included on all tree protection plans and tree replacement plans.

**Sec. 8-23 Fiscal security for trees.**

- (a) *Posting of fiscal at subdivision.* The owner must post fiscal security with the city prior to a request for recordation of the final plat or prior to subdivision construction plan acceptance, whichever comes first, if the replacement trees required under the approved tree replacement plan have not been installed and accepted by the zoning administrator.
- (b) *Posting of fiscal for phased site plans.* The owner must post fiscal security with the city if the tree replacement plan is to be implemented in phases as part of an approved site plan that is in phases. This fiscal security is intended to apply to those situations where protected trees are removed in one phase of the development and the replacement trees are intended to be planted in a subsequent phase of the development. The fiscal security must be posted prior to final site plan approval.
- (c) *Amount.* The amount of fiscal security posted by the owner shall equal the estimated cost plus ten percent to complete the approved tree replacement plan. The owner's landscape architect shall provide the zoning administrator with a sealed opinion of the probable cost for his approval.
- (d) *Time.* The fiscal shall be posted for a two (2) year time period.
- (e) *Administrative fee.* The owner shall pay an administrative fee equal to five (5) percent of the amount to be posted for all fiscal posting.
- (f) *Types.* In a form approved by the city attorney, an owner may post as fiscal security:
  - (1) Cash;
  - (2) A performance bond; or
  - (3) A letter of credit.
- (g) *Expenditure of fiscal security.* The city may draw on the fiscal security and pay the cost of completing the tree replacement plan approved if it determines that the owner has breached the

obligations secured by the fiscal security or the two (2) year time period for the installation of the replacement trees has expired. The city shall refund the balance of the fiscal security, if any, to the owner. The owner shall be liable for the cost that exceeds the amount of fiscal security, if any, including any costs incurred by the city to draw on the fiscal security.

- (h) *Return of fiscal security.* The city shall return the fiscal security to the owner when final inspection approval is provided by the zoning administrator.

#### **Sec. 8-24. Administration and enforcement.**

This article will be administered and enforced by the forestry manager and the zoning administrator.

(a) *Administration.*

- (1) The role of the forestry manager is to:
  - a. Provide technical advice to the zoning administrator regarding trees;
  - b. Provide technical advice regarding protected trees and tree replacement plans to the planning and zoning commission through the plat review process;
  - c. Approve or disapprove of the removal of protected trees unrelated to the site plan or subdivision processes; and
  - d. Review and recommend updates to this tree protection and preservation ordinance and the tree technical manual.
- (2) The role of the zoning administrator is to approve or disapprove protected trees to be preserved, removed, or replaced as part of the site plan and subdivision process.
- (3) The role of the planning and zoning commission is to approve or disapprove protected trees to be preserved, removed, or replaced as part of the subdivision process.

(b) *Enforcement.*

- (1) *Inspections.* The forestry manager and zoning administrator are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this article.
- (2) *Powers and duties.* The forestry manager and zoning administrator shall have the following powers:
  - a. To enforce the provisions of this article, file complaints in municipal court against persons who violate any of its provisions.
  - b. To enter any premises for the purpose of inspecting the trees provided for in the tree surveys and tree replacement plans; the protection of trees on the site; the trees being installed; the trees being removed or to perform his/her official duties.
  - c. To ensure compliance with this article where a tree replacement plan has been submitted and approved.

- d. To issue a stop work order to a person to cease performing any work being done without a requisite permit or otherwise in violation of this article.

(3) *Faulty work.*

- a. If the installation of replacement trees are found to be of substandard quality, incorrectly or defectively installed or found not to be installed in accordance with the tree replacement plan and the tree technical manual, the forestry manager or zoning administrator, as appropriate, shall notify the owner in writing of all the changes that need to be made in order for the work to conform with the tree replacement plan and the provisions of this article.
- b. If the landscape architect, forestry manager, or zoning administrator, as appropriate, finds that the protected trees on the site were damaged and/or monarch trees were impacted due to construction during the subdivision or site plan process, the landscape architect shall notify the owner and forestry manager or zoning administrator, as appropriate, ~~shall notify the owner~~ in writing identifying the damaged trees and the owner shall replace the damaged trees in accordance with Sec. 8-20.
- c. A subdivision plat shall not be recorded, a certificate of occupancy shall not be issued, or fiscal security shall not be released until the forestry manager or zoning administrator, as appropriate, re-inspects the site and finds that the changes requested have been completed correctly and in accordance with the tree replacement plan and the provisions of this article or the fiscal security posted is paid into the tree fund.

(4) Fines/remediation for damage.

- a. If, during the course of construction, damage occurs to a protected tree that is not designated as a monarch tree, the zoning administrator shall inspect the damage and determine the impact to the tree and/or the critical root zone. Based on the zoning administrator's assessment, mitigation shall be re-calculated as needed and any additional mitigation shall be made as described in Sec. 8-20 above.
- b. If, during the course of construction, damage occurs to a protected tree that is designated as a monarch tree, the zoning administrator shall inspect the damage and determine the impact to the tree and/or the critical root zone. If the damage exceeds the allowable encroachment described in Sec. 8-22(c)(5) above, a fine shall be assessed as provided by Sec. 1-9 of the Code of Ordinances in addition to a mitigation fee based on the requirements described in Sec. 8-20(a)(6). For example, if a utility trench encroaches within 15 feet of the trunk of a live oak having a diameter of 40 inches, the mitigation fee will be calculated as follows:
  - i. The diameter of the critical root zone equals 40 feet;
  - ii. The allowable encroachment is 10 feet;
  - iii. The actual encroachment is 25 feet;

iv. The percentage of excess encroachment equals 15 divided 40, which equals 37.5%;

v. The calculation equals:

a)  $40'' \times 2$  (for trees over 20'' diameter)  $\times$  \$450 (per diameter inch)  $\times$  .375;

b) Mitigation fee = \$13,500.00

vi. The above steps shall also apply when the area of encroachment with hazardous activities exceeds 10% of the critical root zone as allowed in Sec. 8-22(c)(5)b. above.

**(54) Final inspection.**

- a. Upon the completion of all the installation of trees, the owner shall notify the forestry manager or zoning administrator, as appropriate, that the work is ready for final inspection.
- b. If faulty work or substandard plant material is found, the owner shall be notified of the necessary changes to be done in accordance with Sec. 8-24(b)(3), above. If such work is found to be correctly installed and in accordance with the tree replacement plan, the forestry manager or zoning administrator, as appropriate, shall provide written notification to the appropriate city official that the owner has met the requirements of this article.

**Sec. 8-25. Exceptions.**

- (a) During the period of an emergency, such as a tornado, storm, flood or other natural disaster, the requirements of this article may be waived as deemed necessary by the emergency management coordinator or other designee of the city manager. In addition to rights granted by easement, utility service providers, lawfully within the right-of-way, may remove trees during the period of an emergency that are determined by the provider to be a danger to public safety and welfare by interfering with utility service.
- (b) The city shall have the right to plant, prune, remove and maintain any protected tree located on a right-of-way, easement, public parkland or any other city-owned property as may be necessary to ensure public safety. The city may remove or cause or order to be removed any protected tree or part thereof which is in an unsafe condition, or which by reason of its nature or location unreasonably interferes with the construction, maintenance or replacement of wastewater lines, water lines, drainage facilities, streets or other public improvements. Before removing a monarch tree for any of the reasons provided above, a city department shall consult with the forestry manager and/or zoning administrator, as appropriate, to determine whether a monarch tree may be removed, with the final decision being made by the city manager.

**Sec. 8-26. Violations.**

- (a) Violations of this article shall be punishable by a fine as provided in Sec. 1-9 of the Code of Ordinances, and each protected tree that is unlawfully removed or damaged shall constitute a separate offense. Criminal prosecution shall not preclude civil action by the city to recover for the damage or loss of the tree, and the city attorney is hereby authorized, without further authorization from the city council, to institute and prosecute a lawsuit against any person who unlawfully removes or damages a protected tree, to recover the reasonable value of the tree.

**Sec. 8-27. Appeals.**

- (a) *Denial of protected tree removal permit.* If an application for a protected tree removal permit is denied, the applicant may appeal such action to the zoning board of adjustment by filing written notice of such appeal with the zoning administrator within ten days of notice of the denial of the application by the forestry manager or zoning administrator, as appropriate. The board shall have 45 days from the date of the appeal to review said denial. The board may affirm or reverse the determination of the forestry manager or zoning administrator. If the board fails to act within 45 days, the appeal shall be automatically granted and a protected tree removal permit issued.
- (b) *Denial of tree removal request through the subdivision process.* If a protected tree removal request is denied, the applicant may appeal such action to the city council by filing written notice of such appeal with the city clerk within ten days of notice of the denial of the application by the planning and zoning commission. The city council shall have 30 days from the date of the appeal to review said denial. The city council may affirm or reverse the determination of the planning and zoning commission. If the city council fails to act within 30 days, the appeal shall be automatically granted and a protected tree removal request approved.
- (c) *Denial of tree removal request through the site development or subdivision improvement permit ~~plan~~ process.* If a protected tree removal request is denied, the applicant may appeal such action to the zoning board of adjustment by filing written notice of such appeal with the zoning administrator within 10 ~~ten~~ days of notice of the denial of the application by the zoning administrator. The board shall have 45 days from the date of the appeal to review said denial. The board may affirm or reverse the determination of the zoning administrator. If the board fails to act within 45 days, the appeal shall be automatically granted and a protected tree removal request approved.

**Sec. 8-28. Tree fund.**

- (a) The tree fund shall consist of fees generated as a result of tree replacement requirements as well as general donations for public tree plantings.
- (1) *Establishment of fund.* A tree fund is hereby established.

- (2) *Funds to be deposited.* Tree replacement fees for the installation of replacement trees, as provided for in Sec. 8-20, shall be deposited in the tree fund.
- (3) *Use of funds.* Expenditures from the tree fund shall be used solely for the purpose of purchasing and installing trees and associated irrigation on public rights-of-way, public park land or any other city-owned property, and for administering the tree fund.

**Secs. 8-29. – 8-34. Reserved.**

**ARTICLE IV. FENCES**

**Sec. 8-35. Lot Fences.**

- (a) *Standards.* All lot fences shall comply with the following standards unless otherwise stated within a specific zoning district, in which case the standard within the zoning district shall apply.
  - (1) *General standards.*
    - a. All fences shall provide a finished face to abutting public rights-of-way.
    - b. Fences for non-residential uses shall provide a finished face to abutting single family, two-family, or townhouse uses.
    - c. Fences shall not conflict with sight visibility triangles at street intersections or obstruct views from adjacent driveways.
    - d. Fence posts for all new fences shall be constructed of rust-resistant metal parts, concrete based masonry, or concrete pillars of sound structural integrity.
    - e. Fence posts and fence panels for non-wood fences shall be capped.
  - (2) *Maximum height.*
    - a. Front street yard, non-wrought iron (residential uses): three (3) feet.
    - b. Front street yard, wrought iron (residential uses): six (6) feet.
    - c. All street yards, non-wrought iron (non-residential uses): three (3) feet.
    - d. All street yards, wrought iron (non-residential uses): six (6) feet.
    - e. All other yards (all non-industrial uses): eight (8) feet.
    - f. All other yards (light industrial and industrial uses): 10 feet.

**Secs. 8-36. – 8-39. Reserved.**

**ARTICLE V. SCREENING**

**Sec. 8-40. Screening.**

- (a) *Purpose.*

- (1) The purpose of this section is to establish requirements to screen specific uses or structures from public view. All landscape material required in this subsection shall be provided in an eight-foot wide linear ~~landscaped area~~ planting bed unencumbered by easements. Buffers shall provide a visual barrier between land uses, enhance the streetscape, and provide privacy. The spacing requirements between trees in the tree technical manual shall not apply to this subsection. Compliance with this subsection requires that all detention ponds, water quality ponds, ground-mounted equipment (i.e., transformers, air conditioner units), dumpsters, trash receptacles, refuse storage containers, outdoor storage, loading docks, substations, large utility cabinets, water and wastewater pumping stations, storage sites, and other similar uses be sufficiently screened. Required landscape material shall be located to maximize the screening of these facilities.
- (2) All proposed detention and water quality facilities shall be screened from public view by means of the following landscape elements:
- a. Water quality ponds/detention ponds with structured walls.
    - 1. One medium tree shall be planted for every 40 linear feet or portion thereof around the boundary of the pond;
    - 2. One small tree shall be planted for every 30 linear feet portion thereof around the boundary of the pond; and
    - 3. One large shrub shall be planted for every eight (8) linear feet or portion thereof around the boundary of the pond; or
    - 4. The foregoing tree and shrub requirements may be eliminated and replaced with the following:
      - (i) The exterior walls of the pond shall be clad with limestone and/or other textured design features; and
      - (ii) If a chain-link fence is utilized, a native/adapted vine in at least a five-gallon container shall be planted for every eight (8) linear feet of fence.
  - b. Water quality ponds/detention ponds with earthen berms shall be planted with one large tree for every 40 linear feet around the boundary of a non-structured detention/retention pond.
- (3) *Dumpster and trash receptacles.* All dumpsters, trash receptacles, and refuse storage containers shall be located within an enclosure providing screening by means of both the following landscape elements:
- a. A decorative masonry wall having a minimum height of six (6) feet on three (3) sides and a gate on the fourth side. The gate shall be constructed with an opaque, non-masonry material. The construction materials of the wall shall match material used on the principal building located on the same lot.
  - b. Small shrubs shall be arranged as foundation planting around the perimeter of the pad area except the side where the gate is located. One small shrub shall be planted at each end of and every three (3) linear feet in a three-foot (3') wide

landscape area. The landscape requirements of this subsection do not apply when the enclosure is an architectural extension of a principal building.

- (4) *Ground-mounted equipment.* All proposed ground-mounted equipment shall be screened by the planting of one large shrub every four (4) linear feet around the boundary of the equipment in a planting bed with edging.
- (5) *Substations, water/wastewater stations.* Proposed electric substations, water pump stations and wastewater lift stations shall be screened from public views by means of a six-foot decorative masonry wall on a minimum of three sides. ~~Standard-Smooth-face~~ concrete masonry units are prohibited. The following landscape elements shall be incorporated:
  - a. An eight-foot (8') wide planting bed ~~landscape area~~ with one small evergreen tree per 12 linear feet; provided that said trees shall be planted no closer than eight (8) feet and no more than 16 feet apart; or
  - b. A five-foot (5') wide planting bed ~~landscape area~~ with one large shrub for every four (4) linear feet; ~~provided that said shrubs~~ may be planted in a variety of configurations, but at no time shall be planted no closer ~~greater~~ than six (6) feet apart.
- (6) *Outdoor storage.* All outdoor storage shall be screened in accordance with the requirements of Sec. 8-65. In addition, outdoor storage shall be screened as follows:
  - a. *Limited outdoor storage.*
    1. An eight-foot (8') wide ~~landscape area~~ planting bed with one small evergreen tree per 12 linear feet of wall constructed; provided that said trees shall be planted no closer than eight (8) feet and no farther than 16 feet apart; or
    2. A five-foot (5') wide planting bed ~~landscape area~~ with one large shrub for every four (4) linear feet; provided that said shrubs shall be planted no closer than six (6) feet apart.
  - b. *General outdoor storage.* An eight-foot (8') wide planting bed ~~landscape area~~ with one small evergreen tree per 15 linear feet and one large evergreen tree per 30 linear feet of wall constructed; provided that said trees shall be planted no more than 15 feet apart.
- (7) *Loading areas.* All loading areas visible from public view shall be screened by means of the following screening and landscaping elements:
  - a. A decorative masonry wall having a minimum height of six (6) feet. If the wall includes a gate, it shall be constructed with an opaque, non-masonry material. The construction materials of the wall shall match material used on the principal building located on the same lot;
  - b. One medium or large tree per 40 linear feet of wall constructed (75 percent of selected trees shall be of an evergreen species);

- c. One small tree per 15 linear feet of wall constructed (75 percent of selected trees shall be of an evergreen species); provided that said trees shall be planted no more than 15 feet apart; and
- d. One large shrub per four (4) linear feet of wall constructed; provided that said shrubs shall be planted no more than six (6) feet apart.

**Secs. 8-41. – 8-44. Reserved.**

**ARTICLE VI. OFF-STREET PARKING AND LOADING**

**Sec. 8-45. General.**

(a) *Applicability.*

- (1) *New development.* The off-street parking and loading standards of this section apply to any new building constructed and to any new use established.
- (2) *Expansions and alterations.* The off-street parking and loading standards of this section apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces will be required to serve the entire building or use. The number of off-street parking and loading spaces provided for the entire use (pre-existing + expansion) shall equal at least 100 percent of the minimum requirement established in the off-street parking requirements table, in Sec. 8-46(a) of this section.

- (b) *No reduction below requirement.* Existing parking and loading spaces may not be reduced below the requirements established in this section. Any change in use that increases applicable off-street parking or loading requirements will be deemed a violation of this code unless parking and loading spaces are provided in accordance with the provisions of this section.

**Sec. 8-46. Off-street parking requirements.**

- (a) *Off-street parking requirements table.* The following table lists minimum off-street parking requirements by land use category:

Off-Street Parking Requirements		
Use	General Requirement	Additional Requirement/Notes
<i>Residential Uses</i>		
Single Family: attached, detached, zero lot line, village residential	<u>For lots in platted subdivisions recorded prior to January 1,</u>	<del>A minimum of 2 spaces shall be garage enclosed</del>

(SF-R, SF-1, SF-2, SF-3, MH, TF) <del>Townhouse (all)</del>	<u>2002: 2 off-street spaces per dwelling unit.</u> <u>For lots in platted subdivisions recorded in 2002 and later: 4 per dwelling unit; a minimum of 2 spaces shall be garage-enclosed</u>	
<u>Townhouse</u>	<u>4 per dwelling unit.</u> <u>Additional 5 percent of total number of required spaces</u> <u>A minimum of 2 spaces per unit shall be garage-enclosed</u>	
MF-1	1 per 1 or 2 bedroom unit; 2 per 3+ bedroom unit.	All minimum parking shall be garage enclosed spaces.
MF-2	1.5 per 1-bedroom unit; 2 per 2-bedroom unit; and 2.5 per 3+ bedroom unit. Additional 5 percent of total number of required spaces	
Upper story residential	1.5 per bedroom	
Group home, six or fewer persons	N/A	
Assisted living	0.5 per dwelling unit; 1.5 per 2 employees	<u>Variations to this standard shall be considered by the zoning administrator to reflect the mobility needs of the targeted population of a specific development</u>
Senior housing, attached ( <u>independent living</u> )	1 per dwelling unit	
<i>Public and Civic Uses</i>		
Community Service	1 per 250 ft. GFA	
Day care, in-home six or fewer children	N/A	
Day Care	3.5 per 1,000 ft. GFA	Vehicle stacking spaces included in any student drop-off area may qualify as permitted parking spaces

		provided the drop-off area meets the specifications described in Sec. 8-52(e), below
Elementary and Middle Schools	3 per classroom	
High Schools	10 per classroom	
All other Educational Facilities, <u>including higher education</u>	<del>20 per classroom</del> <u>A parking study shall be required to determine the required number of parking spaces.</u>	
Government Facilities	<u>1 per 250 ft. GFA; and 1 per fleet vehicle</u>	<del>1 per fleet vehicle</del>
Hospitals	<del>1 per 4 patient beds</del> <u>4 per patient bed</u>	
Institutions	<u>1 per 250 ft. GFA; and 1.5 per 2 employees</u>	<del>1.5 per 2 employees</del>
Community Parks	Varies	Parking requirement based on uses in park; must be reviewed and approved by zoning administrator
Amenity Centers	<u>1.5 per 250 ft. GFA; 1 per 300 square feet of designated outdoor recreation areas</u>	
Parks (community, linear/linkage, neighborhood, regional/metropolitan); Parks and Recreation facilities; Country Clubs	Varies	Parking requirement based on uses in each park/club; must be reviewed and approved by zoning administrator
Golf Courses	<del>4 spaces</del> <u>per hole; and 1.5 per 250 ft. GFA of accessory use structures</u>	<del>1.5 per 250 ft. GFA of accessory use structures</del>
Cemeteries, Columbaria, Mausoleums, Memorial Parks and Crematoria	1 per 50 interment plots (cemeteries and memorial parks); 1 per 350 ft. GFA (mausoleum and crematorium)	
Funeral Home	1 per 100 ft. GFA <u>Minimum of 20 spaces</u>	<del>Minimum of 20 spaces</del>

Park and Ride Facility	N/A	
All other Passenger Terminals	2 per 250 ft. GFA	
Place of Worship, no accessory uses	1 per 3 seats	
Place of Worship, with accessory uses	1 per 3 seats in place of worship <u>Spaces necessary to accommodate accessory uses based on requirement for accessory use</u>	<del>Spaces necessary to accommodate accessory uses based on requirement for accessory use</del>
Wireless Transmission Facilities	None	
Major Utilities	1 per facility; <u>1 additional per 250 ft. GFA;</u> <u>and 1 per fleet vehicle</u>	<del>1 additional per 250 ft. GFA; 1 per fleet vehicle</del>
Intermediate Utilities	None	
Minor Utilities	None	
<i>Commercial Uses</i>		
Restaurants/bars	1 per 100 ft. GFA <del>(includes outdoor seating areas);</del> and <u>1 per 100 square ft. of outdoor seating areas</u>	
Outdoor entertainment facilities	<u>Stadium: 1 per 4 people based on maximum seating capacity</u> <del>4 per 250 ft. GFA structural area</del> <u>Amusement park/Miniature golf course: 1 space for each 200 ft. GFA of enclosed building space devoted to customer service and administration, plus 1 space for every 3 people that the outdoor facilities are designed to accommodate at maximum capacity</u>	<del>1 per two seats</del>

Indoor entertainment activities	1 per 250 ft. GFA; or 1 per 4 seats for theaters; <u>1 additional per 500 ft. GFA up to 50,000 ft. GFA; 1 per 1,000 ft. thereafter, excluding theaters</u>	<del>1 additional per 500 ft. GFA up to 50,000 ft. GFA; 1 per 1,000 ft. thereafter, excluding theaters</del>
<u>Event center</u>	<u>1 space per two occupants based on maximum occupancy</u>	
Office	1 per 250 ft. GFA	
Medical Office Building	1 per 200 ft. GFA	
<u>Animal hospital/veterinary clinic</u>	<u>1 per 200 ft. GFA</u>	
<u>Call Center</u>	<u>8 per 1,000 ft. GFA</u>	
Bed and Breakfast	1 per bedroom; and <u>1.5 per 2 resident owners</u>	<del>1.5 per 2 resident owners</del>
Hotel/Motel/Lodging	1 per bedroom; <u>1.5 per 2 employees; and 1 per 150 ft. of conference space over 2,000 ft. GFA</u>	<del>1.5 per 2 employees; 1 per 150 ft. conference space</del>
Shopping Centers (mixture of uses) ≥ 100,000 sq. ft.	1 per 225 ft. GFA	
All other Retail Sales and Service	1 per 250 ft. GFA	
Self-Service Storage	1 space per 50 storage units	
Car wash, full-service	1 per 150 ft. GFA	Shall meet off-street stacking space requirements from this section
Car wash, self-service	1 per facility	Shall meet off-street stacking space requirements from this section
Auto repair, service, and body shop facilities	<u>1 per 250 ft. GFA; <del>2 per service bay</del> 1 additional per 1,000 square feet of outdoor lot, storage or repair bay area</u>	Shall meet off-street stacking space requirements from this section
Auto sales, rental or leasing facilities	1 per 500 ft. GFA indoor facility; <u>and 1 additional per 1,000 ft. GFA outdoor lot area</u>	<del>1 additional per 1,000 ft. GFA outdoor lot area</del>

All other auto sales and service	1 per 250 ft. GFA; <u>and 5 per service bay</u>	<del>5 per service bay</del>
<i>Industrial Uses</i>		
Light Industrial Service, Manufacturing and Assembly	1 per 500 ft. GFA indoor facility; <u>and 1 per additional 1,000 ft. GFA outdoor facility; and, 1 per 2,500 ft. <del>except</del> indoor storage area</u>	<del>1 additional per 1,000 ft. GFA outdoor facility; 1 per 2,500 ft. indoor storage area</del>
Warehouse and Freight Movement	1 per 500 ft. GFA indoor facility; <u>and 1 per additional 1,000 ft. GFA outdoor facility; and, 1 per 2,500 ft. <del>except</del> indoor storage area</u>	<del>1 additional per 1,000 ft. GFA outdoor facility; 1 per 2,500 ft. indoor storage area</del>
Mineral Extraction	1 per 300 ft. GFA indoor facility; <u>and 1.5 per 2 employees</u>	<del>1.5 per 2 employees</del>
Waste-Related Service	1 per 250 ft. GFA; <u>and 1 per additional 1,000 ft. GFA outdoor facility; 1 per 2,500 ft. indoor storage area</u>	<del>1 additional per 1,000 ft. GFA outdoor facility; 1 per 2,500 ft. indoor storage area</del>
Wholesale Trade	1 per 300 ft. GFA indoor facility; <u>and 1 per additional 1,000 ft. GFA outdoor facility; and 1 per 2,500 ft. <del>except</del> indoor storage area</u>	<del>1 additional per 1,000 ft. GFA outdoor facility; 1 per 2,500 ft. indoor storage area</del>
Heavy Equipment Sales and Leasing	1 per 250 ft. GFA; <u>and 1 additional per 500 ft. GFA up to 50,000 ft. GFA</u>	<del>1 additional per 500 ft. GFA up to 50,000 ft. GFA</del>
<u>Office/Warehouse</u>	<u>1 per 500 ft. GFA</u>	

(b) *Residential parking requirements.*

- (1) *Applicability.* This subsection (b) shall apply to any lot in a residential zoning district, as identified in Chapter 2, Zoning Districts and Use Regulations, with the exception of the AG (Agricultural), MF-2 (Multifamily - Medium Density) and MF-3 (Multifamily - Urban) zoning districts.

- (2) *Standards.* Driveways and improved surfaces shall be constructed and designed pursuant to the driveway standards as stated in the Design and Construction Standards Transportation Criteria Manual (DACs), as adopted or amended by the city.
  - (3) *Driveway maintenance.* Improved driveways and improved surfaces shall be maintained in good and safe condition, free of holes, cracks, spoiling or other failures that may affect the use, drainage or longevity of the material. This shall not prohibit the use of approved ~~improved~~ surfaces specifically designed to include an ~~unimproved~~ alternative component, for example, grass or sand between paving stones.
  - (4) *Street yard coverage.* For non-corner residential lots, no combination of improved driveways and/or improved surfaces shall cover more than 50 percent of the street yard. For corner residential lots, no combination of improved driveways and/or improved surfaces shall cover more than 25 percent of the street yard. The regulations of this subsection shall not affect or prohibit the construction of the minimum driveway, as required by the DACs.
- (c) *Screening.* Where vehicle parking on a residential lot is required to be screened, the screening shall consist of:
- (1) A solid, opaque fence or wall at least six (6) feet in height;
  - (2) Vegetation consisting of a solid hedge row or evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six (6) feet; or
  - (3) A combination of the subsection (c)(1) and (2) of this section.
- Screening shall not be required in the rear yard for vehicles parked on an improved driveway that is constructed in accordance with the DACs.
- (d) *Unimproved driveways and unimproved parking areas; nonconforming use.*
- (1) An unimproved driveway and an unimproved parking area, which are located in a street yard or a side yard shall be considered as nonconforming uses and subject to the regulations regarding nonconforming uses in Sec. 2-98(c). Specifically, such unimproved driveway or unimproved parking area shall not be extended or expanded, nor changed except to an improved driveway, an improved surface used for parking, or an unimproved surface.
  - (2) If the building or structure that is served by the unimproved driveway is damaged or destroyed to an extent greater than 50 percent of its fair market value (as determined by the most recent appraised value of the appraisal district in which the building or structure is located), and if such building or structure is repaired or replaced, the unimproved driveway shall no longer be permitted, and all off-street parking shall be required to be on an improved driveway.

- (3) If the building or structure that is served by the unimproved driveway is increased by 25 percent or more in the square footage, the unimproved driveway shall no longer be permitted, and all off-street parking shall be required to be on an improved driveway.

**Sec. 8-47. Alternative parking plan and shared parking.**

- (a) *Alternative parking plan.* An alternative parking plan may be approved by the zoning administrator for specific developments that are deemed to require a different amount of parking than the standards shown in the off-street parking requirements table. The zoning administrator shall establish conditions necessary to insure the adequacy of future on-site parking when approving an alternate parking plan. Any alternative standard shall meet the criteria below:
  - (1) The use of the building is specific and occupied by a single user.
  - (2) The applicant provides a detailed breakdown of his or her parking requirements indicating employee counts, shift distribution and visitor or customer needs.
  - (3) The applicant provides a site plan showing how additional parking to meet standard requirements would be provided if the use changed or parking needs increase.
- (b) *Shared parking.* Required parking for one use may satisfy the requirements for another use if the nonresidential uses have different peak hour parking needs and the following:
  - (1) The following documentation shall be submitted to the city as part of the review process if requesting shared parking:
    - a. The names and addresses of the uses and the owners or tenants that are sharing the parking;
    - b. The location and number of parking spaces that are being shared;
    - c. An analysis showing that the peak parking demands for the different uses occur at different times and that the parking area will supply at least the minimum number of required spaces for each use during its respective peak parking time;
    - d. A legal instrument such as an easement that guarantees access to the joint parking for all uses;
    - e. A shared parking agreement executed by all the users and the owner of the property proposed to be used for parking; and
    - f. The agreement shall be notarized and recorded, with a provision that the consent of the city must be obtained for termination of the agreement.
  - (2) In the event of the termination of an existing shared parking agreement, a new shared parking agreement shall be executed within 60 days prior to termination. If a new shared parking agreement is not executed, then documentation shall be submitted to the zoning administrator supporting that the uses on all affected properties meet their respective parking requirements. This process of amending a shared parking agreement applies to

all existing parking agreements impacted by sale, change of use, or expansions on any affected property.

- (c) *Alternative agreements.* In limited cases, off-site parking agreements, and reciprocal access and parking agreements may be approved by the zoning administrator.

**Sec. 8-48. Exceptions to off-street parking requirements.**

The property owners of lots 8 through 19, block 9; lots 1 through 9, block 22; and lots 11 through 19, block 8; all in the original plat of Round Rock, are not required to comply with the off-street parking requirements stated in Sec. 8-47 of this section.

**Sec. 8-49. Downtown development area special requirements.**

- (a) The property owners of all properties located within the downtown development area which are zoned C-1 (General commercial) and are adjacent to streets with rights-of-way, 80 feet wide or greater, other than Round Rock Avenue, Mays Street, and the east side of South Lampasas Street from Bagdad Street to the alleyway between Bagdad Street and East Main Street, shall be permitted to utilize said rights-of-way for on-street parking spaces to meet the city's parking requirements.
- (b) In order to utilize the rights-of-way for parking spaces as provided above, all of the following conditions shall be met:
  - (1) The property owner shall set aside, within the property's buildable area, an open, undeveloped, unpaved area having the same square footage as that portion of the right-of-way used for on-street parking.
  - (2) The property owner shall maintain the on-street parking area, including, but not limited to, landscaping, pavement repair, drainage and striping.
  - (3) For each 15 on-street parking spaces or fraction thereof, the property owner shall provide either two landscaped islands nine (9) feet by 20 feet or one landscaped island 18 by 20 feet as determined by the zoning administrator.
  - (4) The property owner shall submit to the city a site plan depicting the on-street parking spaces, the required landscaped islands, and the open, undeveloped portion of the property, for the review and approval of the zoning administrator and the director of public works prior to construction of any on-street parking spaces.
  - (5) Any on-street parking spaces located on West Main Street shall be constructed with brick pavers comparable in color and style with the brick pavers used for the sidewalks adjacent to Round Rock Avenue between IH 35 and Mays Street.
  - (6) The director of public works shall determine that the use of on-street parking will not adversely affect drainage within the area.

- (7) No on-street parking shall be located within 40 feet of any curb corner.
- (8) All parking spaces shall be a minimum of nine (9) feet by 18 feet.

**Sec. 8-50. Rules for computing requirements.**

The following rules apply when computing off-street parking and loading requirements:

- (a) *Multiple uses.* Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses.
- (b) *Fractions.* When measurements of the number of required spaces result in a fractional number, any fraction of one-half or less will be rounded down to the next lower whole number and any fraction of more than one-half will be rounded up to the next higher whole number.
- (c) *Area measurements.* Unless otherwise expressly stated, all square-footage-based parking and loading standards shall be computed on the basis of gross floor area, as defined in Sec. 1-50 ~~which for purposes of computing off-street parking requirements, shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:~~
  - ~~(1) The area of each floor of the structure.~~
  - ~~(2) All attic space used for active commercial space.~~
- (d) *Occupancy-based standards.* For the purpose of computing parking requirements based on employees, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.
- (e) *Unlisted uses.* Upon receiving a development application for a use not specifically listed in the off-street parking requirements table, the zoning administrator shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require a parking study in accordance with an alternative parking plan, as described in Sec. 8-47, above.

**Sec. 8-51. Location, setbacks and buffering of required parking.**

Except where an alternative parking plan has been approved by the zoning administrator, all required off-street parking spaces shall be located on the same lot as the principal use. Unless otherwise expressly stated, off-street parking areas shall be set back in accordance with Sec. 8-10.

**Sec. 8-52. Parking space and parking lot design.**

(a) *Parking space dimensions.* Required off-street parking spaces shall have minimum dimensions of nine (9) feet in width by 18 feet in length. Parallel parking spaces shall have minimum dimensions of eight and a half (8.5) feet in width by 22 feet in length.

(b) *Aisle widths.* Drive aisle widths adjoining off-street parking spaces shall comply with the following standards:

Minimum Width for Specified Parking			
90 degrees	75 degrees	60 degrees	45 degrees or less
26 ft.	23 ft.	16 ft.	12.5 ft.

Note: Two-way aisles shall always require a minimum width of 26 feet.

(c) *Markings.*

- (1) Each required off-street parking space and off-street parking area shall be identified by surface markings at least four (4) inches in width. Markings shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles.
- (2) One-way and two-way accesses into required parking facilities shall be identified by directional arrows.

(d) *Surfacing and maintenance.* All off-street parking areas, drive aisles, internal roadways, and loading areas for all uses shall be paved and kept in a dust-free condition at all times.

(e) *Access and circulation.*

- (1) Required parking spaces shall not have direct access to a street or highway. Access to required parking spaces shall be provided by on-site driveways. Off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way.
- (2) Site plans for retail developments greater than a cumulative 50,000 gross square feet shall designate a primary vehicle circulation route entering and exiting the development.
  - a. Landscape median islands or end islands, as described in Sec. 8-10(f)(1)d., shall be immediately adjacent to the primary vehicle circulation route for the entire length of the route (excluding pedestrian access and the face of primary buildings).
  - b. Parking is ~~not permitted~~ prohibited along primary vehicle circulation routes in order to prevent overflow stacking onto rights-of-way and primary circulation routes. Parking is ~~not permitted~~ prohibited adjacent to the entire elevation of a

building which includes the primary pedestrian access to cause internal circulation conflicts.

- (3) Day care facilities which incorporate a drop-off area must designate said area on the site plan. ~~Site plans for day care facilities must designate a student drop-off area.~~ The drop-off area shall be separated from all internal drive aisles by a physical barrier such as a median, curbing, a building or other similar site improvements, and shall not impede on- or off-site traffic movements including access for emergency vehicles. Each stacking space shall be a minimum of 10 feet by 20 feet. Stacking spaces shall qualify toward the minimum parking requirement.

- (f) *Tandem parking.* Tandem parking in the multifamily or senior zoning districts shall be permitted only when it is located in front of a garage, which is attached to a dwelling unit and the tandem space is assigned only to the dwelling unit to which the garage is attached.

**Sec. 8-53. Use of required parking spaces.**

- (a) Required off-street parking areas shall be used solely for the parking of licensed motor vehicles in operating condition. Required spaces may not be used for storage of trash dumpsters, the display of goods for sale or lease, for motor vehicle repair or service work of any kind, storage of vehicles, boats, motorhomes, campers, mobile homes, or building materials, or for display or storage of vehicles for lease, sale or rent.
- (b) Recreational vehicles shall not be stored on any lot or street other than a residential lot of the owner or a site specifically designed and approved by the zoning administrator to accommodate them.

**Sec. 8-54. Vehicle stacking areas.**

- (a) *Minimum number of spaces.* Off-street stacking spaces shall be provided as indicated in the following table per each activity type:

Minimum Off-Street Stacking Spaces		
Activity Type	Minimum Spaces	Measured From
Bank teller lane	4	Teller or window
Automated teller machine <u>lane</u>	3	<u>Automated Teller Machine</u>
Restaurant drive-through <u>lane</u>	6	Order box
	4	Order box to pick-up window

<del>Auto service facility stalls; vehicle repair and body shop stalls</del>	<del>2</del>	<del>Entrance to stall</del>
Car wash stall, automatic	4	Entrance to wash bay
Car wash stall, self-service	<del>3</del> <u>2</u>	Entrance to wash bay
Gasoline pump island	2	Pump island
<u>Pharmacy drive-through lane</u>	<u>3</u>	<u>Service window</u>
<u>Dry Cleaner drive-through lane</u>	<u>3</u>	<u>Service window</u>
Other	Determined by zoning administrator	

- (b) *Design and layout.* Required stacking spaces are subject to the following design and layout standards:
- (1) *Size.* Stacking spaces shall be a minimum of 10 feet by 20 feet in size.
  - (2) *Location.* Stacking spaces may not impede on- or off-site traffic movements or movements into, or out of off-street parking spaces.

**Sec. 8-55. Parking and storage of large vehicles and equipment.**

- (a) Outdoor storage or parking of tractor-trailers, semi-trucks, semi-trailers, or other vehicles having a gross vehicle weight rating of 17,000 pounds or more, shall be prohibited in any residential district and in the C-2 and OF zoning districts. This prohibition shall not apply to pickup trucks, or personal recreational equipment. Construction equipment shall not be stored on lots in residential or commercial districts except during the period of permitted construction.
- (b) This section shall not prevent the parking or standing of the vehicles described in Sec. 8-55(a) of this section in any district for the purpose of expeditiously loading and unloading passengers, freight or merchandise.
- (c) Screening from public rights-of-way or lower intensity residential uses shall be required in multifamily developments for areas designated or available for parking and storage of recreation vehicles, boats, small trailers and other noncommercial equipment. Such screening shall consist of permanent material such as concrete, masonry, wood, steel, etc.

**Sec. 8-56. Off-street loading.**

- (a) *No use of public right-of-way.* At no time shall goods be loaded or unloaded from the right-of-way of a collector or arterial street. No part of any vehicle shall be allowed to extend into the right-of-way of a collector or arterial street while being loaded or unloaded.
- (b) *Location.* Plans for location, design and layout of all loading spaces shall be indicated on required site plans. Loading space size shall be based on need and in accordance with standard engineering requirements as determined by the zoning administrator.

**Secs. 8-57. – 8-59. Reserved.**

## **ARTICLE VII. ACCESS AND CIRCULATION**

### **Sec. 8-60. Access and circulation.**

- (a) *Location of existing and planned transit routes.* Any proposed development shall take into account the location of existing and planned transit routes and provide vehicular and pedestrian connections (including hike and bike trails) to any transit points within or adjacent to the development.
- (b) *Easements.*
  - (1) *Emergency access drives.* Emergency access drives shall be at least 24 feet in width.
  - (2) *Street access.* No use shall be permitted to take direct access to a street except as permitted in this section.
    - a. *Local streets.* All residential uses may take direct access to local streets. Non-residential uses shall not take direct access to local streets, except when no higher street classification is available.
    - b. *Collector streets.* No single-family dwelling shall take direct access to collector streets, except when no local street is available.
    - c. *Arterial streets.* No residential use, other than multifamily, shall take direct access to arterial streets. When uses take access to an arterial street, the point of access shall be directly across from another existing point of access, or spaced at least 200 feet from any intersecting street or other point of access to the arterial.
  - (3) *Driveway connections to adjacent development.*
    - a. Except as provided below. Driveway connections to adjacent development shall be provided and clearly identified on any site plan submitted pursuant to this chapter. All driveway connections shown on a site plan shall be constructed and stubbed, and future development of adjacent property shall complete a connection to any existing stub.

- b. The zoning administrator may waive the requirement for a driveway connection required above, in those cases where unusual topography, ~~or~~ site conditions, or incompatible uses would render such an easement of no useable benefit to adjoining properties.
- c. The zoning administrator may approve the closure of driveway access in those cases where adjoining parcels are subsequently developed with a residential use.

(c) *Design requirements and standards.*

- (1) *Minimum access.* Each parcel of land which legally exists on the effective date of this chapter and which abuts a street right-of-way shall be permitted at least one access point, except where restricted by plat note or separate instrument easement.
- (2) *Additional access.* The zoning administrator may require more than one access point onto a collector or arterial street for a single parcel during site plan review, provided that the number and location of access points onto local streets and the additional access points onto collector and arterial streets shall be approved by the highway authority having jurisdiction over the roadway from which access is being taken.
- (3) *Width of access.* The width of access driveways shall be determined by the highway authority having jurisdiction over the roadway from which access is being taken. However, in no case shall an individual driveway width be greater than 45 feet, except that the width of a landscaped center median shall not count towards this standard.
- (4) *Closure or relocation of existing access points.* The zoning administrator, in conjunction with the highway authority having jurisdiction over the roadway from which access is being taken, shall have the authority to require the closure or relocation of existing access points where multiple access points to the site are available.
- (5) *Curb cuts at intersections.* A curb cut for a corner parcel at the intersection of any streets shall be located the maximum practical distance from the edge of the right-of-way of the intersecting streets, without intrusion into any required buffer. The number and location of the curb cut shall be approved by the highway authority having jurisdiction over the street from which access is being taken.

**Secs. 8-61. – 8-64. Reserved.**

## **ARTICLE VIII. OUTDOOR STORAGE AND DISPLAY**

### **Sec. 8-65. Outdoor storage and display.**

- (a) *General.* Outdoor storage and display is allowed in certain non-residential districts in accordance with this section. Any merchandise, material or equipment situated outdoors shall be subject to

the requirements of this section. For the purpose of this section, outdoor storage and display shall be broken down into the following categories.

- (b) *Permitted outdoor storage and display.* Outdoor storage and display shall only be allowed in the districts designated in the table below:

Permitted Outdoor Storage and Display Table									
Category	C-1	C-1a	C-2, OF, BP	PF-1, PF-2, PF-3	LI, I, MI	SR	OS	MU-1, MU-2, <u>MU-R, MU-G</u>	MU-L
Outdoor display	X	X			<u>X</u>		X	X	
Limited outdoor storage	X	X		X	X			X	X
General outdoor storage	X				X		X		
Temporary outdoor storage	X	X	X	X	X	X	X		

- (c) *Categories of outdoor storage and display.*

(1) *Outdoor display.*

- a. Outdoor display is display of items actively for sale.
- b. Outdoor display shall be allowed adjacent to a principal building wall and, except as provided in this subsection, extend to a distance no greater than 10 feet from the wall. Such display ~~shall not be permitted~~ is prohibited to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the sidewalks.
- c. Outdoor display located more than 10 feet from the wall of a principal building shall be fenced in by a masonry, wrought iron or similar material fence/wall. The location and fencing of such a display shall be approved by the PDS director.
- d. Outdoor display in the OS district shall only be permitted in metropolitan and regional parks.
- e. Outdoor display in the downtown development area and in the MU-1 and MU-2 districts may be permitted in limited quantities provided it does not impede pedestrian traffic.
- f. Outdoor display in the LI district shall be limited to plants and landscape materials for sale at nurseries and similar landscaping supply establishments.

(2) *Limited outdoor storage.*

- a. Limited outdoor storage is temporary storage of goods in individual packaging and not in storage containers. Organic materials in plastic packaging are considered limited outdoor storage.
- b. Limited outdoor storage shall be screened from view outside the site by a solid masonry wall at least six (6) feet in height. Limited outdoor storage in the I (Industrial) and MI (Mining) districts is exempt from the screening requirements provided that district buffering standards have been met.
- c. Limited outdoor storage shall not be allowed in any off-street parking spaces.
- d. In the MU-1, MU-2, ~~and~~ MU-L, MU-R, and MU-G districts, limited outdoor storage shall not be allowed in the street yard.

(3) *General outdoor storage.*

- a. General outdoor storage consists of all remaining forms of outdoor storage including temporary, as provided for in Sec. 2-92, not classified as outdoor display or limited outdoor storage. General outdoor storage also includes items stored in shipping containers, conexes, and semi-trailers not attached to a truck.
- b. Shipping containers, conexes, and semi-trailers not attached to a truck shall not be stacked more than two units high. In the C-1 (General commercial) district, shipping containers, conexes, and semi-trailers shall not be stacked.
- c. General outdoor storage shall be allowed in unlimited quantity, provided that the storage area is screened from any public right-of-way by means of an opaque wall at least six (6) feet in height. General outdoor storage in the I (Industrial) and MI (Mining) districts is exempt from the screening requirements provided that district buffering standards have been met. General outdoor storage in the C-1 (General commercial) district shall be screened from any public right-of-way or abutting property by means of a masonry wall that provides a complete screening of the storage. The construction materials of the wall shall match material used on the principal building located on the same lot.
- d. Except for the I (Industrial) and MI (Mining) districts, no general outdoor storage shall be permitted within the following areas:
  - 1. A required front setback;
  - 2. between a front setback and the building front; and
  - 3. between a side setback along a public right-of-way and any building or structure.
- e. General outdoor storage shall not be allowed in any off-street parking areas.
- f. General outdoor storage in the OS district shall only be permitted in metropolitan and regional parks.
- g. The placement of general outdoor storage shall not conflict with any public utilities, easements or rights-of-way.
- h. The location of general outdoor storage shall meet the accessory building requirements for that zoning district.

- i. Where general outdoor storage is temporary, as provided for in Sec. 2-92, the zoning administrator may require alternative screening depending on the uniqueness of the situation.

(d) *Additional outdoor storage and display requirements.*

- (1) *Required to show on site plan.* All limited outdoor storage and general outdoor storage areas shall be clearly shown on the site plan submitted for the property.
- (2) *Right-of-way.* Unless specifically authorized elsewhere in the city's ordinances, all outdoor storage and display shall be located outside the public right-of-way.
- (3) ~~Landscaping~~ *Screening requirements.* Outdoor storage shall meet the applicable screening requirements of Sec. 8-40.

(e) *Exceptions.*

- (1) Vehicles (including boats) for sale as part of a properly permitted vehicle sales use shall not be considered merchandise, material or equipment subject to the restrictions of this section. Such vehicles shall be located and displayed on a paved vehicle use area, clearly indicated on the site plan, and screened under the same requirements for a parking lot.
- (2) Waste generated on-site and deposited in ordinary refuse containers and enclosed areas shall not be considered outdoor display and storage.

(f) *Residential open storage.*

- (1) *Open Storage* means the placement in an unenclosed area on a lot or tract of land used for residential purposes for a continuous period in excess of 24 hours of an item which is not customarily used or stored outside and/or which is not made of a material that is resistant to damage or deterioration from exposure to the outside environment.
- (2) Open storage shall be prohibited in the front yard, in a carport, or an unenclosed front porch, driveway, balcony, or any open an unenclosed area visible from any public right-of-way.

**Secs. 8-66. – 8-69. Reserved.**

## **ARTICLE IX. SIGNS**

### **Sec. 8-70. Purpose.**

- (a) The purpose of this ~~chapter~~article is:

- (1) To stimulate a healthy economy by:
  - a. Permitting businesses to inform, identify and communicate effectively; and
  - b. Directing the general public through the use of signs on buildings and sites.
- (2) To protect and enhance the physical appearance of the community in a lawful manner by:
  - a. Providing standards for the appropriate design, scale and placement of signs;
  - b. Satisfying the community's desires for signs that are attractive;
  - c. Avoiding sign standards which are so rigid and inflexible that all signs have a monotonous look and design;
  - d. Considering that areas outside the city may one day be annexed into the city; and
  - e. Addressing abandoned signs that may cause an area to look blighted.
- (3) To foster public safety along public streets within the community by:
  - a. Ensuring that all signs are in safe and appropriate locations; and
  - b. Ensuring that the information displayed on a sign is clearly visible and legible so that a sign achieves its intended purpose without causing undue distraction.
- (4) To have administrative review procedures which are the minimum necessary to:
  - a. Balance the community's objectives and regulatory requirements with the reasonable advertising and way-finding needs of businesses;
  - b. Allow for consistent enforcement of this chapter;
  - c. Address nonconforming signs;
  - d. Minimize the time required to review a sign permit application; and
  - e. Address changes in sign manufacturing technology, as necessary.

**Sec. 8-71. Applicability and intent.**

(a) *Applicability.*

- (1) A sign may be erected, placed, established, painted, created or maintained in the City of Round Rock and its extraterritorial jurisdiction only in conformance with the standards, procedures, exemptions, and other requirements of this chapter.
- (2) Pursuant to the terms of V.T.C.A., Local Government Code § 216.902, the provisions of this section regulating signs shall be enforced in, and extended to the city's area of extraterritorial jurisdiction, except as provided below.
- (3) The provisions of this section shall not be enforced in that portion of the city's extraterritorial jurisdiction that is located in the Brushy Creek Municipal Utility District and that is also located more than 150 feet from the public right-of-way of RM Highway 620 or ~~ERM~~ 1431.

(b) *Intent.* The intent of this chapter as more specifically set forth herein, is:

- (1) To establish a permit system to allow a variety of types of signs for business uses and for a limited variety of signs for other uses, subject to the standards and the permit procedures in this chapter.
- (2) To establish sign development standards, that relate signs to the speed and function of the road type on which they appear or for areas identified by the city with separate standards appropriate for the designated area.
- (3) To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective sites on which they are located, subject to the substantive requirements of this chapter, but without the requirement for permits.
- (4) To provide for temporary signs in limited circumstances.
- (5) To prohibit all signs not expressly permitted by this chapter.
- (6) To provide for the enforcement of provisions of this chapter.

**Sec. 8-72. Signs exempt from the regulations.**

(a) The following signs shall be exempt from regulation under this chapter:

- (1) Political campaign signs on private property.
- (2) Any public purpose/safety sign, including regulatory signs, and any other notice or warning required by federal, state or local law, regulation or resolution.
- (3) Works of art, including murals, which do not include a commercial message.
- (4) Holiday decorations containing no commercial message, and displayed only during the appropriate time of the year.
- (5) Flags that are a symbol of government or political subdivision.
- (6) Historic-age signs.
- (7) Building markers.
- ~~(8) Incidental signs.~~
- ~~(9)~~ Information signs.
- ~~(10)~~ Building addresses, except as required on freestanding signs.
- ~~(11)~~ Barber poles.
- ~~(12)~~ Signs placed on a fence on property owned or leased by a public or private educational institution with students in grades K through 12.
- (12) Advertising and informational signs internal to a concert venue, stadium, or similar use.
- (13) Signs internal to a site so that they are not visible from a public right-of-way.

**Sec. 8-73. Measurement standards.**

(a) The following standards shall regulate the computation of sign size and height:

- (1) *Building signs.*
  - a. *Determining sign display area of building signs.*

1. For a building sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the sign display area's dimensions shall include the entire portion within such background or frame.
2. For a building sign comprised of individual letters or other items of information on a wall or surface of the building or accessory structure or mounted on a raceway that blends in with the background onto which it is mounted, the sign display area's dimensions shall be the sum of the regular geometric shapes (rectangle, square, circle, triangle, etc.) encompassing individual items of information. For words, the area of each rectangle encompassing an individual letter may be summed to determine the sign display area of a word.
3. The allowable sign display area for each occupant shall be based on the occupant's frontage on a public right-of-way, private street, vehicle drive aisle, or public space internal to a multi-occupant center. Sign display area shall be calculated separately for each building frontage. For any occupant frontage with a wall that is on an angle to a roadway, the occupant frontage length shall be measured by taking 50 percent of the sum of the linear footage allowed for said roadways. The maximum square foot allowance of sign display area shall be calculated in the same manner.
4. The amount of display area for a wall sign may be affected by placement requirements found in Sec. 8-76.
5. Clearance for building signs over pedestrian walkways shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.
6. Where there is a non-principal building or structure, such as, vehicle service canopies and structured parking facilities, signs shall be considered to be accessory signs and such signs shall not be counted against the sign area allowed.
7. When two identical sign display areas, such as on a projecting sign, are placed back to back so that both cannot be viewed from any point at the same time, and are part of the same sign, the sign display area shall be computed as the measurement of one side of the sign.
8. The sign display area for all awnings/canopies shall not exceed the allowable square footage for this type of sign.
9. Measurement of vehicle service canopy sign display area shall not include the background and striping on the face of a flat-roofed canopy.
10. Window sign display area shall not be included in the total sign display area for building signs.

- b. *Determining occupant frontage lengths for wall signs.*
1. The facade length of the occupant frontage on the first floor shall be the basis for determining the permissible sign display area for building signs.
  2. Determining occupant frontage lengths.
    - (i) The length of any occupant frontage shall be equal to the wall length of a building elevation.
    - (ii) No portion of any building elevation shall be counted towards more than one occupant frontage, even when visible from two roadways.
    - (iii) The occupant frontage for a space in a building with multiple occupants shall be measured from the centerline of the demising wall separating the building unit.

(2) *Freestanding signs.*

- a. *Determining area of freestanding signs.*
1. For freestanding signs, the sign display area shall include any portion of the sign which contains items of information. When more than one sign makes up a freestanding sign, the individual signs shall be totaled to determine the sign display area. For a panel or cabinet contained in a freestanding sign, the sign display area calculation shall include the sign display area of the entire panel or cabinet. When individual letters are pinned to a freestanding sign, the sign display area's dimensions shall be the sum of the regular geometric shapes encompassing individual items of information or the area of each rectangle encompassing individual letters may be summed to determine the sign display area of a word.
  2. When two identical sign display areas are placed back to back so that both cannot be viewed from any point at the same time, and are part of the same sign structure, the sign display area shall be computed as the measurement of one side of the sign.
  3. For any freestanding sign that is on an angle at the intersection of two roadways that have different area standards, the total allowable sign display area shall be measured by summing 50 percent of the square footage allowed for each roadway.
  4. For an area identification sign, the sign display area shall be measured as a building sign is measured.
- b. *Determining sign height for freestanding signs.*
1. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at the finished grade, to the highest point of the sign, including all attached components.
  2. The finished grade of a sign's location from which the height is measured shall be exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the finished grade

cannot reasonably be determined, sign height shall be measured on the assumption that the finished grade at the base of the sign is equal to the nearest pavement or top of any pavement curb.

3. Clearance for freestanding signs shall be measured at the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.
4. Freestanding sign display areas and sign lighting system equipment shall be at least 14 feet above areas accessible to vehicles.
5. For any freestanding sign that is on an angle at the intersection of two roadways that have different height standards, the maximum allowable sign height shall be equal to the greater allowable height.

**Sec. 8-74. Criteria for determining sign standards: road types and special areas.**

(a) *Standards for signs shall be determined either by:*

- (1) The type of road adjacent to the lot or multi-occupant center;
- (2) The type of road which an occupant frontage faces; or
- (3) The special area in which the sign is to be located.

(b) *Road types.* All roads fall within one of the following road types: freeways, commercial roads, and neighborhood roads. A roadway type may change over time. A roadway may have more than one type along its length. Sections of a neighborhood road containing only non-residential uses may have signs utilizing commercial standards where no residential use is located within 100 feet of any new signs proposed on the lot.

(1) *Freeways.* For the purposes of this chapter, freeways shall include only the following roads:

U.S. Interstate Highway 35;  
State Highway 45/Louis Henna Boulevard; and  
State Highway 130.

(2) *Commercial roads.* For the purpose of this chapter, commercial roads shall include the following roadways:

Avery-Nelson Parkway;  
A.W. Grimes Boulevard/FM 1460;  
Bass Pro Drive;  
Chandler Road;  
Chisholm Trail (1200-2900);  
College Park Drive;  
County Road 112 (1800 to 2150);  
County Road 172;

Cypress Boulevard;  
Cypress Cove;  
 Dell Way;  
Deep Wood Drive (100-351)  
 Double Creek Drive (1200-2600);  
Eagle's Nest Street (west of Sunrise Rd);  
~~FM 1460~~;  
 Forest Creek Drive (2100 to 3600);  
 Gattis School Road;  
 Greenlawn Boulevard (1510 to 1550; 2300 to 3599);  
 Hesters Crossing Road;  
Hoppe Trail;  
 IKEA Way;  
 Kenny Fort Boulevard;  
 Kiphen Road;  
 Kouri Avenue;  
 La Frontera Boulevard;  
 McNeil Road;  
 Mays Street, North;  
 Mays Street, South;  
 North Red Bud Lane (100 to 201);  
 Oakmont Drive;  
 Old Settlers Boulevard, East (1 to 3606);  
 Old Settlers Boulevard, West (1 to 1200);  
 Palm Valley Boulevard (U.S. Hwy. 79);  
 Parker Drive;  
Picadilly Drive;  
 Red Bud Lane (2002 to 2885);  
 RM 620;  
 RM 1431;  
 Round Rock Avenue;  
 Sam Bass Road (600 to ~~1200~~2111; 2700 to 2715);  
 Sundance Parkway;  
 Sunrise Road (2499 to 4399);  
~~Teravista Parkway (1 to 599)~~;  
 University Boulevard;  
 University Oaks Boulevard;  
Wolle Lane; and  
 Wyoming Springs ~~Road~~Drive (7000 to 7231).

- (3) *Neighborhood roads.* For the purposes of this chapter, any road not classified as a freeway or commercial road shall be considered to be a neighborhood road.

(c) *Special areas.* The special areas are as follows:

- (1) *Original settlement (OS) special area(s).* The areas that shall adhere to the requirements pertaining to this special area are:
  - a. *Historic overlay.* Any tract of land that is part of an historic district or has historic overlay zoning on any portion of the tract.
  - b. *Chisholm Trail overlay.* Any tract of land that has Chisholm Trail overlay zoning.
  - c. *Palm Valley overlay.* Any tract of land that has Palm Valley overlay zoning.
- (2) *Downtown master plan (DT) special area.* Any parcel that is in the downtown master plan study area, as defined in the 2010 Downtown Master Plan. ~~Sites with~~ and which has frontage on IH-35 ~~and or~~ US Hwy. 79, may use road type standards for size and height rather than DT special area standards unless standards are specifically provided for these road types for this special area.

#### **Sec. 8-75. General illumination standards.**

- (a) The following standards shall apply to illumination of signs:
  - (1) The brightness and intensity of an illuminated sign shall not be greater than necessary to meet reasonable needs of the business or use served.
  - (2) No sign shall be illuminated to such intensity or in such a manner so as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance to vehicular traffic, pedestrians or adjacent sites.
  - (3) No sign may be illuminated with fixtures that allow for the unshielded upward transmission of light.
  - (4) No exposed neon ~~signs~~ or bare bulbs shall be used ~~on freestanding signs, unless an item of information that is a registered trademark requires its use.~~
  - (5) Temporary signs shall not be illuminated.

#### **Sec. 8-76. Building sign standards.**

- (a) *The following standards shall apply to all building signs:*
  - (1) Building signs shall be integrated with the primary physical features of the building and shall complement the building architecture.
  - (2) The sign display area for building signs shall be determined by linear feet of the occupant frontage, and the roadway or special area where the building is located, as set forth in subsections (b), (c) and (d), below.
  - (3) The sign display area for wall signs shall be the lesser amount of the maximum square foot allowance or the square feet of sign display area per one linear foot of occupant frontage, based on roadway type or special area.

- (4) Each occupant may have multiple building signs as long as the total building sign display area of wall signs, hanging and projecting signs, and awning/canopy signs does not exceed the total allowance for wall signs for each occupant frontage.
- (5) Building signs not related to businesses located in the respective building are prohibited.
- (6) The following standards shall be utilized in the determination of road type for building signs:
  - a. In order to determine the roadway for an occupant frontage, a building that has frontage on a road shall utilize the standards for that road for a single occupant or an occupant frontage in a multi-occupant center.
  - b. For occupant frontages that are internal to a multi-occupant center, the following shall apply:
    - 1. Occupant frontages internal to a multi-occupant center with frontage on a freeway or commercial road shall utilize commercial road sign standards.
    - 2. Occupant frontages internal to a multi-occupant center with frontage on a neighborhood road on any side of the center shall utilize the neighborhood road sign standards.
    - 3. For occupant frontages not in a multi-occupant center and not facing a public right-of-way, the standard for square feet of sign display area for an occupant not facing a public ROW shall be utilized.

(b) *Wall signs.*

Wall Signs							
Building Criteria	Building shall have a plane that can accommodate the placement of a sign.						
Number, Amount of Building Signage/Items of Information	When maximum square footage of sign display area for wall signs is less than 100 square feet, an additional ten square feet of sign display area of wall signs, hanging or projecting signs, or awning/canopy signs shall be permitted. Regardless of the length of frontage, the owner/occupant is entitled to a sign of at least 20 square feet.						
Sign Size By Road Type or Special Area per Occupant Frontage (Amount allowed shall		<b>Freeway</b>	<b>Commercial Road</b>	<b>Neighborhood Road</b>	<b>Not Facing a Public ROW</b>	<b>Special Area - OS; DT</b>	<b>Sharing Property Line with SF or TF Zoned Lot</b>

<p>be whichever measurement is less)</p>	<p>Maximum square feet of sign display area</p>	<p><u>300 square feet.</u>  <u>Maximum is 600 square feet when occupant frontage exceeds 100 feet and square footage of a business use that is not an institutional, governmental or residential use is greater than 100,000 square feet.</u></p>	<p><u>200 square feet.</u>  <u>Maximum is 600 square feet when occupant frontage exceeds 100 feet and square footage of a business use that is not an institutional, governmental or residential use is greater than 100,000 square feet.</u></p>	<p>75</p>	<p>none</p>	<p>40</p>	<p>0</p>
	<p>Square feet of sign display area per one linear foot of occupant frontage</p>	<p>2.50</p>	<p>2.0</p>	<p>1.50</p>	<p>1</p>	<p>1</p>	<p>0</p>
<p>Placement (on building)</p>	<p>A distance of no less than ten percent of the smallest dimension of the sign display area of a wall sign shall be provided around the entire sign display area and from any architectural features. <u>For buildings greater than two stories, signs shall be placed on the uppermost story adjacent to the top of the building and/or on the ground floor adjacent to public entrances.</u> <del>The height of a fascia-mounted sign shall not exceed the peak of a pitched roof or the top of a parapet of a flat roof.</del></p>						
<p>Materials &amp; Design</p>	<p>All surfaces of a sign shall be finished. Signs shall be mounted to a building so that the attachment device shall not be visible or discernible. Wall signs exceeding 16 square feet of sign display area shall not be a single, flat surface. Wall signs shall be constructed of rigid materials <u>such as wood, metal, and plastic, or an equivalent</u></p>						

	<u>material. Where internally lit signs are permitted, tag lines and pan-faced signs shall be permitted as wall signs. No plastics of any kind are permitted on wall signs in the OS or DT special areas with the exception of high-density urethane or similar coated product or vinyl coatings used as a paint equivalent.</u>
Lighting	Internal illumination shall be permitted with the exception of in OS and DT special areas. External illumination and illumination by halation are permitted.
Electronic Messaging Center (EMC)	<del>Not permitted</del> <u>Prohibited.</u>

(c) *Hanging and projecting signs.*

Hanging and Projecting Signs							
Building Criteria	A hanging sign shall be comprised of a panel placed hanging, typically over a defined walkway. Projecting signs shall have a wall from which the sign shall project where the sign shall be perpendicular to a building facade.						
Number, Amount of Building Signage/Items of Information	This type of sign shall only be permitted if total sign display area of all building signs does not exceed the square footage allowance for wall signs.						
Sign Size By Road Type or Special Area per Occupant Frontage		<b>Freeway</b>	<b>Commercial Road</b>	<b>Neighborhood Road</b>	<b>Not Facing a Public ROW</b>	<b>Special Area - OS; DT</b>	<b>Sharing Property Line with SF or TF Zoned Lot</b>
Maximum square feet of sign display area		20	16	10	10	8	0
Placement (on building)	A minimum of eight feet of clearance shall be required from the finished grade to the bottom of the sign for any sign projecting over a pedestrian area. <u>Hanging and projecting signs may hang or project over a sidewalk in a public right-of-way when the front portion of a building or canopy is in or within two (2) feet of the right-of-way.</u>						

Materials & Design	Sign shall be painted or sealed wood, or painted or enameled metal on neighborhood roadways and in OS and DT special areas. <u>Freeways and commercial roadways shall utilize the same materials as wall signs.</u>
Lighting	External illumination is permitted. Internal illumination <u>and illumination by halation</u> shall be permitted with the exception of on neighborhood roads and in OS and DT special areas.
Electronic Messaging Center (EMC)	<del>Not permitted</del> <u>Prohibited.</u>

(d) *Awning/canopy signs.*

Awning/Canopy Signs							
Building Criteria	Signs shall be integrated into the awning/canopy unless the awning/canopy is made of a rigid material <u>projecting from a building and parallel to the ground</u> , in which case the sign may be mounted onto it.						
Number, Amount of Building Signage/Items of Information	This type of sign shall only be permitted if total sign display area of all building signs does not exceed the square footage allowance for wall signs. The maximum square feet of sign display area for awning/canopy signs applies to total amount of information on all awnings/canopies combined.						
Sign Size By Road Type or Special Area per Occupant Frontage	<b>Freeway</b>	<b>Commercial Road</b>	<b>Neighborhood Road</b>	<b>Not Facing a Public ROW</b>	<b>Special Area - OS; DT</b>	<b>Sharing Property Line with SF or TF Zoned Lot</b>	
Maximum square feet of sign display area <del>for all combined</del>	<del>30</del> <u>60 square feet with no more than 50% of the awning covered with items of information.</u>	<del>25</del> <u>40 square feet with no more than 33% of the awning covered with items of information.</u>	20	20	12	0	

Placement (on building)	Signs attached to the top of a rigid awning/canopy shall not project above the wall or parapet. Eight feet of clearance shall be required underneath any sign.
Materials & Design	Sign applied to a flexible surface such as fabric shall be integrated into the fabric. Signs attached to a rigid awning/canopy shall be made of painted or enameled metal or painted or sealed wood.
Lighting	No illumination shall be permitted except by lighting attached to a building or integrated into a rigid awning/canopy.
Electronic Messaging Center (EMC)	<del>Not permitted</del> Prohibited.

(e) Fascia mounted signs.

<u>Fascia mounted Signs</u>							
<u>Building Criteria</u>	<u>Signs shall be mounted onto the fascia of a roof on the elevation of a building containing the primary entrance. This type of sign shall only be permitted in situations where a building has a pitched roof which begins less than two (2) feet above the door frame, and no canopy is present.</u>						
<u>Number, Amount of Building Signage/Items of Information</u>	<u>This type of sign shall only be permitted for buildings with frontage on a freeway or commercial road.</u>						
<u>Sign Size By Road Type or Special Area per Occupant Frontage</u>	<u>Freeway</u>	<u>Commercial Road</u>	<u>Neighborhood Road</u>	<u>Not Facing a Public ROW</u>	<u>Special Area - OS; DT</u>	<u>Sharing Property Line with SF or TF Zoned Lot</u>	
<u>Maximum square feet of sign display area</u>	<u>200</u>	<u>160</u>	<u>0</u>	<u>160 for lots with freeway frontage; 0 for all other lots</u>	<u>0</u>	<u>0</u>	

	<u>Square feet of sign display area per one linear foot of occupant frontage</u>	<u>2.0</u>	<u>2.0</u>	<u>0</u>	<u>2.0</u>	<u>0</u>	<u>0</u>
<u>Placement (on building)</u>	<u>Signs attached to the face of or with brackets or mountings installed on a fascia shall not project above the peak of the portion of the roof to which it is attached. No more than 25% of the height of the sign shall be permitted to extend below the bottom of the fascia. Portions of any sign extending below the fascia shall maintain eight feet of clearance. When taglines are incorporated, they must be backed by the fascia.</u>						
<u>Materials &amp; Design</u>	<u>Signs shall be channel letters, cut letters, or taglines. All portions of a sign shall be constructed of rigid materials.</u>						
<u>Lighting</u>	<u>Internal illumination, external illumination, and illumination by halation are permitted.</u>						
<u>Electronic Messaging Center (EMC)</u>	<u>Prohibited</u>						

**Sec. 8-77. Special purpose building sign standards.**

- (a) *Vehicle service canopy signs.*

Vehicle Service Canopy	
<u>Building Criteria</u>	<u>Signs shall be permitted on a canopy that covers a vehicle service area that is an accessory structure not attached to a building.</u>
<u>Number, Amount of Building Signage/Items of Information</u>	<u>Flat-roofed canopy: Vehicle service canopy maximum sign display area shall be considered as accessory signs and shall be calculated separately from the maximum building sign display area for wall signs. Pitched-roof canopy: Up to two hanging signs with a maximum sign display area of ten square feet each shall be permitted <del>to hang from an eave of</del> <u>on</u> a pitched canopy.</u>

Sign Size By Road Type or Special Area per Occupant Frontage		Freeway	Commercial Road	Neighborhood Road	Not Facing a Public ROW	Special Area - OS; DT	Sharing Property Line with SF or TF Zoned Lot
	Percent Coverage of <del>n</del> face of <u>all canopy types</u>	25%	25%	25%	N/A	25%	0
	Maximum square feet of sign display area <u>attached to a canopy</u> <del>for</del> <u>per each sign occupant frontage</u>	10	10	10	10	10	0
Placement (on building)	Sign shall be placed on or be an integral part of the face of a flat-roofed canopy. Hanging signs shall be permitted to hang from an eave of a pitched canopy <u>or may be affixed to the fascia on the non-gabled sides of the canopy. No sign shall extend above the top edge of a flat roof or peak of a pitched roof.</u>						
Materials & Design	All surfaces of a sign shall be finished. <u>All signs shall be constructed of rigid materials such as wood, metal, and plastic, or an equivalent material.</u>						
Lighting	Internal illumination <del>shall not be permitted</del> <u>is prohibited</u> in OS and DT special areas. External illumination and illumination by halation are permitted.						
Electronic Messaging Center (EMC)	<del>Not permitted</del> <u>Prohibited.</u>						

(b) *Parking garage signs.*

Parking Garage Signs	
Building Criteria	Signs shall be permitted on any structure used solely for the purposes of parking.

Number, Amount of Building Signage/Items of Information	Parking garage maximum sign display area shall be considered as accessory signs and shall be calculated separately from the maximum building sign display area for wall signs.						
Sign Size By Road Type or Special Area per Occupant Frontage (Amount allowed shall be whichever measurement is less)		<b>Freeway</b>	<b>Commercial Road</b>	<b>Neighborhood Road</b>	<b>Not Facing a Public ROW</b>	<b>Special Area - OS; DT</b>	<b>Sharing Property Line with SF or TF Zoned Lot</b>
Maximum square feet of sign display area		300	300	200	100	200	0
Square feet of sign display area per one linear foot of occupant frontage		0.5	0.5	0.5	0.25	0.25	0
Placement (on building)	Parking garage signs placed flush to a facade and a distance of no less than ten percent of the smallest dimension of the sign display area shall be maintained as a margin around the entire sign display area. Signs <del>shall not be permitted</del> <u>are prohibited</u> above any wall plane of a garage.						
Materials & Design	Cabinet signs are prohibited for external commercial messages on the exterior of the structure. Cabinet signs may be used for incidental signs.						
Lighting	Internal illumination, external illumination and illumination by halation are permitted.						
Electronic Messaging Center (EMC)	<del>Not permitted</del> <u>Prohibited</u> except for incidental signs.						

(c) **Banners.** Banners shall meet the following standards:

(1) A sign permit shall be required for the display of all banners.

- (2) One banner shall be allowed for each single occupancy structure, ~~or for each occupant frontage in a multi-occupant center or building.~~ One additional banner shall be permitted for an additional occupant frontage facing a public right-of-way.
- (3) Banners shall not exceed 15 square feet in area, ~~with the exception of banners for a new occupancy or use which may be up to 40 square feet.~~ unless the occupant frontage onto which the banner shall be placed exceeds 80 linear feet, then a banner may have a maximum area of 40 square feet.
- (4) Banners may be placed in the following locations:
  - a. The entire banner must be attached and parallel with the wall, and shall not cover any part of a building's windows or doors. ~~or~~
  - b. Banners may be hung from the front of the canopy on the facade with the primary entrance to a building.
  - c. In instances where a banner cannot be accommodated flat against a wall in one of the locations above, other locations may be considered.
- (5) Banners promoting an aspect of a business may only be attached to the building or unit which houses the business.
- (6) ~~Except as provided below,~~ A banner shall not be displayed for a period exceeding 30 consecutive calendar days per permit with a maximum of three permits issued in any consecutive 12-month period.
- (7) Banners shall not be tattered, torn or faded and shall remain tautly attached.
- ~~(8) A banner for new occupancy or use that has a sign display area of no more than 40 square feet shall be allowed for a maximum of 60 days within the first three months of establishment of such new occupancy or use in lieu of a permanent sign. This banner shall be removed when a permanent sign is installed.~~

(d) Banners for a new occupancy or use. Banners for a new occupancy or use shall meet the following standards:

- (1) A sign permit shall be required. A separate fee for the banner for a new occupancy or use shall not be required if the applicant concurrently submits a permit request for a permanent sign.
- (2) One banner shall be allowed for each single occupancy structure or for each occupant frontage in a multi-occupant center or building and is prohibited to be displayed at the same time as a banner in subsection (c) above.
- (3) Banners shall not exceed 40 square feet in area.
- (4) The entire banner must be attached and parallel with the wall not covering any part of a building's windows or doors or hung from the front of the canopy on the facade with the primary entrance to a building.
- (5) Banners promoting an aspect of a business may only be attached to the building or unit which houses the business.

(6) A banner for new occupancy or use shall be allowed for a maximum of 60 days within the first three months of establishment of such new occupancy or use in lieu of a permanent sign. This banner shall be removed when a permanent sign is installed.

(7) Banners shall not be tattered, torn or faded and shall remain tautly attached.

(ed) Building scrim sign.

(1) A sign permit shall be required for a building scrim sign.

(2) One (1) building scrim sign shall be permitted for a building that is at least ~~three~~two (2) stories ~~or 40 feet~~ tall for one (1) building at a time ~~for in any~~ nonresidential development that would qualify for an area identification sign.

(3) A building scrim sign shall not be displayed for a period exceeding ~~30~~60 consecutive calendar days per permit with a maximum of ~~three~~two (2) permits issued in any consecutive 12-month period.

(4) Building scrim signs shall not be tattered, torn or faded and shall remain tautly attached.

(f) Building signs for temporary occupants of a business use. For building signs for temporary occupants, one (1) sign may be permitted per occupant frontage of a business use -occupying a space for seasonal use or similar. The total of all building signs shall be no larger than the square foot limit allowed for wall signs on a designated roadway; however, the panel size restriction for wall signs shall not apply and the material may be a semi-rigid, all-weather material. All other wall sign standards shall apply. The sign shall be displayed for a period not to exceed 120 days.

(g) Directory signs. For the purpose of identifying individual tenants in a building with multiple tenants, the total sign area for all panels in a directory sign shall not exceed six (6) square feet.

(he) Home occupation sign. In areas zoned for SF-1, SF-2, SF-3, SF-D, or TF, for the purpose of identifying a customary home occupation, as defined in Sec. 2-93, one home occupation sign shall be permitted. Such sign shall be attached flatwise to the house and shall not exceed two square feet in surface area.

(if) Window signs.

(1) Window signs are allowed without limitation except as provided below.

(2) Window sign display area shall not be included as part of the total signs display area of building signs.

(3) Total sign display area of all window signs on any elevation of a building shall not cover more than 25 percent of the glazing on an elevation.

(4) The sign display area may not exceed 50 percent of the glazing of each window.

(5) Window signs in OS and DT special areas shall not be illuminated.

(j) Incidental building signs. For those incidental signs that are not internal to a site, the maximum allowable square footage of sign display area shall be less than or equal to twenty-five (25%) percent of the total wall sign area allowed per occupant frontage.

**Sec. 8-78. Freestanding sign standards.**

- (a) The standards for freestanding signs shall be determined by the roadway adjacent to the lot or the special area in which the lot is located.
- (b) The display of the property address number shall be required on the sign structure of freestanding monument and pylon signs, but shall not be counted in the calculation of sign display area.
- (c) *Determining eligibility for freestanding signs.*
  - (1) At least one freestanding monument sign shall be allowed per lot.
  - (2) Other types of freestanding signs may be permitted in lieu of a monument sign, depending on the type of sign and the size of the lot.
  - (3) Low-profile signs may be permitted in addition to monument and pylon signs.
- (d) *Determining the location of freestanding signs.* The location of freestanding signs shall meet the following standards:
  - (1) A sign shall have a minimum front setback of three (3) feet and a minimum side setback of five (5) feet.
  - (2) A sign shall not be located in or project over a public utility easement unless authorized by all applicable utility providers and the city.
  - (3) Signs shall not be located in parking spaces, drive aisles or any other areas that impede vehicular movement or maneuverability.
  - (4) Any sign located within a sight visibility triangle shall be no more than three feet in height.
  - (5) Signs shall be located within the same lot or multi-occupant center as the business use, except as expressly exempted in this chapter.
  - (6) No freestanding sign or any projection of said sign shall be in or project over a public right-of-way.
  - (7) Where the front setback of a building is less than ten feet, freestanding signs shall meet the freestanding sign size and type allowed for OS and DT special areas.
  - (8) Placement of signs shall meet all other requirements associated with this Code.
- (e) *Number and spacing requirements for freestanding signs.*

(1) The number of freestanding signs varies depending on the size of the lot and the length of a site's frontage on a roadway.

(f) *Electronic messaging centers (EMCs)/changeable message.* Changeable message using EMCs shall meet the following requirements:

- (1) Standards for EMC signs are provided by sign type.
- (2) EMC signs shall only be permitted on freestanding signs, with the exception of theaters which are allowed to place EMCs on buildings.
- (3) EMCs ~~shall not be permitted~~ are prohibited on neighborhood roads, or in OS and DT special areas, with the exception of community facilities, schools, places of worship, and fuel station pricers.
- (4) Except as provided in subsections (5) and (6) below, one EMC sign is permitted per lot.
- (5) One EMC sign is permitted per multi-occupant center of less than five acres.
- (6) One EMC sign is permitted per road frontage for a multi-occupant center of five acres or more.
- (7) EMCs shall not change their message more than once every eight seconds and shall not be animated. Transitions shall be static/instant, with a transition time of one second or less.
- (8) The illuminance of an EMC shall be measured with an illuminance meter set to measure foot candles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color capable EMC, or a solid message for a single-color EMC. All measurements shall be taken perpendicular to the face of the EMC using the following formula:

Measurement distance =	$\sqrt{[(\text{sign display area of EMC}) \times 100]}$
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The difference between the off and solid-message measurements using the EMC measurement distance formula shall not exceed 0.3 foot candles at night.

- (9) All EMCs shall have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night and shall be able to be adjusted to comply with the 0.3 foot candle measurements in subsection (8) above.
- (10) All EMCs are prohibited from being located within five (5) feet of a sight visibility triangle regardless of height or size.

(g) *Sign standards for monument signs.*

Monument: On a Lot Less than Five Acres	
Site Criteria	Every lot is entitled to a monument sign.

Number and Spacing of Signs	One per road frontage. <del>Freestanding signs shall be placed a minimum of five feet from any side property line.</del>				
Sign Size By Road Type or Special Area		<b>Freeway</b>	<b>Commercial Road</b>	<b>Neighborhood Road</b>	<b>Special Area - OS; DT</b>
	Max. Sq. Ft. of sign display area	150	75	50	36
	Maximum Height	18'	12'	6'	6'
Sign Structure Requirements - Bases, Caps, Proportion, etc.	No less than 75% of the width of the sign shall be in contact with the ground. For all signs between six and 12 feet in height, a two-foot high stone, stucco, or brick base shall be required; <u>where a different masonry material is used on the primary structure, the zoning administrator may approve the same to be used on the base.</u> For all signs having a height of greater than 12 feet, a three-foot high stone, stucco, or brick base shall be required; <u>where a different masonry material is used on the primary structure, the zoning administrator may approve the same to be used on the base.</u> <u>The applicant shall be required to provide a structural drawing completed by an engineer demonstrating a windload of 105 mph or greater for any monument sign greater than four (4) feet and up to 10 feet in height. Signs greater than 10 feet in height shall demonstrate a windload of 115 mph or greater.</u>				
Sign Display Area	Items of information shall be surrounded by a margin of ten percent of the smaller dimension of the sign display area of any panel contained in a freestanding sign. Freestanding cabinet signs shall have a surround around the cabinet, and the cabinet shall be flush with or inset from <u>the sign surround but may accommodate a two (2) inch retainer and service disconnect switch where necessary.</u> <del>Building address shall not be computed as part of the sign display area.</del> <u>Cabinet signs made entirely of metal are exempt from the requirement to provide a surround.</u>				
Materials	Wood that is painted or sealed, painted or enameled metal, stone, brick, <del>cast</del> <u>simulated</u> stone, stucco, plastics and/or a combination thereof. <u>Plastics of any kind are prohibited as a component of the sign structure for any monument sign. -All non-rigid plastics shall have a minimum five (5) year warranty and are only permitted on the face of a cabinet sign.</u> Alternate materials that resemble permitted materials or match the materials on the primary structure may be considered by the zoning administrator. Plastics of any kind shall not be <del>permitted</del> <u>visible</u> in OS and DT special areas.				
Lighting	External illumination and illumination by halation shall be permitted. Internal illumination shall be allowed with the following exceptions. Internally illuminated signs <del>shall not be permitted</del> <u>are prohibited</u> on neighborhood roadways except individual letters or routed cabinets with an opaque background with only the items of information lit or translucent. In special areas, internal illumination shall be				

	prohibited. All internal lighting shall have concealed conduits. All external lighting sources shall be shielded from adjacent properties and rights-of-way.
Electronic Messaging Center (EMC)	EMCs shall display text only for up to <del>1/3</del> 40% or 32 square feet of the sign display area, whichever is less. EMCs shall not be allowed on neighborhood roads or in OS and DT special areas with the exception of use for community services, schools, <del>and churches</del> <u>places of worship, or fuel station pricers.</u>

Monument: On a Lot of Five Acres or More					
Site Criteria	For a lot that is five acres or more. Minimum of 50 linear feet of occupant frontage required.				
Number and Spacing of Signs	If more than one sign, they shall be separated a minimum of 400 feet from any other monument, pylon, pillar, post/panel or armature sign on a site. <del>Freestanding signs shall be placed a minimum of five feet from any side property line.</del>				
Sign Size By Road Type or Special Area		<b>Freeway</b>	<b>Commercial Road</b>	<b>Neighborhood Road</b>	<b>Special Area - OS; DT</b>
	Max. Sq. Ft. of sign display area	200	120	60	36 square feet on Neighborhood Roads and 100 square feet on Commercial Roads and Freeways in Special Area
	Maximum Height	30'	20'	6'	6 feet on Neighborhood Roads and 10 feet on Commercial Roads and Freeways in Special Area
Sign Structure Requirements - Bases, Caps, Proportion, etc.	No less than 75% of the width of the sign shall be in contact with the ground. For all signs between six and 12 feet in height, a two-foot high stone, stucco, or brick base shall be required; <u>where a different masonry material is used on the primary structure, the zoning administrator may approve the same to be used on the base.</u> For all signs having a height of greater than 12 feet, a three-foot high stone, stucco, or brick base shall be required; <u>where a different masonry material is used on the primary structure, the zoning administrator may approve the same to be used on the base.</u> The base height shall be no more than 1/3 of the total sign height. <u>The applicant shall be required to provide a structural drawing completed by an engineer demonstrating a windload of 105 mph or greater for any monument sign greater than four (4) feet in height and up to 10 feet in height. Signs greater than 10 feet in height shall demonstrate a windload of 115 mph or greater.</u>				

Sign Display Area	Items of information shall be surrounded by a margin of ten percent of the smaller dimension of the sign display area of any panel contained in a freestanding sign. Freestanding cabinet signs shall have a surround around the cabinet, and the cabinet shall be flush with or inset from sign surround <u>but may accommodate a two (2) inch retainer and service disconnect switch where necessary.</u> <del>Building address shall not be computed as part of the sign display area.</del> <u>Cabinet signs made entirely of metal are exempt from the requirement to provide a surround.</u>
Materials	Wood that is painted or sealed, painted or enameled metal, stone, brick, <del>cast simulated</del> <u>stone</u> , stucco, plastics and/or a combination thereof. <u>Plastics or similar material of any kind are prohibited as a component of the sign structure for any monument sign. All non-rigid plastics shall have a minimum five (5) year warranty and are only permitted on the face of a cabinet sign. Alternate materials that resemble permitted materials or match the materials on the primary structure may be considered by the zoning administrator.</u> Plastics of any kind shall not be <del>permitted</del> <u>visible</u> in OS and DT special areas.
Lighting	External illumination and illumination by halation shall be permitted. Internal illumination shall be allowed with the following exceptions. Internally illuminated signs <del>shall not be permitted</del> <u>are prohibited</u> on neighborhood roadways except individual letters or routed cabinets with an opaque background with only the items of information lit or translucent. In special areas, internal illumination shall be prohibited. All internal lighting shall have concealed conduits. All external lighting sources shall be shielded from adjacent properties and rights-of-way.
Electronic Messaging Center (EMC)	EMCs shall display text only for up to 1/3 <del>or 32 square feet</del> of the sign display area, <del>whichever is less</del> <u>except that, fuel station pricers, community services, schools, and places of worship may utilize 50% of the total sign display area.</u> EMCs shall not be allowed on neighborhood roads or in OS and DT special areas with the exception of use for community services, schools, <del>and churches</del> <u>places of worship, and fuel station pricers.</u>

**Low-Profile Sign: ~~On a Lot of Five Acres or More~~**

Site Criteria	For a lot that is five acres or more.				
Number and Spacing of Signs	Low-profile signs shall be permitted in addition to a monument or pylon sign where there is a minimum of 200 feet of contiguous lot frontage without another freestanding sign. <del>Freestanding signs shall be placed a minimum of five feet from any side property line.</del>				
		<b>Freeway</b>	<b>Commercial Road</b>	<b>Neighborhood Road</b>	<b>Special Area - OS; DT</b>

Sign Size By Road Type or Special Area	Max. Sq. Ft. of sign display area	40	25	N/A	N/A
	Maximum Height	6'	6'	N/A	N/A
Sign Structure Requirements - Bases, Caps, Proportion, etc.	One hundred percent of the width of the sign shall be in contact with the ground. A one-foot high stone, stucco or brick base shall be required. <u>The applicant shall be required to provide a structural drawing completed by an engineer demonstrating a windload of 105 mph or greater for any low-profile sign greater than four (4) feet in height.</u>				
Sign Display Area	Items of information shall be surrounded by a margin of ten percent of the smaller dimension of the sign display area of any panel contained in a freestanding sign. Freestanding cabinet signs shall have a surround around the cabinet, and the cabinet shall be flush with or inset from sign surround <u>but may accommodate a two (2) inch retainer and service disconnect switch where necessary.</u> Building address shall not be computed as part of the sign display area. <u>Cabinet signs made entirely of metal are exempt from the requirement to provide a surround.</u>				
Materials	Wood that is painted or sealed, painted or enameled metal, stone, brick, <del>cast</del> <u>simulated</u> stone, stucco, plastics and/or a combination thereof. <u>Where an alternate material is approved for a monument sign, the same material may be used for a low profile sign.</u>				
Lighting	External illumination, internal illumination, and illumination by halation shall be permitted. All external lighting sources shall be shielded from adjacent properties and rights-of-way.				
Electronic Messaging Center (EMC)	Prohibited.				

(h) *Sign standards for pylon signs.*

Pylon: On a Lot Less Than Five Acres					
Site Criteria	For a lot on a freeway that is less than five acres or for a sign on a commercial road within 500 feet of the main lanes of a freeway. Minimum of 50 linear feet of occupant frontage required.				
Number and Spacing of Signs	One per site in lieu of another allowable freestanding sign. <del>Freestanding signs shall be a minimum of five feet from any side property line.</del>				
Sign Size By Road Type or Special Area		<b>Freeway</b>	<b>Commercial Road</b>	<b>Neighborhood Road</b>	<b>Special Area - OS; DT</b>

	Max. Sq. Ft. of sign display area	120	0 or 100 if sign is entirely within 500 ft. of the main lanes of a freeway	0	0
	Maximum Height	50'	0 or 50 ft. if sign is entirely within 500 ft. of the main lanes of a freeway.	0	0
Sign Structure Requirements - Bases, Caps, Proportion, etc.	Two poles shall be required for <u>new</u> pylon signs displaying items of information for more than one occupant. <u>Existing pylon signs with only one pole are not required to add a second pole. The applicant shall be required to provide a structural drawing completed by an engineer demonstrating a windload of 115 mph or greater for any pylon sign greater than four (4) feet in height.</u>				
Sign Display Area	Items of information shall be surrounded by a margin of ten percent of the smaller dimension of the sign display area of any panel contained in a freestanding sign. Cabinet signs shall be flush with or inset from sign surround <u>but may accommodate a two (2) inch retainer and service disconnect switch where necessary.</u> Building address shall not be computed as part of the sign display area.				
Materials	Wood that is painted or sealed, painted or enameled metal, stone, brick, <del>cast</del> <u>simulated</u> stone, stucco, plastics and/or a combination thereof. <del>Cabinet signs shall be flush with or inset from sign surround.</del> <u>All non-rigid plastics shall have a minimum five (5) year warranty and are only permitted on the face of a cabinet sign.</u> Plastics of any kind shall not be <del>permitted</del> <u>visible</u> in OS and DT special areas.				
Lighting	External illumination, internal illumination, and illumination by halation shall be permitted. All internal lighting shall have concealed conduits. All external lighting sources shall be shielded from adjacent properties and rights-of-way.				
Electronic Messaging Center (EMC)	Up to 50 percent of the sign display area may be an EMC.				

Pylon: On a Lot of Five Acres or More	
Site Criteria	For lots of five acres or more on a Freeway or for a sign on a commercial road within 500 feet of the main lanes of a freeway. Minimum of 50 linear feet of occupant frontage required. <del>All freestanding signs shall be a minimum of five feet from any side property line.</del>

Number and Spacing of Signs	One per frontage permitted every 400 feet with additional monument signs allowed. Total number of signs shall not exceed total number of driveway entrances on the site.				
Sign Size By Road Type or Special Area		<b>Freeway</b>	<b>Commercial Road</b>	<b>Neighborhood Road</b>	<b>Special Area - OS; DT</b>
	Max. Sq. Ft. of sign display area	200	0 or 100 if sign is entirely within 500 ft. of the main lanes of a freeway	0	0
	Maximum Height	50'	0 or 50 ft. if sign is entirely within 500 ft. of the main lanes of a freeway	0	0
Sign Structure Requirements - Bases, Caps, Proportion, etc.	Two poles shall be required for <u>new</u> pylon signs displaying items of information for more than one occupant. <u>Existing pylon signs with only one pole are not required to add a second pole. The applicant shall be required to provide a structural drawing completed by an engineer demonstrating a windload of 115 mph or greater for any pylon sign greater than four (4) feet in height.</u>				
Sign Display Area	Items of information shall be surrounded by a margin of ten percent of the smaller dimension of the sign display area of any panel contained in a freestanding sign. Cabinet signs shall be flush with or inset from sign surround <u>but may accommodate a two (2) inch retainer and service disconnect switch where necessary.</u> Building address shall not be computed as part of the sign display area.				
Materials	Wood that is painted or sealed, painted or enameled metal, stone, brick, <del>cast</del> <u>simulated</u> stone, stucco, plastics and/or a combination thereof. <u>All non-rigid plastics shall have a minimum five (5) year warranty and are only permitted on the face of a cabinet sign.</u> <del>Cabinet signs shall be flush with or inset from sign surround.</del> Plastics of any kind shall not be <u>visible</u> <del>permitted</del> in OS and DT special areas.				
Lighting	External illumination, internal illumination, or illumination by halation shall be permitted. All internal lighting shall have concealed conduits. All external lighting sources shall be shielded from adjacent properties and rights-of-way.				
Electronic Messaging Center (EMC)	Up to 50 percent of the sign display area may be an EMC.				

(i) *Sign standards for pillar signs.*

Pillar					
Site Criteria	For a single occupant on one or more lots with frontage on a Freeway or Commercial Road.				
Number and Spacing of Signs	One <del>per frontage</del> <u>may be used</u> in lieu of a <u>permitted</u> monument or <u>pylon</u> sign. <del>Freestanding signs shall be a minimum of five feet from any side property line.</del>				
Sign Size By Road Type or Special Area		<b>Freeway</b>	<b>Commercial Road</b>	<b>Neighborhood Road</b>	<b>Special Area - OS; DT</b>
	Max. Sq. Ft. of sign display area	120	48	0	0
	Maximum Height	21'	12'	0	0
Sign Structure Requirements - Bases, Caps, Proportion, etc.	The entire sign structure shall be considered as sign display area. The entire base of sign shall be in contact with the ground and the sign structure, which includes the sign display area within its shape, shall be a continuous shape from the bottom to the top of the sign. The width of the sign shall be no more than 1/3 of the measurement of its height. <u>The applicant shall be required to provide a structural drawing completed by an engineer demonstrating a windload of 105 mph or greater for any pillar sign greater than four (4) feet in height and up to 10 feet in height. Signs greater than 10 feet in height shall demonstrate a windload of 115 mph or greater.</u>				
Sign Display Area	Items of information shall be surrounded by a margin of ten percent of the smaller dimension of the sign display area of any panel contained in a freestanding sign. Building address shall not be computed as part of the sign display area.				
Materials	Painted or enameled metal, plastic or masonry.				
Lighting	External illumination or internal illumination shall be permitted. All internal illumination shall have concealed conduits. All external lighting sources shall be shielded from adjacent properties and rights-of-way.				
Electronic Messaging Center (EMC)	Prohibited				

(j) *Sign standards for post/panel signs.*

Post/Panel	
Site Criteria	Shall be permitted in lieu of a monument sign. Sign shall be supported by two freestanding posts so that the bottom edge of the sign face is not in direct contact

	with the ground. The width of a sign's supports shall be the same from the ground to the top of the sign and shall be an integral part of the design of the entire sign. No portion of the sign display area shall extend beyond <del>the</del> a sign's panel.				
Number and Spacing of Signs	One per lot in lieu of a monument sign. <del>Freestanding signs shall be a minimum of five feet from any side property line.</del>				
Sign Size By Road Type or Special Area		<b>Freeway</b>	<b>Commercial Road</b>	<b>Neighborhood Road</b>	<b>Special Area - OS; DT</b>
	Max. Sq. Ft. of sign display area	N/A	16	16	16
	Maximum Height	N/A	6'	6'	6'
Sign Structure Requirements - Bases, Caps, Proportion, etc.	The clearance of the sign from the finished grade to the bottom of the sign display area shall be no greater than four feet. <u>The applicant shall be required to provide a structural drawing completed by an engineer demonstrating a windload of 105 mph or greater for any post/panel sign greater than four (4) feet in height and up to 10 feet in height. Signs greater than 10 feet in height shall demonstrate a windload of 115 mph or greater.</u>				
Sign Display Area	<u>One (1) panel shall be permitted per occupant plus one (1) additional panel. The entire panel shall be considered to be the sign display area, and the total square footage for all panels shall not exceed the maximum square footage of sign display area.</u> Items of information shall be kept outside a margin measured as ten percent of the smallest dimension of the panel.				
Materials	Posts shall be greater in thickness than the width of the sign display area and be made from painted or sealed wood/composite wood material, painted or enameled metal, stone or brick. Sign display area shall be made of wood/composite wood material that is painted or sealed, or painted or enameled metal.				
Lighting	Only shielded external illumination shall be permitted.				
Electronic Messaging Center (EMC)	Prohibited				

(k) *Sign standards for armature signs.*

Armature	
Site Criteria	Shall be permitted in lieu of a monument sign except for on freeways. Sign shall be cantilevered from one post so that the bottom edge of the sign face is not in direct contact with the ground. The sign's supports shall be an integral part of the design of

	the entire sign. No portion of the sign display area shall extend beyond the sign's panel.				
Number and Spacing of Signs	One per lot in lieu of a monument sign. <del>Freestanding signs shall be a minimum of five feet from any side property line.</del>				
Sign Size By Road Type or Special Area		<b>Freeway</b>	<b>Commercial Road</b>	<b>Neighborhood Road</b>	<b>Special Area - OS; DT</b>
	Max. Sq. Ft. of sign display area	N/A	16	16	16
	Maximum Height	N/A	8'	6'	6'
Sign Structure Requirements - Bases, Caps, Proportion, etc.	<u>The applicant shall be required to provide a structural drawing completed by an engineer demonstrating a wind load of 105 mph or greater for any armature sign greater than four (4) feet in height.</u> <del>N/A</del>				
Sign Display Area	The entire panel shall be considered to be the sign display area. Items of information shall be kept outside a margin measured as ten percent of the smallest dimension of the panel.				
Materials	Posts shall be made from painted or sealed wood/composite wood material or painted or enameled metal. Sign display area shall be made of wood/composite wood material that is painted or sealed, or painted or enameled metal.				
Lighting	Only shielded external illumination shall be permitted.				
Electronic Messaging Center (EMC)	Prohibited				

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

- (a) ~~Sidewalk signs~~ Sandwich boards.
- (1) Restaurants/bars and retail sales and services (as defined in Sec. 1-50) shall be permitted one ~~sidewalk sign~~ sandwich board.
  - (2) ~~Sidewalk signs~~ Sandwich boards shall have a maximum width of 30 inches and a maximum height of 48 inches.
  - (3) ~~Sidewalk signs~~ 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 ~~sidewalk sign~~ sandwich board shall be displayed only during the hours of operation of the business.

- (5) ~~Sidewalk signs~~ Sandwich boards shall not be a cabinet.
- (6) Changeable copy on a ~~sidewalk sign~~ 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 ~~sidewalk signs~~ 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;
  - 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.

(b) *Directional signs.*

- (1) Directional signs are allowed without limitation as to the number of signs on a site and may be up to six (6) square feet each and up to six (6) feet in height.

(c) *Light pole-mounted banners.* Light pole-mounted banners shall meet the following requirements:

- (1) Each banner shall be limited to no more than 12 square feet in size.
- (2) There shall be no more than two light pole-mounted banners on each pole.
- (3) The banners shall be placed on fixtures that are purposefully designed for the pole.
- (4) The minimum clearance of the banner shall be ten feet as measured from the adjacent grade to the bottom of the banner.
- (5) The banners shall be maintained in good repair and shall be replaced or removed if they become tattered or torn.
- (6) The banners shall not be illuminated, except for indirect lighting associated with the main lamp of the pole to which they are mounted.
- (7) The banners shall be limited to cloth, flexible plastic, vinyl, or similar material.
- (8) No permit shall be required to display light pole-mounted banners.
- (9) The banners shall not be displayed in OS and DT special areas, unless a comprehensive plan for the banners is approved by the city.

(d) Freestanding signs for temporary occupants of a business use. For freestanding signs for temporary occupants, one (1) sign may be permitted per occupant for a business use that is leasing a space for seasonal or similarly temporary use. The sign shall be no larger than the square foot limit allowed for a freestanding sign on a designated roadway; however, the material may include a decal applied to an existing freestanding sign panel. The sign shall be displayed for a period not to exceed 120 days.

#### **Sec. 8-80. Sign maintenance standards.**

- (a) The property owner/occupant shall maintain the sign in a condition appropriate to its intended use and to all city standards, and has a continuing obligation to comply with all building code requirements. It shall be a violation of this section if any of the following conditions exist:
- (1) Elements of the sign have portions of the finished material missing, broken or otherwise illegible.
  - (2) Any elements of the sign are inoperable, bent, twisted, dented, cracked, splintered, torn, sagging, faded, or leaning at angles other than those at which it was originally erected.
  - (3) The sign is partially disassembled.
- (b) The sign display area must display information that is current or a blank sign panel must be installed.
- (c) If the sign is deemed by the city to be in an unsafe condition, the owner/occupant of the business shall be notified in writing, and shall, within 48 hours of receipt of such notification, respond to the city with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If after ten days, the unsafe condition has not been corrected through repair or removal, the city may refer the matter to the building official as an unsafe structure to be remedied in accordance with Chapter 8, article X, division 3.
- (d) Whenever any sign, either conforming or nonconforming to these regulations, is required to be repaired, repainted, refinished or cleaned, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:
- (1) The sign is not being refaced to display a new occupant, replace a panel or display new items of information;
  - (2) There is no alteration or remodeling to the structure or the mounting of the sign itself;
  - (3) There is no enlargement or increase in any of the dimensions of the sign or its structure; and
  - (4) The sign is accessory to a legally permitted, conditional or nonconforming use.

#### **Sec. 8-81. Prohibited signs.**

- (a) All signs not expressly authorized by this chapter, are prohibited. Prohibited signs include, but are not limited to the following:
- (1) Off-premises signs unless otherwise specifically permitted by this chapter.

- (2) Cabinet signs ~~, including those mounted on buildings, and freestanding cabinet signs that do not have a surround.~~
- (3) Abandoned signs, with the exception of freestanding signs where items of information shall be removed and the sign display area left so that it does not indicate the former use.
- (4) Billboard signs.
- (5) Animated signs.
- (6) Roof-mounted signs.
- (7) Inflatable signs.
- (8) Swooper flags containing any message.
- (9) Festoons, tethered balloons, pennants, searchlights, streamers, and any clearly similar attention getting features or devices.
- (10) Portable signs with the exception of ~~sidewalk signs~~ sandwich boards. Signs on vehicles or trailers shall be prohibited when the vehicle/trailer is placed in a location not normally expected for such vehicles, and the location apparently has the primary purpose of advertisement of products or directing people to a business or activity located in the same or nearby property or any other premises. This shall not be interpreted to prohibit "For Sale" or similar signs being placed on vehicles or trailers.
- (11) Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals.
- (12) Merchandise, equipment, products, vehicles or other items which are not available for purchase or rental, but are intended to attract attention, or for identification or advertising purposes.
- (13) Signs attached to or being held by a human for the purpose of advertising a commercial message for a business use.
- (14) Signs, posters or outdoor advertising, except as expressly permitted, placed in the public right-of-way or attached to any public property, including but not limited to, electric utility poles, fire hydrants, meters, and public facilities.
- (15) Signs in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.
- (16) Signs erected, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.
- (17) Signs with exposed light bulbs.
- (18) Bandit signs.
- (19) Signs attached to a visibly inoperable vehicle.

#### **Sec. 8-82. Nonconforming signs.**

- (a) When Sec. 2-98 requires that a nonconforming building or structure be brought into compliance, all nonconforming signs shall also be removed or brought into compliance with all provisions of the Code.

- (b) Nonconforming signs shall be maintained in good condition pursuant to Sec. 8-80.
- (c) A nonconforming sign shall not be altered, modified or reconstructed except:
  - (1) When such alteration, modification or reconstruction would bring such sign into conformity with these regulations;
  - (2) When the occupant information changes on an existing freestanding sign without changes to materials or display method;
  - (3) Where a nonconforming sign has been damaged or destroyed to an extent that is less than 50 percent of its fair market value;
  - (4) Continued use of a nonconforming sign with a proposed alteration that would not otherwise be permitted for a nonconforming sign may be requested if the following findings exist:
    - a. The sign is located in a multi-occupant center; and
    - b. The sign is installed in a location that would be allowed by this chapter.
- (d) A parcel of land on which a nonconforming sign is located may be subdivided or platted without removing the nonconforming sign. However, after the parcel is subdivided, the nonconforming sign must be removed or brought into compliance with all provisions of this Code, prior to the issuance of any further building or development permits on the subdivided lot that contains the nonconforming sign.
- (e) Appeals of nonconforming sign decisions shall be heard by the zoning board of adjustment.
- (f) A nonconforming sign shall be removed or made to conform to all regulations in this chapter upon verification that the nonconforming sign has been damaged or destroyed to an extent greater than 50 percent of its fair market value.

**Sec. 8-83. Sign permitting, fees, review procedures and enforcement.**

- (a) *Permit required.* Except as provided in the table below, no sign shall be attached, erected or otherwise constructed until all necessary permits are issued by the city. Where a permit is not required for a specific sign type, said sign shall meet all applicable standards. A permit shall be required for the re-facing of any sign in the left column in the table. Re-facing shall be defined as the replacement of the contents within an existing cabinet or other existing sign-related frame structure. Re-facing is used to repair or freshen the look of an existing sign and to change out cabinet panels to match new tenant graphics. Minor changes, such as changing the color of a frame or other structural element, shall not force compliance with this code. Major changes, such as a new cabinet or modifications to a structural element beyond a change in color, shall be in compliance with this code.

**Sign Permit Requirements Table**

Sign Permit Required	Sign Permit Not Required
Wall Sign Hanging/Projecting Signs Awning/Canopy Signs <a href="#">Fascia Mounted Signs</a> Monument Signs Low-Profile Signs Pylon Signs Pillar Signs Post/Panel Signs Armature Signs Vehicle Service Canopy Signs Parking Garage Signs Area Identification Signs Banners Building Scrim Sign <a href="#">Building Signs for Temporary Occupants of a Business Use</a> <a href="#">Freestanding Signs for Temporary Occupants of a Business Use</a> Subdivision Marketing Signs Model Home Complex Signs <a href="#">Coming Soon Signs (100 acres or larger)</a> Neighborhood Information Kiosks	Window Signs <del>Sidewalk Signs</del> <a href="#">Sandwich Boards</a> Directional Signs Light Pole Mounted Banners Promotional Signs (special event permit <a href="#">may be required, which includes sign review</a> ) Model Home Signs Business Use Marketing Signs Building Construction Signs <a href="#">Coming Soon Signs (less than 100 acres)</a> <a href="#">Open House Signs (Open House License Agreement required. See Sec. 8-86(g))</a> <a href="#">Directory Signs</a> Home Occupation Signs Garage/Yard Sale Signs Single-Family and Two-Family Marketing Signs Incidental Signs Regulatory Signs Neighborhood Event Signs Political Campaign Signs

- (b) *Fees.* All applications for sign permits shall be accompanied by the appropriate fee(s) as set forth in appendix A of this code.
- (c) *Permission of property owner.* No sign shall be erected, constructed or maintained upon any property or building without the consent of the owner, the person entitled to possession of the property or building, if any, or their authorized representative.
- (d) *Permit application review.*
  - (1) The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the city to verify compliance with all applicable laws.
    - a. Applicants for a permit to install an electrical sign shall maintain the appropriate State of Texas electrical sign contractor’s license or an electrical contractor’s license.

- (2) For signs located in original settlement (OS) special areas identified in this chapter, the following shall be considered in the review and approval of a sign permit application:
  - a. The design of signs shall be compatible with the character of the surrounding area and other conforming signs.
  - b. The materials used in the construction of the sign shall be the same or similar to those found in the construction of the city's historic districts and historic landmarks in the area.
  - c. Wherever possible, colors from historic palettes shall be used.
  - d. Signs shall not cover, obstruct, damage or otherwise adversely affect the building's salient architectural or historic features.
- (3) A comprehensive sign plan (CSP) may be submitted that considers unique conditions, flexibility and creativity. Such CSP is subject to approval by city staff.
- (4) A CSP shall be required for a planned unit development and is subject to approval by the city council. Once a CSP has been approved, subsequent applications for specific signs shall be approved administratively for compliance with the approved CSP.

(e) *Permit issuance.*

- (1) *Approved plans.* Approved plans associated with a permit application shall not be changed, modified or altered without authorization from the city, and all work shall be done in accordance with the approved plans.
- (2) *Validity of permit.* If the work authorized by a permit issued under this chapter has not been commenced within 180 days after the date of issuance, the permit shall become null and void.
- (3) *Suspension or revocation.* The city may, in writing, suspend or revoke a permit under the provisions of this chapter when the permit is issued in error, is based on incorrect information supplied or is a violation of this chapter or any other ordinance of the City of Round Rock or laws of the State of Texas or the federal government. Any signs installed under a revoked permit shall be removed within ten days of written notice of the revocation.

(f) *Inspections.*

- (1) *General.* All signs for which a sign permit is required shall be subject to inspection. It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. The city shall not be liable for expense entailed in the removal or replacement of any material required to allow inspection. The permit and approved plans are to be available and accessible at the job site for all inspections.
- (2) *Inspection requests.* It shall be the duty of the person doing the work authorized by a permit to notify the city that such work is ready for inspection. It shall be the duty of the

applicant to request a final inspection upon completion of installation of any sign requiring a permit.

- (3) *Approval required.* No work shall be done on any part of the structure beyond the point indicated in each successive inspection without first obtaining approval. Such approval shall be given only after an inspection shall have been made of each successive step in the construction.

(g) *Appeals.*

- (1) The zoning board of adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made in the enforcement of this chapter.
- (2) Appeals shall be filed no later than ten business days from the final action on a sign permit.
- (3) The decisions of the zoning board of adjustment shall be final. Any appeal of the ZBA shall be subject to court review as prescribed by law.

(h) *Removal of signs in a prohibited area.*

- (1) Any sign found within a prohibited area is hereby declared to be illegal and may be removed by the city.
- (2) Any sign removed by the city shall immediately become the property of the city.
- (3) The removal of any sign by the city shall not preclude the city from prosecuting any person for violating this subsection.

**Sec. 8-84. Exceptions.**

- (a) Owners of signs which do not strictly comply with the terms of this chapter may seek an approval as an exception from the zoning board of adjustment.
  - (1) The following shall be considered in the review of a permit application for an exception for a sign:
    - a. The existence of specific site opportunities or constraints.
    - b. Consideration for novelty signs or signs that have a structure that does not conform to freestanding sign types or building sign types listed in Sec. 8-76 and 8-48.
    - c. Situations where a sign's view is obscured by building setbacks, surrounding buildings, existing trees or elevated roadways.
    - d. New and/or innovative concept in sign manufacturing which are not specifically addressed in this chapter.

- (2) In order for an exception to the sign regulations to be approved, the zoning board of adjustment shall find that:
- a. There are no associated vehicular safety issues that would result from the location of the sign.
  - b. The sign is compatible with the surrounding development.
  - c. The sign does not result in reduced compliance with regulations in other chapters of the City Code.
  - d. The sign's location meets the requirements pertaining to easements in this chapter.
  - e. The exception is not being used to allow a sign type that would not otherwise be permitted by this chapter, with the exception of those meeting the criteria of subsections (1)b or (1)d, above.

**Sec. 8-85. Area identification and entry feature signs.**

- (a) For the purpose of area identification, an area identification sign or entry feature sign is permitted provided it meets the following criteria:
- (1) Area identification signs and entry feature signs shall be limited to the following uses: Identification of a residential subdivision, a multi-occupant center with ten or more acres, mixed use districts developed as one development, universities, business parks, or similar developments with multiple buildings.
  - (2) Signs shall not contain any other form of advertising, and shall identify only the name of the subdivision, district or development.
  - (3) The sign ~~structure~~ shall be constructed of stone, brick or metal with a stone or brick base. The base shall constitute a minimum of 20% of the total allowable sign height, with no less than 75% of the width of the sign in contact with the ground. No plastics shall be permitted for any portion of the sign.
  - (4) The sign may be located at an off-premises location adjacent to a commercial roadway to identify the primary entrance to the area.
  - (5) A sign located in the sight visibility triangle shall be no more than three feet in height.
  - (6) Only shielded external illumination and illumination by halation shall be permitted. No internal illumination shall be permitted. ~~illumination by halation shall be permitted.~~
  - (7) EMCs shall be prohibited.
  - (8) One sign shall be permitted for each main entrance to a development. If the entry signage is designed to appear as one unit that is divided by the roadway at a main entrance to a residential subdivision, it may be considered as one sign in compliance with this section, provided that the total sign display area of the signage does not exceed the allowable maximum sign display area for the road type. In lieu of a sign at a main entrance, a sign may be placed in conjunction with another prominent decorative feature

within the area. The decorative feature shall not be required to meet the maximum height requirement provided in the table below.

- (9) The sign ~~shall not be permitted~~ is prohibited in the public right-of-way unless approved in writing by the city.
- (10) The sign size shall be as follows:

Area Identification and Entry Feature Signs					
Sign Size By Road Type or Special Area		Freeway	Commercial Road	Neighborhood Road	Special Area - OS; DT
	Max. Sq. Ft. of sign display area	100 or 200	100	75	50
	Maximum Height	10'	6'	5'	5'

- (11) The maximum sign display area for area identification and entry feature signs on freeways shall be 100 square feet, with the exception of mixed use and nonresidential areas with a total area of greater than 50 acres which may have signs that are up to 200 square feet.
- (12) The applicant shall be required to provide a structural drawing completed by an engineer demonstrating a windload of 105 mph or greater for any area identification/entry feature sign greater than four (4) feet in height.

**Sec. 8-86. Real estate marketing signs.**

- (a) *Subdivision marketing.* For the purpose of marketing lots within a recorded subdivision, one on-premises sign of not more than 256 square feet for each road abutting the respective subdivision shall be allowed, provided that such sign shall not exceed 30 feet in height.
- (b) *Model home signs.* Model home signs shall meet the following standards:
  - (1) Each model home complex shall be permitted one freestanding sign and each individual model home shall be permitted one freestanding sign or one wall sign located on the site of a model home.
  - (2) Freestanding signs shall require a permit. Model home wall signs shall not require a permit.
  - (3) Freestanding model home signs shall be a monument, pedestal, armature or post/panel sign.
  - (4) Each model home sign shall not exceed four square feet in sign display area and five feet in height.

- (5) Model home complex freestanding signs shall be located a minimum of ten feet from street property lines.
- (c) *Single family and two-family marketing.* In areas zoned SF-1, SF-2, SF-3, SF-D, or TF, for the purposes of marketing a building for sale or lease, one on-premises sign of not more than four square feet shall be allowed. No permit shall be required for such sign.
- (d) *Business use real estate marketing sign.* For the purpose of marketing a building or portion thereof, for sale or lease, on a site with commercial, office, business park, industrial or multifamily uses, one on-premises real estate marketing sign shall be allowed. No permit shall be required for such sign(s). The size of a real estate marketing sign shall be determined as follows:
- (1) On a zoned lot of less than one acre. On a site of less than one acre, the display area of a real estate marketing sign shall not exceed 16 square feet and eight feet in height.
  - (2) On a site of one acre or more, the display area of a real estate marketing sign shall not exceed 32 square feet and eight feet in height.
  - (3) On a site for new construction or major renovation on three acres or more one on-premises real estate marketing sign shall be allowed. Such sign shall have a sign display area of more than 128 square feet and a height of not more than 16 feet. The sign must be removed after two years or when 80% percent of all buildings on the site have been sold or leased, as measured by gross floor area, whichever occurs first. The time period for the sign will begin when the first building permit is issued. After the 128 square foot sign is removed, it may be replaced by a 32 square foot sign. Any freestanding sign greater than 32 square feet shall be constructed of a rigid material and shall not be a banner.
- (e) *Building construction sign.* During construction of a business use, one non-illuminated building construction sign per frontage advertising contractors or architects working on such premises shall be permitted in addition to real estate marketing signs permitted in this subsection. Such sign(s) shall not be more than 32 square feet in area and shall be set back at least ten feet from the front property line. Such sign(s) shall be removed immediately upon the completion of the building.
- (f) *Coming soon sign.*
- (1) During construction of a business use that is on a site that is less than five (5) acres, one non-illuminated post and panel sign per frontage advertising that one or more businesses will open soon shall be permitted in addition to real estate marketing signs permitted in this subsection. Such sign shall be made of a rigid material, have a sign display area of not more than 32 square feet, and shall be no more than six (6) feet tall.

- (2) During construction of a business use that is on a site that is at least five (5) acres but less than 100 acres, one non-illuminated sign per frontage advertising that one or more businesses will open soon shall be permitted in addition to real estate marketing signs permitted in this subsection. Such sign shall be made of a rigid material, have a sign display area of not more than 64 square feet, and shall be no more than 10 feet tall.
- (3) During construction of a business use that is on a site that is 100 acres or larger, two (2) signs per frontage advertising that a business will open soon shall be permitted in addition to real estate marketing signs permitted in this subsection. Materials and illumination shall be approved by the zoning administrator. Such signs shall have a sign display area of not more than 256 square feet each and shall be no more than 30 feet tall.
- (4) Coming soon signs shall be removed prior to the installation of permanent signs.
- (g) *Open house sign.* Open house signs shall be permitted in certain city rights-of-way in accordance with the following standards:
- (1) *License agreement required.* Real estate agents, brokers, or homeowners desiring to place open house signs shall obtain a license agreement from the city prior to placing any such signs.
- a. *License stickers.* For each license purchased, the licensee will be issued a sticker which shall be placed on the open house sign. Each open house sign placed in a right-of-way must have attached thereto a sticker issued in accordance with the license agreement.
- b. *Condition of signs.* The licensee agrees each open house sign will be in good condition and to immediately replace any unsightly or damaged sign as requested by the city.
- c. *Term of license.* Unless terminated sooner, each license shall expire one year after the date on which it was obtained.
- d. *Termination at will.* It is agreed and fully understood by licensee that the city may terminate the license at will by giving the licensee actual oral or written notice. If the license is terminated at will by the city all signs shall be immediately removed by the licensee. Any signs not removed within three (3) hours of said notice shall become the property of the city. The licensee shall not be entitled to a refund of any fees paid.
- e. *Indemnification.* The licensee agrees to hold harmless, defend, and indemnify the city for and from any third party claim or liability (including reasonable defense costs and attorneys' fees) to the extent arising from the licensee's exercise of the license under the agreement.
- f. *Fees.* In consideration for the license, the licensee shall pay to the city license fees for each open house sign as set forth in Appendix A: Fees.
- g. *Miscellaneous provisions.*

1. Compliance with laws. The licensee shall comply with all applicable federal and state laws, the Charter and Ordinances of the city, as amended.
2. Non-assignable. The licensee agrees that the license granted by the agreement is personal to the licensee. It is not assignable, and any attempt to assign the license will terminate the license.
3. Notices. All notices and other communications in connection with each agreement shall be in writing and shall be considered given as follows:
  - i. When delivered personally to the recipient's address as stated in the agreement; or
  - ii. Three (3) days after being deposited in the United States mail, with postage prepaid to the licensee.

(2) Sign placement requirements. Subject to the terms and conditions contained within each agreement, for each residence offered for sale, the licensee shall have the right to place one open house sign on city property at the locations and times specified below:

a. Location. In the city-owned or controlled public rights-of-way that is also within 75 feet of the center point of the intersection of any city controlled local street or collector and the following city controlled arterial roadways:

A.W. Grimes Blvd.

Bowman Rd.

University Blvd.

County Road 112

Creek Bend Blvd.

Double Creek Dr.

Forest Creek Dr. (west of Red Bud Lane (C.R. 122) only)

Gattis School Rd.

Greenlawn Blvd. (south of Gattis School Road only)

Hesters Crossing Rd.

High Country Blvd.

McNeil Rd.

Old Settlers Blvd. (east of Mays Street only)

Red Bud Ln. (C.R. 122)

Sam Bass Rd.

Sunrise Rd.

Wyoming Springs Dr.

Open house signs shall not be placed at any intersection of any two of the above listed arterials or at the intersection of any state or federal highway and any of the above listed arterials.

b. Date and time. On Saturdays and Sundays between the hours of 12:00 noon and 6:00 p.m.

c. Number. Except as specifically provided within an agreement, the licensee shall place only on open house sign at any of the above described locations. If the licensee has more than one property offered for sale for which the licensee is conducting an open house, the licensee may place more than one open house sign at any of the above described locations, provided that each such open house sign shall show the address of the property offered for sale.

(3) Sign contents. An open house sign shall contain only the following information:

- a. the words "Open House";
- b. the words "For Sale by Owner" or the real estate agent's name and/or logo;
- c. the address of the open house; and
- d. a directional arrow.

### **Sec. 8-87. Promotional signs.**

(a) Promotional signs shall be allowed if they comply with the following regulations:

- (1) Promotional signs shall not exceed 40 square feet in area;
- (2) Promotional signs are limited to only one per street frontage;
- (3) Promotional signs shall be posted no more than 30 days prior to the event and shall be removed within seven days after the event.
- (4) Any promotional sign placed in or over a street or public right-of-way shall require the approval of the city.
- (5) One (1) promotional sign may be installed in conjunction with a monument sign by a means specifically designated and integrated into the sign structure for the purpose of displaying a banner. The portion of the promotional sign area identified on the monument sign shall not count towards the maximum allowable sign display area for that monument sign. The banner location shall be identified in the permit drawings for the monument sign.

### **Sec. 8-88. Neighborhood event signs.**

(a) Neighborhood event signs shall be allowed only if they comply with the following regulations:

- (1) Neighborhood event signs shall not exceed six square feet in area;
- (2) Neighborhood event signs shall not exceed four feet in height;
- (3) Neighborhood event signs shall be posted no more than seven days prior to the event and shall be removed within three days after the event; and
- (4) Neighborhood event signs shall be posted only on private property adjacent to neighborhood roads and within the boundaries of the neighborhood holding or sponsoring the event.

**Sec. 8-89. Neighborhood information kiosks.**

- (a) Neighborhood information kiosks shall be allowed only if they comply with the following regulations:
  - (1) The sign display area of the kiosk shall not exceed 40 square feet in area;
  - (2) The kiosk shall not exceed seven feet in height;
  - (3) The kiosk shall be constructed only of stone, brick, metal or wood, except that plexiglass may be used to protect the display area;
  - (4) The kiosk shall be placed either on property owned by the homeowners association or neighborhood association or on public property pursuant to a license agreement approved by the city council or city manager;
  - (5) The kiosk shall not be attached to an area identification sign;
  - (6) The kiosk shall not contain any commercial advertising other than the name and address of the sponsor of the kiosk;
  - (7) The kiosk shall contain the contact information of the homeowners association or neighborhood association;
  - (8) The kiosk shall be illuminated only by shielded external illumination;
  - (9) EMC's are prohibited on kiosks; and
  - (10) A permit pursuant to Sec. 8-83 shall be required before a kiosk is constructed.

**Sec. 8-90. Garage/yard sale signs.**

- (a) Garage/yard sale signs are permitted only on private property on which the garage/yard sale is being conducted. Such signs are permitted no more than 24 hours prior to a sale and must be removed immediately after such sale.

**Sec. 8-91. Political campaign signs.**

- (a) Political campaign signs located on private property are exempt from the regulations of this article.
- (b) Except as provided in subsection (c) below, it shall be unlawful for any person to post a political campaign sign on or over any public property in the city.
- (c) A political campaign sign is permitted in the public street right-of-way only if all of the following requirements are met:
  - (1) The sign does not exceed four square feet in total sign display area;

- (2) The sign is located in a portion of the public street right-of-way immediately adjacent to the property or residence owned or occupied by the person posting or consenting to the posting of the sign;
  - (3) The sign does not interfere with the public's use of the roadway or sidewalk;
  - (4) The sign must not be higher than three feet if it is located within the sight visibility triangle; and
  - (5) The sign is not located in the right-of way of a highway or commercial road. This exception does not include state highways per V.T.C.A., Transportation Code § 392.032.
- (d) In a campaign for political office, the candidate for such office shall be deemed the person responsible for the posting of political campaign signs, unless he first notifies the city clerk of another person who is responsible. In such cases, the candidate shall provide the name, address, telephone number, and signed consent of such other responsible person. In a campaign regarding a ballot measure, the president of the committee supporting or opposing such ballot measure shall be deemed responsible, unless he first notifies the city clerk of another person responsible, in the manner described above. Such candidate, committee president, or other designated person shall be subject to prosecution for any violation of this section.
- (e) Members of the city staff are hereby authorized and directed to remove any political campaign sign found posted within the corporate limits of the city when such sign is in violation of the provisions of this section.
- (f) All political campaign signs posted on public property in violation of this section are hereby declared to be public nuisances, and may be abated as such by the city. All political campaign signs posted on public property shall be deemed to be abandoned and shall become the property of the city and may be disposed of at the discretion of the city.

**Secs. 8-92. – 8-99. Reserved.**

## **ARTICLE X. BUILDINGS AND BUILDING REGULATIONS**

### ***DIVISION 1. BUILDING CODES***

#### **Sec. 8-100. International Existing Building Code (2012 edition) adopted.**

- (a) The 2012 edition of the International Existing Building Code (including all appendices) as published by the International Code Council, one copy of which shall be placed on file in the office of the city clerk, is hereby adopted as the Existing Building Code of the City of Round Rock. Penalties, conditions and terms of said International Existing Building Code are hereby adopted and made a part hereof as if fully set out in this article, except as amended hereafter.

**Sec. 8-101. Amendments to the International Existing Building Code (2012 edition).**

- (a) The International Existing Building Code is amended as follows:
  - (1) Section 101.1. Inserted: City of Round Rock, Texas.
  - (2) Section 1401.2. Inserted: January 1, 2007.

**Sec. 8-102. International Building Code (2012 edition) adopted.**

- (a) The 2012 edition of the International Building Code (including all appendices) as published by the International Code Council, one copy of which shall be placed on file in the office of the city clerk, is hereby adopted as the Building Code of the City of Round Rock. Penalties, conditions and terms of said International Building Code are hereby adopted and made a part hereof as if fully set out in this article, except as amended hereafter.

**Sec. 8-103. Amendments to the International Building Code (2012 edition).**

- (a) The International Building Code is amended as follows:
  - (1) Section 101.1. Inserted: City of Round Rock, Texas.
  - (2) Section 1612.3. Inserted: City of Round Rock, Texas.
  - (3) Section 1612.3. Inserted: of most current date.
  - (4) Section 3412.2. Inserted: January 1, 2007.

**Sec. 8-104. International Residential Code for One- and Two-Family Dwellings (2012 edition) adopted.**

- (a) The 2012 edition of the International Residential Code for One- and Two-Family Dwellings (including all appendices) as published by the International Code Council, one copy of which shall be placed on file in the office of the city clerk, is hereby adopted as the Residential Code of the City of Round Rock. Penalties, conditions and terms of said International Residential Code are hereby adopted and made a part hereof as if fully set out in this article, except as amended hereafter.

**Sec. 8-105. Amendments to the International Residential Code (2012 edition).**

- (a) The International Residential Code is amended as follows:
  - (1) Section R101.1. Inserted: City of Round Rock, Texas.

**Sec. 8-106. Permit fees.**

- (a) Permit fees for the building codes adopted in this division shall be as currently established or as hereafter adopted by resolution of the city council from time to time.

**Sec. 8-107. Proof of liability and workers' compensation insurance required prior to obtaining permit.**

- (a) Any person, firm, corporation or other legal entity which is required to secure a permit from or the consent of any administrative department within the corporate structure of the city prior to commencing any construction, repair, work, labor or service shall be required to furnish the appropriate department head having the authority to issue said permit, or the authority to give the necessary consent, valid certificates of insurance evidencing therein that said person, firm, corporation, or other legal entity has in full force and effect a valid policy of public liability insurance and workers' compensation insurance, to be issued by an insurance company licensed to do business in the state. The public liability insurance policy shall provide liability insurance in an amount as currently established or as hereafter adopted by resolution of the city council from time to time, and the workers' compensation insurance policy shall be in an amount not less than the minimum coverage required by the statutes of the state.

**Sec. 8-108. Trench safety regulations.**

- (a) All construction projects within the incorporated limits or the extraterritorial limits of the city in which trench excavation will exceed a depth of five feet shall include in all contracts and bid documents detailed plans and specifications for trench safety systems. Said systems shall meet Occupational Safety and Health Administration standards and a separate pay item shall be included in the plans and specifications for these systems.

**Sec. 8-109. Conditions for issuance of building permits for residential construction of four units or less.**

- (a) Except as specifically waived by ordinance adopted by the city council, a building permit for residential construction of four units or less on a lot shall not be issued until the following conditions have been met:
  - (1) All applicable subdivision requirements have been satisfied;
  - (2) All applicable special permits have been issued;
  - (3) All water mains providing service to the subdivision section in which the lot is located have been constructed, installed and connected to the city's water system by the developer and inspected, tested and approved by the city;

- (4) All on-site wastewater mains providing service to the subdivision section in which the lot is located have been constructed and installed by the developer and inspected, tested and approved by the city;
- (5) All off-site wastewater mains providing service to the subdivision section in which the lot is located have been constructed, installed and connected to the city's wastewater system by the developer and inspected, tested and approved by the city; ~~provided, however, if the foregoing condition is not met then the following terms will apply:~~
  - ~~a. The developer shall deposit with the city a performance bond or bank letter of credit acceptable to the city attorney equal to the cost of the off-site improvements as estimated by the PDS director;~~
  - ~~b. The developer shall deposit with the city a letter acknowledging that certificates of occupancy will not be issued until such time as the city is able to provide wastewater service to the subdivision and including a covenant to inform purchasers of the lots that although building permits might be issued, certificates of occupancy will not be issued until wastewater service is actually available;~~
  - ~~c. The applicant for the building permit executes and files with the city a document acknowledging that the permit is being requested prior to the lot having wastewater service and that the applicant accepts the risk that if the lot does not have wastewater service available upon completion of the structure, a certificate of occupancy will not be issued.~~
- (6) Where curbs and gutters are required by this Code, such have been installed and inspected by the city;
- (7) Staff review has been completed; and
- (8) All necessary fees have been paid.

**Sec. 8-110. Conditions for issuance of building permits for model home construction.**

- (a) A building permit for model home construction shall not be issued until the following conditions have been met:
  - (1) All applicable subdivision requirements have been satisfied;
  - (2) All applicable special permits have been issued;
  - (3) A water main and fire hydrant is in service within 100 feet of the model home;
  - (4) The foundation elevation has been set and verified by the developer's or builder's engineer and a certificate of same delivered to the building inspector;
  - (5) Staff review has been completed; and
  - (6) All necessary fees have been paid.
- (b) As used herein, model home means a housing unit typical of the styles available for sale in a particular subdivision but used for display and sales only. No more than four models shall be permitted for any subdivision having 75 lots or less. For a subdivision having more than 75 lots, one additional model home will be permitted for each additional 25 lots in excess of 75.

**Sec. 8-111. Conditions for issuance of building permits for commercial, industrial or residential construction of more than four units.**

- (a) A building permit for commercial, industrial or residential construction of more than four units on a lot shall not be issued until the following conditions have been met:
- (1) All applicable subdivision requirements have been satisfied;
  - (2) All applicable special permits have been issued;
  - (3) A traffic impact analysis (TIA) has been accepted, deferred, or waived;
  - ~~(4)~~ Staff review has been completed;
  - ~~(5)~~ All necessary fees have been paid;
  - ~~(6)~~ However, construction shall not be allowed to proceed past the plumbing rough inspection until the following conditions have been met:
    - a. All water mains providing service to the lot or tract have been constructed, installed and connected to the city's water system by the developer and inspected, tested and approved by the city;
    - b. All on-site wastewater mains providing service to the lot or tract have been constructed and installed by the developer and inspected, tested and approved by the city;
    - c. All off-site wastewater mains providing service to lot or tract have been constructed, installed and connected to the city's wastewater system by the developer and inspected, tested and approved by the city provided, however, if the foregoing condition is not met then the following terms will apply:
      1. The developer shall deposit with the city a performance bond or bank letter of credit acceptable to the city attorney equal to the cost of the off-site improvements as estimated by the PDS director;
      2. The developer shall deposit with the city a letter acknowledging that certificates of occupancy will not be issued until such time as the city is able to provide wastewater service to the lot or tract and including a covenant to inform purchasers of the lot or tract that although building permits might be issued, certificates of occupancy will not be issued until wastewater service is actually available; and
      3. The applicant for the building permit executes and files with the city a document acknowledging that the permit is being requested prior to the lot having wastewater service and that the applicant accepts the risk that if the lot does not have wastewater service available upon completion of the structure, a certificate of occupancy will not be issued.
- (7) Active fire hydrants have been installed within required distances to the site.

**Sec. 8-112. Conditions for issuance of building permits for parking lots and access drives.**

- (a) A building permit shall be required for the expansion of existing parking facilities and/or access drives and for the construction of new parking facilities and/or access drives for any existing commercial or industrial use or for a residential use of more than four units. Such permit shall not be issued until the following conditions have been met:
- (1) The design of all proposed curb cuts has been accepted by the PDS director and a street cut permit has been issued;
  - (2) The drainage plan has been accepted by the PDS director and all applicable requirements of chapter 4, article VII of this Code have been met;
  - (3) All landscape ordinance requirements have been met and approved by the PDS director;
  - (4) All necessary fees have been paid; and
  - (5) The design of all parking facilities and the location of all access drives have been approved by the PDS director.

**Sec. 8-113. All principal buildings shall display address that is clearly marked and legible.**

- (a) Each principal building shall display the number assigned to the frontage on which the front entrance is located. Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be clearly marked and legible and distinguishable from the street on which the property is located, with letters painted or applied, of a contrasting color to the background, of not less than 2½ inches in height. If a building or dwelling is situated in such a way that the numbers cannot be easily seen from the roadway in front of said structure, then a sign or number post must be used in front of the structure and placed in such a way that it can be easily seen from the roadway.

**Sec. 8-114. Filing of applications.**

- (a) For all applications filed under this ~~article~~<sup>chapter</sup>, the following shall apply:
- (1) Application filed. Pursuant to V.T.C.A., Local Government Code ch. 245, as amended, the rights to which an applicant is entitled shall accrue on the filing of an application that gives the city fair notice of the project and the nature of the permit sought. An application is considered filed on the date the applicant mails by certified mail or delivers the application to the following address:

City of Round Rock  
Attn: Chief Building Official  
2008 Enterprise Drive  
Round Rock, TX 78664

- (2) *Expiration of application.* An application shall expire 45 days after the date the application is filed if:
  - a. The applicant fails to provide the documents or other information necessary to comply with the city's technical requirements relating to the form and content of the application;
  - b. The city provides the applicant, no later than ten business days after the date the application is filed, written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and
  - c. The applicant fails to provide the specified documents or other information within the aforesaid 45-day period.

**Sec. 8-115. Certificates of occupancy.**

(a) *Generally.*

- (1) It shall be unlawful for any person to use or occupy any building or structure or portion thereof until the building official of the city has issued either a certificate of occupancy or temporary certificate of occupancy therefor as provided herein.
- (2) It shall be unlawful for any person to change the existing occupancy classification of a building or structure or portion thereof until the building official of the city has issued a certificate of occupancy or temporary certificate of occupancy therefor as provided herein.
- (3) For buildings or structures wherein the owner or developer has applied for a building permit, no further application for a certificate of occupancy shall be required. For buildings or structures wherein the owner or developer has not applied for a building permit, a certificate of occupancy shall be applied for in the office of the building official on forms provided by the city.

(b) *Multi-building projects and phased plans for multi-building projects.*

- (1) Except as provided below, it shall be unlawful for any person to use or occupy any building or structure or portion thereof in a multi-building or structure project on a single platted lot until the building official has issued a certificate of occupancy or temporary certificate of occupancy for every building or structure in the project. Certificates of occupancy may be issued for separate buildings or structures in a multi-building project on a single platted lot if the owner or developer submits a plan ("phasing plan") as part of the site plan submitted for review and approval to the city's PDS director as provided under Sec. 10-45 of this Code that:
  - a. Requests that the multi-building project ("phased project") be developed and inspected in phases;

- b. Indicates the specific sequencing of the phasing plan and the number of buildings for each phase;
  - c. Indicates the site improvements showing access, utilities and fire protection for each building and phase; and
  - d. The PDS director approve(s) the phasing plan.
- (2) Should a developer or owner submit such a phasing plan described above, the last building to be completed in the phased project shall not be occupied until the building official has issued a certificate of occupancy or temporary certificate of occupancy for such building and the entire phased project, including all site improvements, is complete.
- (3) If construction on the phased project ceases before the last building has passed final inspection, and the building permit has expired, the project may be redefined to consist of only those buildings that have passed final inspection, and it shall be unlawful to occupy any building or structure until a certificate of occupancy or a temporary certificate of occupancy has been issued. Any subsequent construction at the same site shall not occur until appropriately permitted by the building official.
- (4) It shall be unlawful for individual buildings or structures of a multiple building project other than a phased project to be used or occupied until every building in the entire project has been issued a certificate of occupancy or temporary certificate of occupancy.

(c) *Issuance.*

- (1) Prior to issuance of a certificate of occupancy, the following criteria must be met:
- a. A certificate of zoning compliance, where required, has been issued;
  - b. All fees and costs owed to the city which were generated by or from such building or structure have been paid in full;
  - c. All subdivision improvements required under Chapter 4, Subdivisions, have been accepted by the city as provided for in Chapter 4, article VIII;
  - d. The building or structure has received and passed the final inspection conducted by the building official;
  - e. The site improvements shown in the site development plans (the "plans") approved by the of the PDS director have been completed and have passed all required inspections;
  - f. "As-built" Mylars of the plans have been submitted, reviewed and found satisfactory by the city;
  - g. A letter is submitted, reviewed and found satisfactory by the city certifying that all public and private improvements constructed on the site are in substantial conformance with the plans;
  - h. A final city fire inspection has been conducted and passed;
  - i. The landscaping requirements provided for in Sec. 8-10 have been satisfied;
  - j. A one-year warranty bond in the amount of ten percent of the cost of all public site improvements to be accepted by the city has been submitted and the bond has

been reviewed and found satisfactory by the city, or other fiscal arrangements acceptable to the city attorney have been made, guaranteeing the said improvements for one year after acceptance of the improvements by the city. A letter shall accompany the warranty bond certifying the construction costs of the improvements;

- k. All necessary easements or release of easements have been prepared and/or reviewed, dedicated and recorded; and
- l. The building official has determined that there are no violations of the provisions of the city's building codes or other laws that are enforced by the building official.

(2) Upon meeting the requirements provided for in subsection (c)(1) of this section, the building official shall issue a certificate of occupancy that contains the following:

- a. The building permit or application number;
- b. The address of the building or structure;
- c. The name and address of the owner;
- d. A description of that portion of the building or structure for which the certificate is issued;
- e. A statement that the described portion of the building or structure has been inspected for compliance with the requirements of this Code for the occupancy, division of occupancy and use for which the proposed occupancy is classified;
- f. The name of the building official;
- g. The edition of the building code under which the permit was issued;
- h. The use and occupancy, in accordance with the provisions of the building code adopted by the city;
- i. The type of construction as defined by the building code adopted by the city;
- j. The design occupant load;
- k. If an automatic sprinkler system is provided, whether the sprinkler system is required;
- l. Any special stipulations and conditions of the building permit; and
- m. The certificate must be dated and contain the name and signature of the PDS director.

(3) A certificate of occupancy shall be required for the following:

- a. To occupy a newly constructed building or structure;
- b. To change the existing occupancy classification of a building, structure or portion thereof from the previous certificate;
- c. To occupy the interior of a shell that has been finished-out for a specified occupancy;
- d. To occupy each separate building or structure within a multiple building or structure project or, where multiple buildings are phased together for permit purposes, for all buildings under such permit; and
- e. To occupy an addition to an existing building or structure.

- (4) Issuance of a certificate of occupancy shall not be construed as waiving any provisions of the city's ordinances or regulations or state or federal laws or regulations or as an approval of a violation of the provisions of the city's ordinances or regulations or state or federal laws or regulations.
- (5) A record of all certificates of occupancy shall be maintained on file in the office of the building official of the city and copies shall be furnished to citizens in accordance with applicable law.

(d) *Temporary certificate of occupancy.*

- (1) Except as provided in subsection (3) below, a temporary certificate of occupancy shall not be issued for single-family and two-family occupancies.
- (2) For all occupancies other than single-family and two-family occupancies, a temporary certificate of occupancy may be considered for issuance by the building official where all of the following conditions are met:
  - a. Site construction is substantially complete in conformance with approved plans;
  - b. Any incomplete improvements are not related to the Americans with Disabilities Act (ADA) barrier-free compliance requirements;
  - c. The building official determines that such building or structure or portion thereof may be occupied and used safely;
  - d. Any site improvements not completed are minor in nature and are related to paving, utility adjustments, or similar features;
  - e. A placement/completion schedule is submitted and approved by the city;
  - f. A performance guarantee, letter of credit or other form of financial assurance, in a form acceptable to the city attorney, which is equal to 120 percent of the cost of all incomplete site improvements listed in subsection d. above, as estimated by the developer or owner and concurred with by the building official, is submitted with the application for a temporary certificate of occupancy;
  - g. The city's fire marshal has concurred with the issuance of the temporary certificate of occupancy; and
  - h. The water and wastewater systems serving the building or structure and the water system providing fire protection to the building or structure have been completed, tested, and are fully operational.
- (3) Except as provided herein, temporary certificates of occupancy shall not be issued in the event the required landscaping is not installed. For all occupancies, including single-family and two-family occupancies, a temporary certificate of occupancy will be considered for issuance by the building official when the required landscaping has not been installed, only if all of the following conditions are met:
  - a. Mandatory water use restrictions have been implemented in accordance with Chapter 44, article VIII, of the Code of Ordinances;

- b. All conditions for the issuance of a final certificate of occupancy have been met with the sole exception of the installation of the required landscaping; and
- c. A performance guarantee, letter of credit or other form of financial assurance, in a form acceptable to the city attorney, which is equal to 100 percent of the cost of all required landscaping, as estimated by the developer or owner and concurred with by the building official, is submitted with the application for a temporary certificate of occupancy.

A temporary certificate of occupancy issued hereunder shall expire 45 days after all mandatory water restrictions are lifted by the city. If the required landscaping is not installed prior to the expiration of the temporary certificate of occupancy, it shall be unlawful for anyone to occupy the building or structure for which the temporary certificate of occupancy was issued.

- (4) Except as provided in subsection (3) above, temporary certificates of occupancy shall be valid for a period of time determined by the building official, but not to exceed 60 days. Said period shall be based upon a reasonable estimate of the time necessary to complete all remaining improvements and to satisfy all remaining requirements.
  - (5) When circumstances beyond the control of the owner or developer warrant, the building official may grant an extension of the temporary certificate of occupancy for one additional period of time not to exceed 60 days. Any further extension of a temporary certificate of occupancy requires the approval of the city council.
  - (6) The building official shall maintain a record of all temporary certificates of occupancy.
- (e) *Revocation or suspension.* The building official is authorized to suspend or revoke a certificate of occupancy or temporary certificate of occupancy issued hereunder if such certificate was issued in error, on the basis of incorrect information, or if it is determined that the building or structure or any portion thereof is in violation of any city ordinance or regulation or any state or federal law or regulation.
- (f) *Fees.*
- (1) Where no building permit is required but a certificate of occupancy is necessary, an application fee in the amount as currently established or as hereafter adopted by resolution of the city council from time to time shall be paid at the time of filing an application for a certificate of occupancy, which fee shall include one inspection.
  - (2) An application fee in the amount as currently established or as hereafter adopted by resolution of the city council from time to time shall be paid at the time of filing an application for a temporary certificate of occupancy and shall include one inspection. A fee in the amount as currently established or as hereafter adopted by resolution of the city council from time to time shall be paid at the time of filing an application for the extension of a temporary certificate of occupancy.
  - (3) Reinspection fees shall be paid in accordance with Sec. 8-106.

- (4) Where an application fee for a certificate of occupancy or temporary certificate of occupancy, or extension thereof, has been paid but the application denied, the city shall not refund the application fee. Subsequent applications shall be accompanied by the fee stipulated in subsections (f)(1) or (2) of this section.

(g) *Authority to disconnect utilities.*

- (1) The city shall have the right to disconnect or have disconnected utility services including but not limited to electric, gas, water and/or wastewater services to a building or structure being occupied in violation of this division.
- (2) In the case of imminent endangerment to the health or welfare of persons, the city shall give oral notice to an owner or occupant of a building or structure that is being occupied in violation of this division before disconnecting any utility service and shall, within 24 hours, follow with written notice of such violation.
- (3) Under all other conditions for disconnection, the city shall give three days' written notice before disconnection.
- (4) Any utility service disconnected in accordance with this division shall remain disconnected until such time as compliance with this division is achieved and the building official approves such reconnection. All costs for such reconnection or additional amounts that may be required as a result of such disconnection shall be borne by the owner or occupant.
- (5) The city shall not be liable for any resulting damage to a building or structure or any property of the owner as a result of disconnection of any utility service under this division.

**DIVISION 2. ENERGY CONSERVATION CODE**

**Sec. 8-116. International Energy Conservation Code (2012 edition) adopted.**

- (a) The 2012 edition of the International Energy Conservation Code as published by the International Code Council, one copy of which shall be placed on file in the office of the city clerk, is hereby adopted as the Energy Conservation Code of the City of Round Rock, Texas. Penalties, conditions and terms of said International Energy Conservation Code are hereby adopted and made a part hereof as if fully set out in this division, except as amended hereafter.

**Sec. 8-117. Amendments to the International Energy Conservation Code (2012 edition).**

- (a) The International Energy Conservation Code is amended as follows:
  - (1) Section C101.1. Inserted: City of Round Rock, Texas.
  - (2) Section R101.1. Inserted: City of Round Rock, Texas.
  - (3) Section C108.4. Inserted: Not less than \$1.00 or more than \$2,000.00.
  - (4) Section R108.4. Inserted: Not less than \$1.00 or more than \$2,000.00.

### **DIVISION 3. UNSAFE BUILDING ABATEMENT CODE**

#### **Sec. 8-118. Statement of purpose.**

- (a) It is the purpose of this division to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.

#### **Sec. 8-119. Scope.**

- (a) The provisions of this division shall apply to all unsafe buildings or structures, as herein defined, and shall apply equally to new and existing conditions.

#### **Sec. 8-120. Alterations, repairs or rehabilitation work.**

- (a) Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of the International Building Code provided that the alteration, repair or rehabilitation work conforms to the requirements of the International Building Code for new construction. The building official shall determine, subject to appeal to the building standards commission, the extent, if any, to which the existing building shall be made to conform to the requirements of the International Building Code for new construction.
- (b) Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in Sec. 1-50.
- (c) If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the International Building Code for the new occupancy classification as established by the building official.
- (d) Repairs and alterations, not covered by the preceding subsections of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this Code or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed; but not more than 25 percent of the roof covering of a building shall be replaced in any period of 12 months unless the entire roof covering is made to conform with the requirements of the International Building Code for new buildings.

**Sec. 8-121. Existing and historic buildings within fire districts.**

- (a) The provisions of this division relating to the construction alteration, repair, enlargement, restoration, relocation or moving buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the building official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts. The applicant must submit complete architectural and engineering plans and specifications bearing the seal of a registered professional engineer or architect.

**Sec. 8-122. Maintenance.**

- (a) All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the International Building Code in a building when erected, altered or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings and structures.

**Sec. 8-123. Administrative organization.**

- (a) *Enforcement officer.* The provisions of this division shall be enforced by the building official.
- (b) *Restrictions on employees.* An officer or employee connected with the department, shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration, demolition, repair or maintenance of a building, or in the making of plans or of specifications therefor, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the department.
- (c) *Records.* The building official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

**Sec. 8-124. Powers and duties of the building official.**

- (a) *Right of entry.*
  - (1) The building official or his authorized representative may enter any building, structure or premises at all reasonable times to make an inspection or enforce any of the provisions of this division.
  - (2) When entering a building, structure, or premises that is occupied, the building official shall first identify himself, present proper credentials and request entry. If the building, structure or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of the building and demand entry. If entry is refused, the

building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

- (3) No person, owner or occupant of any building or premises shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the building official or his authorized agent for the purpose of inspections pursuant to this division. Any person violating this section shall be prosecuted within the limits of the law as established by the proper governing authority.
- (b) *Inspections.* The building official, the fire official and other authorized representatives are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Code.
- (c) *Requirements not covered by Code.* Any requirement necessary for the strength or stability of an existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by this division, shall be determined by the building official.
- (d) *Liability.* Any officer or employee, or member of the building standards commission, charged with the enforcement of this division, acting for the applicable governing body in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this division shall be defended by the legal department of the applicable governing body until the final termination of the proceedings.
- (e) *Reports.* The building official shall annually submit a report to the chief administrator of the decisions rendered by the city council during the preceding year. The report shall include a summary of the decisions of the city council during said year.

**Sec. 8-125. Violations and penalties.**

- (a) Any person, firm, corporation or agent who shall violate a provision of this division, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, shall be prosecuted within the limits provided by state or local law. Each such person shall be deemed guilty of a separate offense for any violation of any of the provisions of this division, and upon conviction of any such violation, such person shall be punished within the limits and as provided by state or local laws.

**Sec. 8-126. Inspection and notice of noncompliance.**

- (a) *Inspection.* The building official shall inspect or cause to be inspected any building, structure or portion thereof which is or may be unsafe. After the building official has inspected or caused to be inspected a building, structure or portion thereof and has determined that such building, structure or portion thereof is unsafe, he shall initiate proceedings to cause the abatement of the unsafe condition by repair, vacation or demolition or combination thereof.
- (b) *Notice.* The building official shall prepare and issue a notice of unsafe building directed to the owner of record of the building or structure. The notice shall contain, but not be limited to, the following information:
- (1) The street address and legal description of the building, structure or premises.
  - (2) A statement indicating the building or structure has been declared unsafe by the building official, and a detailed report documenting the conditions determined to have rendered the building or structure unsafe under the provisions of this division.
  - (3) A statement advising that if the required action as determined by the building official is not commenced within 30 days, the building official shall request that the building standards commission call for a public hearing to determine whether or not conditions exist which render the building or structure unsafe under the provisions of this division.
  - (4) If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and work commenced within 60 days after receipt of said notice and continued to completion within such time as the building official determines.
  - (5) If the building or structure is to be vacated, the notice shall indicate the time within which vacation is to be completed.
  - (6) If the building or structure is to be demolished, the building official shall require that the premises be vacated within 60 days, that all permits for demolition be secured and that the demolition be completed within such time as determined reasonable by the building official.
  - (7) A statement advising that if the required action as determined by the building official is not commenced within or completed, as required, the building official shall request that the building standards commission call for a public hearing to determine whether or not conditions exist which render the building or structure unsafe under the provisions of this division.
  - (8) All notices and all attachments thereto shall be served upon the owner of record and posted on the property in a conspicuous location. A copy of the notice and all attachments thereto shall also be served on any person determined from official public records to have a legal interest in the property. Failure of the building official to serve any person herein required to be served other than the owner of record shall not invalidate any proceedings hereunder nor shall it relieve any other person served from any obligation imposed on him.
  - (9) All notices shall be served either personally or by certified mail, postage prepaid, return receipt requested, to each person at the address as it appears on the official public records.

If addresses are not available on any person required to be served the notice, the notice addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. The failure of any person to receive notice, other than the owner of record, shall not invalidate any proceedings under this section. Service by certified or registered mail as herein described shall be effective on the date the notice was received as indicated on the return receipt. Proof of service of the notice shall be by written declaration indicating the date, time and manner in which service was made and signed by the person served on by the return receipt.

(c) *Standards for compliance.* The following action shall be taken by the building official when ordering the repair, vacation or demolition of an unsafe building or structure:

- (1) The building shall be ordered repaired in accordance with the International Building Code or demolished at the option of the owner.
- (2) If the building or structure poses an immediate hazard to life or to the safety of the public, it shall be ordered vacated immediately.

(d) *Posting of notice to vacate.* Every notice to vacate, in addition to complying with subsection (b)(9) of this section, shall be posted at each exit and entrance to the building or structure and shall state:

THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY  
THE BUILDING OFFICIAL.

Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents to remove such notice without written permission of the building official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.

**Sec. 8-127. Rules of procedure for public hearing.**

(a) After the receipt of a written request from the building official, the building standards commission shall, by ordinance, call a public hearing to determine whether or not conditions exist which render a building or structure unsafe under the provisions of this division such that said building or structure must be demolished in order to protect the public health, safety and welfare. Said ordinance shall state with specificity each violation which renders said building or structure unsafe.

(b) Reasonable dispatch. The building standards commission shall proceed with reasonable dispatch to conclude said public hearing, with due regard to the convenience and necessity of the parties involved. The hearing notice shall be served as required by the Texas Local Government Code at least 15 days before the hearing date.

- (c) Subpoenas. The building standards commission may obtain the issuance and service of subpoenas for the attendance of witnesses or the production of evidence at the hearings. The issuance and service of subpoenas shall be in accordance with established law.
- (d) Procedure.
- (1) Hearings shall not be required to be conducted in accordance with the technical rules relating to evidence and testimony.
  - (2) The building standards commission may grant continuance for good cause.
  - (3) In any proceedings under this division, the chairman of the building standards commission shall have the power to administer oaths and affirmations and to certify official acts. In the chairman's absence, the acting chairman may administer oaths and compel the attendance of witnesses.
  - (4) Oral evidence shall be taken only on oath or affirmation.
  - (5) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence. The further use of hearsay evidence shall be limited to that which would be admissible in civil court.
  - (6) Relevant evidence shall be admitted if it is the type on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil courts.
  - (7) The building standards commission may inspect any building, structure or premises during the course of the hearing, provided the following are complied with:
    - a. Notice of such inspection is given to the parties prior to making the inspection;
    - b. The parties are allowed to be present during the inspection; and
    - c. The inspector states for the record, upon completion of the inspection, the facts observed and any conclusions drawn therefrom.
- (e) After completion of the public hearing, if the building standards commission finds that the building or structure is in violation of the provisions of this division, it may order the owner, lienholder, or mortgagee of the building to, within 30 days, secure the building from unauthorized entry or to repair, remove, or demolish the building, whichever is applicable, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days. The city will furnish a copy of the order to any lienholders or mortgagees in the event the owner fails to timely take the ordered action.
- (f) The building standards commission may allow the owner, lienholder, or mortgagee more than 30 days to repair, remove, or demolish the building. If the building standards commission allows the owner, lienholder, or mortgagee more than 30 days to repair, remove or demolish the building, the building standards commission shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the

property in a reasonable manner from unauthorized entry while the work is being performed. The city will furnish a copy of the order to any lienholders or mortgagees in the event the owner fails to timely take the ordered action.

- (g) If any owner, lienholder, or mortgagee of record is aggrieved by the decision of the building standards commission, nothing in this division shall be construed to deprive him of seeking redress in the civil or other applicable court. Said appeal must be filed within 30 days from the date a copy of the final decision of the building standards commission is delivered as required by the Texas Local Government Code.

**Sec. 8-128. Compliance.**

- (a) *Failure to respond.* Any person who, after the order of the building official or the decision of the building standards commission becomes final, fails or refuses to respond to the direction of such order, shall be prosecuted to the extent provided for by law.

- (b) *Failure to commence work.*

- (1) Whenever the required repair, vacation or demolition is not commenced within 30 days after the effective date of any order, the building, structure or premises shall be posted as follows:

UNSAFE BUILDING DO NOT OCCUPY

It shall be punishable by law to occupy this building or remove or deface this notice  
(Specify the applicable local law and the penalty for violation thereof).

Building Official

City of Round Rock, Texas

- (2) Subsequent to posting the building, structure or premises, the building official may cause the building to be repaired to the extent required to render it safe or if the notice required demolition, to cause the building, structure or premises to be demolished and all debris removed from the premises. The cost of repair or demolition shall constitute a lien on the property and shall be collected in a manner provided by law.
  - (3) Any monies received from the sale of a building or from the demolition thereof, over and above the cost incurred, shall be paid to the owner of record or other persons lawfully entitled thereto.
- (c) *Extension of time.* The building official may approve one or more extensions of time as he may determine to be reasonable to complete the required repair or demolition. Such requests for extensions shall be made in writing stating the reasons therefor. If the requests for extensions of time, in total, exceed 60 days, they must also be approved by the building standards commission.

- (d) *Interference.* No person shall obstruct or interfere with the implementation of any action required by the final notice of the building official or the city council. Any person found interfering or obstructing such actions shall be prosecuted to the extent provided for by law.

**Sec. 8-129. Recovery of cost of repair or demolition.**

- (a) Whenever a building or structure is repaired or demolished in accordance with the provisions of this division and cost of such repair or demolition is borne by the city, the city may assess the expenses on the property on which the building is located. The assessment of the reasonable expenses incurred shall be determined by the building official, and a lien shall be placed on the property and recorded in the deed records of Williamson County, Texas.

***DIVISION 4. HOUSING CODE***

**Sec. 8-130. Standard Housing Code adopted.**

- (a) The Standard Housing Code, 1994 edition with amendments, one copy of which shall be on file in the office of the city secretary, is hereby adopted by reference and all regulations, parts, notations, references and specifications therein are hereby adopted and made a part of this division except as deleted or amended hereafter.

***DIVISION 5. PLUMBING CODE***

**Sec. 8-131. International Plumbing Code (2012 edition) adopted.**

- (a) The 2012 edition of the International Plumbing Code (including appendices A—G) as published by the International Code Council, one copy of which shall be placed on file in the office of the city clerk, is hereby adopted as the Plumbing Code of the City of Round Rock, Texas. Penalties, conditions and terms of said International Plumbing Code are hereby adopted and made a part hereof as if fully set out in this division, except as amended hereafter.

**Sec. 8-132. Amendments to the International Plumbing Code (2012 edition).**

- (a) The International Plumbing Code is amended as follows:
- (1) Section 101.1. Inserted: City of Round Rock, Texas.
  - (2) Section 106.6.2. Inserted: All fees for permits are governed by Sec. 8-39 of this Code.
  - (3) Section 106.6.3. Deleted.
  - (4) Section 108.4. Amended to read: Violations of any provision of this International Plumbing Code shall be punished by a fine of up to \$2,000.00. Each day that a violation continues after due notice has been given shall be deemed a separate offense.

- (5) Section 108.5. Inserted: Not less than \$1.00 or more than \$2,000.00.
- (6) Section 305.4.1. Inserted: Twelve inches.
- (7) Section 903.1. Inserted: Twelve inches.

**Sec. 8-133. Plumbing official.**

- (a) *Position created; qualifications; compensation.* There are hereby created the positions of plumbing official and plumbing inspectors, who shall be employed by the city. The plumbing official and inspectors shall have experience in plumbing to the extent that enables them to know when plumbing is installed correctly. The plumbing official and inspectors shall not be directly connected in any way with any person, firm, or corporation directly or indirectly engaged in the business of plumbing, or plumbing suppliers. The plumbing official and plumbing inspectors shall receive as full compensation for his or their services, a salary designated by the city.
- (b) *Duties.*
  - (1) It shall be the duty of the plumbing official to enforce all provisions of this division, and such official is hereby granted the authority to enter all buildings within or without the corporate limits of the city, when such buildings be connected to the municipal water and/or sewage system.
  - (2) The plumbing official shall prepare or cause to be prepared suitable forms of applications, permits, inspection reports and other such materials.
  - (3) It shall be the duty of the plumbing official to inspect and test all plumbing work for compliance with this division and the plumbing code adopted herein, and to enforce changing of such installations that do not meet the requirements. It shall further be his duty to see that all persons installing or altering plumbing shall be qualified by state law.

**Sec. 8-134. Permit applications.**

- (a) *Plumbing permits; when required.* Before beginning any work in the city, the person installing or altering same shall apply to the plumbing official or other designated official and obtain a permit to do such work. Only those persons legally authorized to do plumbing may be issued permits. A permit may be issued to a homeowner to install or alter plumbing in a single-family residence, providing the homeowner does all the work himself and that the building is owned and occupied by the owner as his home. All such work shall meet the plumbing code requirements and such persons shall be required to obtain the regular permit for that particular job.
- (b) *Application forms.* All applications for permits shall be made to the plumbing official on suitable forms provided.

**Sec. 8-135. Permit fees.**

- (a) All fees for permits are governed by Sec. 8-106.

**Sec. 8-136. When hazards to city water supply exist.**

- (a) The city water department and the city plumbing official are hereby authorized to discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings, or structures where it is found that an immediate hazard exists to the purity or potability of the city water supply.
- (b) The city water department and the city plumbing official are hereby authorized and directed to take such steps as are necessary to determine all potential hazards to the purity or potability of the city water supply which exist. Upon determining said potential hazards, it shall be the duty of said department and said inspector to immediately cause notice to go to the owner or such other person responsible for said premises, specifying said hazards, and notifying said person that in the event that said hazard is not corrected within 30 days from the date of said notice, all water services shall be discontinued thereafter until the requirements of this Code have been complied with.

***DIVISION 6. FUEL GAS CODE***

**Sec. 8-137. International Fuel Gas Code (2012 edition) adopted.**

- (a) The 2012 edition of the International Fuel Gas Code (including appendices A—D) as published by the International Code Council, one copy of which shall be placed on file in the office of the city clerk, is hereby adopted as the Fuel Gas Code of the City of Round Rock, Texas. Penalties, conditions and terms of said International Fuel Gas Code are hereby adopted and made a part hereof as if fully set out in this division, except as amended hereafter.

**Sec. 8-138. Amendments to the International Fuel Gas Code (2012 edition).**

- (a) The International Fuel Gas Code is amended as follows:
- (1) Section 101.1. Inserted: City of Round Rock, Texas.
  - (2) Section 106.5.2. Inserted: All fees for permits are governed by Sec. 8-106 of this Code.
  - (3) Section 106.5.3. Deleted.
  - (4) Section 108.4. Amended to read: Violations of any provision of this Fuel Gas Code shall be punished by a fine of up to \$2,000.00. Each day that a violation continues after due notice has been given shall be deemed a separate offense.
  - (5) Section 108.5. Inserted: Not less than \$1.00 or more than \$2,000.00.

## ***DIVISION 7. MECHANICAL CODE***

### **Sec. 8-139. International Mechanical Code (2012 edition) adopted.**

- (a) The 2012 edition of the International Mechanical Code (excluding only appendix B) as published by the International Code Council, one copy of which shall be placed on file in the office of the city clerk, is hereby adopted as the Mechanical Code of the City of Round Rock. Penalties, conditions and terms of said International Mechanical Code are hereby adopted and made a part hereof as if fully set out in this division, except as amended hereafter.

### **Sec. 8-140. Permit fees.**

- (a) All fees for permits are governed by Sec. 8-106.

### **Sec. 8-141. Amendments to the International Mechanical Code (2012 edition).**

- (a) The International Mechanical Code is amended as follows:
- (1) Section 101.1. Inserted: City of Round Rock, Texas.
  - (2) Section 106.5.2. Inserted: All fees for permits are governed by Sec. 8-106 of this Code.
  - (3) Section 106.5.3. Deleted.
  - (4) Section 108.4. Amended to read: Violations of any provision of this Mechanical Code shall be punished by a fine of up to \$2,000.00. Each day that a violation continues after due notice has been given shall be deemed a separate offense.
  - (5) Section 108.5. Inserted: Not less than \$1.00 or more than \$2,000.00.

## ***DIVISION 8. SWIMMING POOL CODE***

### **Sec. 8-142. International Swimming Pool and Spa Code (2012 edition) adopted.**

- (a) The 2012 edition of the International Swimming Pool and Spa Code (including all appendices) as published by the International Code Council, one copy of which shall be placed on file in the office of the city clerk, is hereby adopted as the Swimming Pool and Spa Code of the City of Round Rock. Penalties, conditions and terms of said International Swimming Pool and Spa Code are hereby adopted and made a part hereof as if fully set out in this article, except as amended hereafter.

### **Sec. 8-143. Amendments to the International Swimming Pool and Spa Code (2012 edition).**

- (a) The International Swimming Pool and Spa Code is amended as follows:
- (1) Section 101.1. Inserted: City of Round Rock, Texas.

- (2) Section 105.6.2. Inserted: All fees for permits are governed by Sec. 8-106 of this Code.
- (3) Section 105.6.3. Deleted.
- (4) Section 107.4. Amended to read: Violations of any provision of this International Swimming Pool and Spa Code shall be punished by a fine of up to \$2,000.00. Each day that a violation continues after due notice has been given shall be deemed a separate offense.
- (5) Section 107.5. Inserted: Not less than \$1.00 or more than \$2,000.00.

## ***DIVISION 9. ELECTRICAL CODE***

### **Sec. 8-144. General.**

- (a) *National Electrical Code, NFPA 70.* The National Electrical Code, NFPA 70, most current edition, and latest revisions thereto, (hereinafter referred to as "NEC"), as amended herein, is hereby adopted as part of this division to the same effect as if it were copied verbatim herein and shall be in effect except as it may be in conflict with the provisions of this Code or V.T.C.A., Local Government Code § 214.214.
- (b) *Scope.* This code shall govern all installations of electrical conductors, raceway fittings, and/or equipment hereafter made, and all existing installations which are altered, or for which the use has changed. Repair and maintenance work shall be such that if any electrical conductor, raceway fittings, and/or equipment is removed and later replaced, same shall be replaced in accordance with the provisions of this division.
- (c) *Responsibility for safe work.* This code shall not be construed to relieve or lessen the responsibility or liability of any person owning, operating, or installing electrical conductor devices, appliances, fixtures, apparatus, motors or equipment, for damages to persons or buildings caused by any defect therein nor shall the city be held liable for any damages by reason of enforcement or non-enforcement of this division.
- (d) *Purpose.*
  - (1) To safeguard persons and property from electrical hazards; and
  - (2) To establish licensing, permit and inspection procedures to ensure quality electrical work. To accomplish this, the requirements set forth herein are intended to be minimum standards for electrical work.
- (e) *Unlawful acts prohibited.*
  - (1) It shall be unlawful for any person, as owner, agent, lessee, renter or otherwise to violate, disobey, refuse to comply with, resist or oppose the execution of this division.

- (2) It shall be unlawful for any person to occupy or maintain any building or structure in which the electrical work, wiring or appliances are in violation of this division.
  - (3) Any person who commits any acts declared to be unlawful, or fails to perform an act required by this division, shall be subject to any and all penalties as provided herein. Any electrical installations erected or altered in violation of this Code shall be summarily condemned and removed at the expense of the person erecting or altering or allowing the same.
- (f) *Amendments to the National Electrical Code, 2002 edition.*
- (1) Article 220, National Electrical Code, 2002 edition, is hereby amended by deleting Section 22 and substituting the following:  
220-22. Neutral Conductor. Neutral conductors shall be of the same ampacity as the largest ungrounded conductor.
  - (2) Article 240-24(A), National Electrical Code, 2002 edition, is hereby amended by adding paragraph (5) which shall read as follows:  
(5) Location of panel boards or OVER CURRENT devices. Panel boards or OVER CURRENT devices shall not be located in bathrooms, closets or within six (6) feet of sinks, lavatories, water softeners, water heaters, washing machines, or similar fixtures. Panel boards will have the following minimum clearances: six (6) feet, three (3) inches of headroom; three (3) feet of walk-up clearance and thirty (30) inches minimum horizontal clearance with a minimum of six (6) inches on each side of enclosure.
  - (3) Article 300, National Electrical Code, 2002 edition, is hereby amended by adding Section 24 which shall read as follows:  
300-24. Special Safety Measures.  
(a) Except upon written permission of the building official, no electrical conductor of any nature shall be installed nearer than three (3) inches to any metal pipe or duct which could operate at a temperature in excess of one hundred twenty (120) degrees Fahrenheit.  
(b) Thermostat, low voltage control wiring and communications cables in dwellings shall be protected from mechanical damage and shall maintain two (2) inches clearance from all other wiring and pipes. Thermostat, low voltage control wiring and communications cables shall be well strapped or supported with insulated staples or supports not to exceed four (4) feet spacing.
  - (4) Article 80 of the National Electrical Code, 2002 edition, pertaining to administration and enforcement, is not adopted as a part of this division.

**Sec. 8-145. Administration and enforcement.**

- (a) *Chief electrical inspector.* There is hereby created the office of chief electrical inspector, who shall be appointed by the city manager.

- (1) The chief electrical inspector shall have at least three years' experience as a master electrician, hold a valid master electrician's license, be of good moral character, and be well-versed in the approved methods of electrical construction for safety of life and property in accordance with the National Electrical Code, as amended.
  - (2) The chief electrical inspector is hereby designated as the person responsible for the administration and enforcement of this division, who shall discharge the duties and have the authority hereafter provided. Said authority may be delegated to inspectors and other employees of the building inspection department as may be required to carry out said duties.
  - (3) The chief electrical inspector shall be responsible to the building official and the city manager, each of whom are authorized to act in lieu of and with the same authority as the chief electrical inspector.
- (b) *Powers/duties of inspectors.* The chief electrical inspector and inspectors shall have the following powers:
- (1) To enforce the provisions of this division, issue citations and file complaints in municipal court against persons who violate any of its provisions.
  - (2) To enter any house or premises during reasonable hours, (or at any time while electrical wiring, fixtures or equipment is being installed) for the purpose of examining any electrical wiring or installation of electrical wiring, fixtures or equipment therein in the performance of his official duties.
  - (3) To order electrical service disconnected:
    - a. Where improper or defective wiring exists;
    - b. Where electrical construction or equipment has been installed without a permit as required by this division;
    - c. When electrical equipment may interfere with the work of the fire department; or
    - d. In cases of emergency when necessary for the safety of persons or property.
  - (4) To order compliance with this division where a change of occupancy occurs in a building which requires electrical change or alteration to said building.
  - (5) To attach to electrical equipment or meters any official notice necessary to prevent the use of electricity.
  - (6) To order persons to cease performing any work being done without a requisite permit or otherwise in violation of this division.
  - (7) To make a thorough inspection of:
    - a. All electrical work from time to time as provided herein;
    - b. Electrical work which is in a dangerous or unsafe condition;
    - c. Electrical work deemed to be an interference with the work of the fire department;
  - (8) To notify a person responsible for violating the above subsection to place said work in compliance with this division within a reasonable amount of time.

- (9) To require plans, specifications and a complete feeder layout of installations of electrical work.

**Sec. 8-146. Electrical license examination.**

- (a) All applicants for an electrical license are required to pass the written examination prescribed by the Southern Building Code Conference International prior to obtaining an electrical license.

(Code 1995, § 3.904; Ord. No. G-96-02-08-9A, 2-8-1996; Ord. No. G-02-07-11-9A1, 7-11-2002)

**Sec. 8-147. License and examination fees.**

- (a) The examination and license fees for the various classes of electricians, for a three-year period, shall be as currently established or as hereafter adopted by resolution of the city council from time to time.

**Sec. 8-148. Licensing.**

- (a) *Types of licenses.* Electrical licenses shall be of the following types:

- (1) *Master electrician.* Any person licensed as a master electrician in compliance with the requirements of this chapter, who employs journeyman electricians to perform electrician's work in accordance with this division or who performs electrical work himself in accordance with this division.
- (2) *Journeyman electrician.* A person licensed as a journeyman electrician in compliance with the requirements of this section, who works for and under the general supervision and direction of a master electrician, performing electrical work contracted for by a master electrician.

- (b) *License required.* Except as otherwise provided herein, it shall be unlawful for any person to do electrical work unless such person holds a master electrician's or journeyman's license under the provisions of this division. Any person holding a valid master's license or journeyman's license need not procure a lesser license. When two or more master electricians are working on the same job, the supervision, direction and control of the electrical work shall be the responsibility of the person to whom the permit was issued.

- (c) *Unrestricted and restricted licenses.*

- (1) A person holding a valid unrestricted license shall be authorized to perform all types of electrical work.
- (2) A person holding a valid restricted license shall be authorized to perform only those categories of work on which he has taken and passed an examination.

- (3) The categories of restricted licenses are as follows:
- a. *Signs.* A sign license restricted to the installation, repair, or maintenance of:
    - 1. Electrical signs;
    - 2. Transformers for the operation of neon and similar tubing on or in buildings; and
    - 3. High tension cables between tubing and transformers for the same.Such license shall not include connection of any electrical signs, transformers or other type of load to a source of electrical power, or the changing, extending, installing or repairing of any part of a wiring system.
  - b. *Elevators.* An elevator license restricted to the installation, alteration, repair or maintenance of only the control panel and control wiring of elevators and escalators.
  - c. *Repair service.* A repair service license restricted to the connecting or disconnecting of any electrical wiring regulated by this section, not including the changing, extending, installing or repairing of any part of a wiring system.
  - d. *Maintenance.* A maintenance license restricted to the maintenance, repair, relocation or replacement of any electrical conductor or equipment pertaining to branch circuits, including extension of or additions to branch circuits permitted under this section, by a person who is regularly employed by one employer upon a permanent basis for the performing of such work within the confines of the building or premises of such employer.
  - e. *Residential.* A residential license restricted to performing electrical work on residential buildings only while under the general supervision and direction of a master electrician.
- (d) *Supervision.* Except as otherwise provided in this division, all electrical work shall be performed under the supervision, direction, and control of the master electrician who has secured the permit. When on-site work is performed by a journeyman electrician under the supervision of the permit holder, the ratio of workers to journeyman electricians shall not exceed three workers for each journeyman present on site; provided, however, for commercial or industrial work, the ratio shall be two workers for each journeyman present on site.
- (e) *License not required.* The following may be performed by persons who are not licensed electricians:
- (1) Electrical work on one's own homestead, as reflected by public records, performed only by the homestead owner; provided, that a permit as provided in Sec. 8-149 shall have been obtained and all other requirements of this division have been complied with except the licensing provisions.
  - (2) The replacement of lamps, fuses and connection of portable devices to suitable receptacles which have been permanently installed.

- (3) The installation, alteration or repairing of any wiring, devices, or equipment for the operation of a signal or the transmission of messages where such wiring, devices, appliances or equipment operates at a voltage not exceeding 50 volts between conductors and does not include generating or transforming equipment.
- (4) The installation, alteration or repair of electric wiring, devices, appliances and equipment installed by or for an electric public service corporation operating under a franchise from the division when for the use of such a corporation in the operation for street railways, signals or the transmission of messages.

(f) *Qualifications.*

- (1) *Master electrician.* Candidates for said license shall:
  - a. Be a high school graduate or the equivalent thereof;
  - b. Show proof of two years as a licensed journeyman; and
  - c. Show proof of completion of a six-hour review course on the National Electrical Code in each year that the electrical code is updated, before renewal of license.
- (2) *Journeyman electrician.* Candidates for said license shall:
  - a. Be a high school graduate or the equivalent thereof; and
  - b. Have a minimum of four years' experience under the direct supervision of a master electrician.
- (3) *College.*
  - a. A bachelor's degree in electrical engineering from a college or university which requires at least four years of study in residence as a prerequisite to such degree shall be considered the equivalent of three years of experience; and
  - b. The satisfactory completion of 120 semester hours of work required for such degree shall be considered the equivalent of one year experience.

(g) *Application.*

- (1) Every application for an original or renewal license shall be made upon forms furnished by the chief electrical inspector.
- (2) Every license application shall state the full name, date of birth, weight, height, eye color, hair color, sex, residence and business address of the applicant. Every application for an original license shall specify the applicant's experience; whether the applicant has heretofore been licensed as a journeyman, master or other classification of electrician, and if so, when and by what state, county, or city; whether said license has ever been suspended or revoked; and whether the applicant has ever been refused a license, and if so, the date of and the reason for said suspension, revocation, or refusal.
- (3) Every application shall be accompanied by the license fee prescribed in Sec. 8-147.

(h) *Issuance of electrical license.*

- (1) Upon receipt of proof of payment of the required fee, and passing the examination, the chief electrical inspector shall issue to the applicant the class of license which said applicant is qualified to receive under the provisions of this division. The chief electrical inspector shall record the issuance of said license.
  - (2) Each license shall bear a distinguishing number assigned to the licensee, the full name, sex, date of birth, weight, height, hair color, eye color, and a space upon which the licensee shall write his usual signature in permanent ink immediately upon receipt of the license. No license shall be valid until it is so signed by the licensee.
- (i) *Requirements for continued licensing; master electrician.* In addition to other requirements of this division, all master electricians shall have their license number of company name on all company trucks.
- (j) *Expiration; renewal.*
- (1) All electrical licenses shall expire at 12:00 midnight on the last day of the month of the licensee's birthday.
  - (2) Expired licenses not renewed as provided in the preceding paragraph shall be deemed cancelled and appropriate notations reflected on the official license records of the city.
  - (3) If a license is renewed 30 or more days after expiration date, the normal fee shall be doubled.
- (k) *Inactive license.* A master electrician may request that his license be placed in an inactive status after payment of a fee as currently established or as hereafter adopted by resolution of the city council from time to time. A master electrician holding an inactive license may not perform electrical work within the city nor obtain a permit for said work. An inactive license may be made active by paying the active license fee.
- (l) *Duplicates.* In the event that an electrician's license is lost or destroyed, the licensee may obtain a duplicate thereof upon furnishing proof satisfactory to the chief electrical inspector that said license was lost or destroyed, and upon payment of a fee as currently established or as hereafter adopted by resolution of the city council from time to time.
- (m) *Notice of change of address, name, etc., to be given.* Whenever a licensee has:
- (1) Moved from the address listed in the official license records;
  - (2) Changed his name; or
  - (3) Changed his place of employment;
- the said licensee shall immediately notify the chief electrical inspector, in writing, of his present address, name and employment.

(n) *Certain acts prohibited.* It shall be a violation of this division for any person:

- (1) To display, permit to be displayed or to have in one's possession, any instrument purporting to be a license issued pursuant to this division, knowing such instrument to be fictitious, cancelled, suspended or altered.
- (2) To knowingly lend, transfer or permit the use of any license for the purpose of performing or obtaining a permit for electrical work, to any person not entitled thereto under the provisions of this division.
- (3) To fail or refuse to surrender to the chief electrical inspector, on demand, an electrician's license which has been suspended or cancelled as provided by law.
- (4) To apply for, or have in one's possession, more than one current license of the same type provided for in this division.
- (5) To use a false or fictitious name or address in any license application, renewal, or duplicate request, or knowingly make a false statement, conceal a material fact or otherwise commit fraud in making said application, renewal or duplicate request.
- (6) To employ as a master or journeyman electrician any person not then licensed as provided in this division.
- (7) To perform any electrical work requiring a license, without said license or while said license is suspended or cancelled.
- (8) To perform electrical work in any manner in violation of any restrictions imposed on a licensee.
- (9) To perform electrical work as a journeyman electrician on a job while not in the employ of the master electrician of record of said job.
- (10) To fail to request a final inspection upon completion of all electrical wiring and installation requiring a permit.

(o) *Probation, suspension, revocation.*

- (1) The building standards commission may place a licensee on probation or suspend any electrician's license issued by the building standards commission for a period of not more than one year, or revoke said license, after determining at a proper hearing, as set out in this section, that the licensee has violated any provision of this division, state law, city ordinance or regulation relating to or governing electrical wiring, repairing or construction, including, but not limited to:
  - a. Permitting an unlawful or fraudulent use of said license.
  - b. Habitually violating this division. (Habitual shall mean three or more separate violations.)
  - c. Failing or refusing to make corrections necessary to cure defects in electrical work performed in violation of this division.

- d. Performing any electrical work in violation of this division or the National Electrical Code which is found to be the cause or a contributing cause of a fire, whether or not there is any actual damage or loss.
  - e. Performing any electrical work in violation of any restrictions imposed on a licensee.
- (2) If a licensee who has been placed on probation by the building standards commission shall violate any of the provisions contemplated by subsection (n) of this section while serving said probationary period, then said licensee shall have his license automatically suspended pursuant to subsection (q) of this section.
- (p) *Hearing and procedure.*
- (1) In determining charges pursuant to subsection (n) of this section, the building standards commission shall proceed upon a sworn complaint furnished it by a city official, or by any person aggrieved by the action of an electrician in the performance of electrical work for which an electrical permit is required by this division.
  - (2) Complaints shall be in writing and verified by the person familiar with the facts therein. Three copies of the same shall be filed with the city clerk who shall retain one copy for the official records of the city and shall convey two copies to the building standards commission.
  - (3) The building standards commission, if it deems the information sufficient to support further action on its part, shall order a hearing to be set at a specified time and place. Said hearing shall be open to the public.
  - (4) A copy of the order and complaint shall be served upon the accused by registered mail no less than 14 days before the scheduled date of the hearing.
  - (5) The accused shall appear in person, by counsel, or both, at the time and place named in the order and make his defense to the same. The city attorney and the accused shall be entitled to present evidence and argument at said hearing.
  - (6) If the accused fails or refuses to appear at said hearing, the building standards commission may proceed to hear and determine the charges in his absence.
  - (7) If the accused admits the truth of the charges, and the building standards commission by vote of four or more of its members shall find them to be true, it may enter an order suspending the license of said electrician.
  - (8) The building standards commission shall have the power, through its chairman or secretary, to administer oaths and to compel the attendance of witnesses before it by subpoena issued over the signature of the chairman.
  - (9) When the building standards commission has completed said hearing and made its decision, it shall cause one copy of its decision to be filed with the chief electrical inspector, one copy with the city clerk and cause a certified copy thereof to be forwarded to the accused.

- (q) *Automatic suspension.* Notwithstanding subsections (n) and (o) of this section:
- (1) The license of any person shall be automatically suspended upon final determination by the building standards commission that said licensee has committed any of the following offenses:
    - a. Taking out a permit in the name of a person authorized to do the electrical work and thereafter permitting a person not authorized by this division to perform the electrical work.
    - b. Tampering with, diverting from or in any way interfering with the proper action or registration of any electric meter.
    - c. Violating any provision of this division, state law, city ordinance or regulation relating to or governing electrical wiring, repairing or construction while on probation imposed by the building standards commission.
  - (2) Suspension provided for in this division shall, in the first instance, be for a period of six months. For subsequent offenses, said suspension shall be for a period of one year.
  - (3) The suspension of any license shall be automatically extended for a like period as the original suspension upon a final determination by the building standards commission that a licensee has been performing electrical work while his license is suspended. Said suspension extension shall be in addition to any other penalty assessed, as provided in this division.
  - (4) Automatic suspensions are appealable in accordance with subsection (p) of this section.
- (r) *Surrender and return of license.* Any license which has been suspended pursuant to this division shall be surrendered to and retained by the chief electrical inspector. At the end of the period of suspension, the surrendered license shall be returned to the licensee and be valid under the provisions in this division, provided:
- (1) No further violations of this division are committed by licensee during the suspension period; and
  - (2) If the period of suspension extends beyond the normal expiration date of said license, the licensee has paid all license fees and/or posted all surety bonds in accordance with this division.

**Sec. 8-149. Permits.**

- (a) *Generally.* Except as otherwise provided in this Code, it shall be unlawful for any person to install, cause to be installed, or permit the installation of, or make any alterations, additions, changes or repairs to any electrical wiring fixtures or equipment within or on any building, structure, or premises, whether publicly or privately owned, without first obtaining a valid permit therefor.
- (b) *Permit not required.* No permit shall be required for:

- (1) The installation of electrical conductors or equipment within and on the premises which are under the control and supervision of the state highway department and where such installation will be operated, maintained or controlled or supervised by said state highway department.
- (2) The installation of electrical conductors or equipment by or for a public utility corporation in the generation, transmission, sale or use of electrical energy as outlined in its franchise.
- (3) The installation of low voltage HVAC control wiring in residential only.
- (4) The replacement of:
  - a. A motor by another motor of the same horsepower and rating;
  - b. Solenoid valves;
  - c. Low pressure controls;when the electrical supply to the same is or has been properly installed by a licensed electrician.

(c) *Permit application.*

- (1) Application for permits shall be made in writing upon forms provided by the chief electrical inspector. The application shall contain the following information:
  - a. The date the application is submitted;
  - b. The applicant's name;
  - c. The exact address where electrical work is to be done;
  - d. A description of the electrical work to be done;
  - e. Other pertinent information as required by the chief electrical inspector. If a diagram or plan is required, it shall clearly show the following:
    1. The character and kind of wiring or installation of fixtures or equipment work to be done;
    2. The scale used and the manner in which the electrical installation is to be made;
    3. The character of any repairs to any existing installation showing the point at which service connection is required;
    4. The size of feeders and subfeeders;
    5. The location of service switches and centers of distribution;
    6. The arrangement of circuits and the number of outlets connected thereto;
    7. Load calculations;
    8. A profile view of the service entrance equipment including all gutter troughs, junction boxes, switches, disconnects, fuses, panel boards, current transformer enclosures and meter sockets, detailing how this equipment is to be arranged on the wall of the building;
    9. The maximum available fault current at the service entrance shall be obtained from the local utility company; and

10. Fault current bracing information.

- (2) Applications for permits shall only be issued to the following persons:
- a. A master electrician licensed under this Code;
  - b. A property owner who shall certify that the proposed electrical work shall be performed by the applicant personally, in a residence presently occupied by the applicant as his homestead.

(d) *Permit issuance.*

- (1) Permits shall be issued to licensed master electricians, or their duly authorized agents.
- (2) The city operates under a "one permit" system on new construction whereby a general contractor or owner may secure a single permit covering all of the building, electrical, plumbing, heating, ventilating, and air conditioning requirements. However, where only electrical work is being performed, a master electrician, as defined herein, must secure a permit covering the work to be done. There shall not be more than one permit issued or outstanding at the same time for any one installation of electrical equipment, except for renewal, additions or finish-out or when requested by the city building official.

- (e) *Reissued permit.* A permit may be reissued changing the electrician of record upon written application by the person to whom the original permit was issued. However, before the permit is issued, the chief building inspector shall mail a written notice to the electrician of record with a copy to the owner, notifying them of the application for a reissued permit. The notice to the electrician of record shall be by certified mail, return receipt requested, and shall not be reissued until the expiration of ten days after the notice was mailed. The application for a reissued permit shall be accompanied by a permit reissuance fee as currently established or as hereafter adopted by resolution of the city council from time to time. The applicant shall be responsible for all electrical work on the project site, including all work performed prior to reissuance.

- (f) *Duplicate.* In the event that a permit is lost or destroyed, the permit holder may obtain a duplicate thereof:

- (1) By furnishing satisfactory proof to the chief electrical inspector that the permit was lost or destroyed; and
- (2) Upon payment of a fee as currently established or as hereafter adopted by resolution of the city council from time to time.

**Sec. 8-150. Inspections.**

- (a) *Required.* Unless and until it has been inspected and approved by the building inspection division, it shall be unlawful for any person to:

- (1) Make connections from a source of electrical energy to any electrical wiring, device or equipment on an installation for which a permit is required by this Code;
  - (2) Make connections from a source of electrical energy to any electrical wiring device or equipment which has been disconnected by order of the chief electrical inspector; or
  - (3) Conceal in any manner from access or sight, any part of a wiring installation.
- (b) *Rough inspection.*
- (1) When the rough wiring or installation work is completed on a commercial job, the electrician responsible therefor shall notify the building inspection division that the job is ready for inspection.
  - (2) Residential wiring will be called for by the building superintendent during the top-out inspection.
- (c) *Faulty work.*
- (1) If the wiring or installation of fixtures or equipment is found to be faulty or incorrectly or defectively installed, the chief electrical inspector shall notify, in writing, the permittee who installed said work of all changes necessary in order for the work to conform to this Code.
  - (2) The permittee shall, within 48 hours of written notification, commence the changes ordered and shall proceed with the work until the same is completed. Upon completion thereof and payment of the reinspection fee, he shall request an inspection by the building inspection division. If the chief electrical inspector shall again find the work incorrectly installed, he shall notify the permittee of the necessary changes, and the permittee shall pay an additional reinspection fee. If the permittee fails to correct the faulty work within 72 hours, the chief electrical inspector shall refuse to issue to said person any further permits until said work in question is corrected and approved.
- (d) *Final inspection.* Upon the completion of all electrical wiring and installations requiring a permit, the permittee shall notify the building inspection division that the work is ready for final inspection. If faulty or defective wiring or equipment is found, the permittee shall be notified of the necessary changes in accordance with subsection (c) of this section. If such work is found to be correctly installed, replaced or repaired, the inspector shall endorse the inspection certificate, stating that the wiring and installation work has been installed in accordance with the provisions of this Code.
- (e) *Inspection after fire.* An inspection shall be conducted by the chief electrical inspector on any and all buildings or structures that have been damaged by fire.
- (f) *Inspector's removal request.* It shall be the duty of the chief electrical inspector to cause all abandoned dead wire, unused poles or electrical apparatus remaining on or near the job site to be removed at the expense of the owners thereof, by giving said owners written notice.

- (g) *Interference.* It shall be unlawful for any unauthorized person to change or alter electrical conductors or equipment in or on any building. If electrical conductors or equipment have previously been installed in such a position as to interfere with the erection or completion of a structure, notice shall be immediately given to the person using said conductors or equipment, requiring conformance with this Code.
- (h) *Emergency reconnects.* No service entrance equipment will be connected by the electric utility company to its electric distribution system without an approved inspection unless it is a re-connection of service which was disconnected for emergency repair work. The electric utility company shall notify the chief electrical inspector on the next working day following the emergency re-connect by requesting a follow-up inspection. The inspector shall check code requirements and verify that a permit has been secured by the electrician doing the repair work.
- (i) *Commercial/industrial buildings.* A new tenant who occupies previously occupied commercial/industrial buildings or lease spaces must obtain electrical re-inspection and approval in order for the power company to release service to said building or lease space.

**Sec. 8-151. Standards and specifications.**

- (a) *Materials, equipment, safety standards.* Conformity of electrical equipment with the applicable standards of the Underwriters' Laboratories, Inc., ANSI or NEC, shall be prima facie evidence that such equipment is reasonably safe to persons and properties.
- (b) *Installations creating hazards to fire protection and prevention.* No wires shall be installed, operated or maintained over any street, alley, sidewalk or building:
  - (1) Which may foreseeably interfere with the work of the fire department in the use of ladders or other apparatus; or
  - (2) Which shall obstruct or render hazardous the use of fire escapes.On complaint of the city fire marshal, said wires shall be removed or properly rearranged.
- (c) *Special electrical circuit requirements.* The following additional requirements shall be met for all new construction:
  - (1) All circuits shall have conductors sized in accordance with article 310 of the National Electrical Code. No conductor smaller than No. 12 copper American wire gauge size, shall be used in any electrical work as covered by this Code, except the following as approved by the National Electrical Code:
    - a. Pendant and portable cords;
    - b. No. 14 for control circuits, operating contractors, relays, etc.;

- c. Wiring within display cases;
  - d. Wiring for system covered by chapter 7 of the National Electrical Code;
- (2) All panels must be large enough to accommodate the present load requirements and have at least two spaces for future use.
  - (3) All 125 volt, single phase 15 or 20 ampere rated devices installed in commercial and industrial installations shall be of the nonresidential type or shall be 20 ampere rated only.
  - (4) Temporary service for construction sites are required to have GFCI protection, and must have a driven ground rod.
  - (5) Type AC Cable (commonly referred to as "BX") will not be authorized as an approved wiring method.
  - (6) Flexible metal conduit smaller than one-half-inch electrical trade size ~~shall not be permitted~~ is prohibited.
  - (7) Kerneys or split bolt connectors shall not be allowed for taps in electrical services and gutters. Only blocks and couple taps are permitted.
  - (8) All building services shall have a UFER grounded and be grounded by Art. 250, 1996-NEC.
  - (9) All closets and storage areas that are over 48 inches deep or more shall have a light switch.
- (d) *Construction, rodent proof.* All exterior wall openings around electrical cables and conduits shall be closed with cement mortar, concrete masonry, or other approved material to prevent the passage of rodents.
- (e) *Commercial buildings.*
- (1) All commercial buildings shall be wired in raceways. However, this provision shall not apply to pre-existing wiring in buildings which were originally constructed and used as residential-use buildings and thereafter converted to commercial usage.
  - (2) For each panel in commercial construction, a minimum of one spare one-inch raceway shall be installed from the panel to an accessible location in the attic or crawlspace for recessed panels only.
  - (3) All thermostat wire, doorbell wire, fire alarm wire and other wire 50 volts or less must be run in conduit, with the exception of plenum cable.
- (f) *Special safety measures.*
- (1) Aluminum conductors will be authorized from the service drop, or lateral, to the service disconnect only. Aluminum conductors sized 500 KcMil and larger may be permitted in panel to panel installations subject to approved methods of installations and approved connectors. Such approvals will be at the sole discretion of the board and chief electrical inspector on a case-by-case basis.
  - (2) All feeder conductors to branch circuit panel boards and all subpanels in residential and commercial construction shall be copper conductors.

(3) Color coding of conductors.

a. Single phase 120/240 Volt System.

Phase	
A	Black
B	Red
Neutral	White

b. Three phase 120/240 volt center tap Delta System.

Phase	
A	Black
B	Red
C	Orange (high leg)
Neutral	White

c. Three phase 480 volt Delta System.

Phase	
A	Brown
B	Yellow
C	Purple

d. Three phase 120/208 volt WYE System.

Phase	
A	Black
B	Red
C	Blue
Neutral	White

e. Three phase 277/480 volt WYE System.

Phase	
A	Brown
B	Yellow
C	Purple

Neutral	Natural Gray
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- (4) Except upon written permission of the chief electrical inspector, no electrical conductor of any nature shall be installed nearer than three inches to any metal pipe or duct which could operate in excess of 120 degrees Fahrenheit.
  - (5) Doorbell transformers must be mounted in an attic, heater closet, bedroom closet or other space where air can flow freely around the transformer. The transformer shall not be covered after it has been mounted.
  - (6) It will not be acceptable to use flexible metal conduit outside. Liquid-tight flexible conduit or liquid-tight flexible nonmetallic conduit are considered acceptable.
- (g) *Smoke detector systems.*
- (1) Every dwelling and every dwelling unit within an apartment house, condominium or town house, and every guest or sleeping room in a child care facility, motel, hotel or dormitory, shall be provided with an approved listed smoke detector in accordance with V.T.C.A., Property Code § 92.251 et seq.
  - (2) Detectors shall be listed and meet the installation requirements of NFPA 74 and NFPA 72E and be hard wired with battery pack in series where all alarms will be activated.
  - (3) Smoke detectors shall be placed in each bedroom and in the upstairs and downstairs hallways as close to the stairwell but as far from the kitchen as possible.
- (h) *Engineer seal required.* In accordance with the Texas Engineering Practice Act, all drawings pertaining to non-dwelling construction projects of 5,000 square feet or more shall bear the seal of an engineer registered in the state. The chief electrical inspector is hereby authorized to require, at his discretion, said seal to be placed upon drawings for non-dwelling construction projects of lesser square footage.
- (i) *Use of unapproved appliance prohibited.* It shall be unlawful for any person within the city to install electrical equipment or appliances which have not been:
- (1) Endorsed by the Underwriters' Laboratories, Inc., or other nationally recognized standards association; or
  - (2) Approved by the chief electrical inspector.

#### **Sec. 8-152. Violations.**

- (a) *Violation.* In addition to other provisions of this Code, it shall be unlawful for any person to:
- (1) Break, change, destroy, tear, mutilate, cover, deface, or otherwise injure any official notice or seal posted by an electrical inspector pursuant to Sec. 8-145;

- (2) Interfere with enforcement officials or their duly authorized agents in the discharge of their duties, including but not limited to carrying out the provisions of this Code;
  - (3) Fail or refuse to make necessary changes or repairs within a reasonable amount of time pursuant to Sec. 8-145, or Sec. 8-150(c); or
  - (4) Perform electrical installations without supplying the requisite plans, specifications or layouts or without initial approval of said installation pursuant to Sec. 8-145 or Sec. 8-149(c).
- (b) *Injunction.* In addition to the penal remedies herein, the city may seek injunctive relief regarding any violation of this Code.

#### ***DIVISION 10. PERFORMANCE CODE FOR BUILDINGS AND FACILITIES***

##### **Sec. 8-153. International Code Council Performance Code for Buildings and Facilities (2012 edition) adopted.**

- (a) The 2012 edition of the International Code Council Performance Code for Buildings and Facilities (including all appendices) as published by the International Code Council, one copy of which shall be placed on file in the office of the city clerk, is hereby adopted as the Performance Code of the City of Round Rock. Penalties, conditions and terms of said International Performance Code are hereby adopted and made a part hereof as if fully set out in this division, except as amended hereafter.

#### ***DIVISION 11. GREEN CONSTRUCTION CODE***

##### **Sec. 8-154. International Green Construction Code (2012 edition) adopted.**

- (a) The 2012 edition of the International Green Construction Code (including all appendices) as published by the International Code Council, one copy of which shall be placed on file in the office of the city clerk, is hereby adopted as the Green Construction Code of the City of Round Rock. Penalties, conditions and terms of said International Green Construction Code are hereby adopted and made a part hereof as if fully set out in this division, except as amended hereafter.

#### ***DIVISION 12. FLOOD DAMAGE PREVENTION***

##### **Sec. 8-155. Statutory authorization.**

- (a) The legislature of the state has in the Flood Control Insurance Act, V.T.C.A., Water Code § 16.315, delegated the responsibility of local government units to adopt regulations designed to minimize flood losses.

**Sec. 8-156. Findings of fact.**

- (a) The flood hazard areas of the city are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

**Sec. 8-157. Statement of purpose.**

- (a) It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
  - (1) Protect human life and health;
  - (2) Minimize expenditure of public money for costly flood control projects;
  - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  - (4) Minimize prolonged business interruptions;
  - (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
  - (6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
  - (7) Ensure that potential buyers are notified that property is in a flood area.

**Sec. 8-158. Methods of reducing flood losses.**

- (a) In order to accomplish its purposes, this article uses the following methods:
  - (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
  - (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  - (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
  - (4) Control filling, grading, dredging and other development which may increase flood damage;
  - (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

**Sec. 8-159. General provisions.**

- (a) *Lands to which these provisions apply.* This section shall apply to all areas of special flood hazard within the jurisdiction of the city.
- (b) *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Williamson County, Texas and Incorporated Areas," dated September 26, 2008, and the "Flood Insurance Study for Travis County, Texas, and Incorporated Areas," dated September 26, 2008, with accompanying flood insurance rate maps, and any revisions thereto are hereby adopted by reference and declared to be a part of this section.
- (c) *Establishment of development permit.* A floodplain development permit shall be required to ensure conformance with the provisions of this article.
- (d) *Compliance.* No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.
- (e) *Abrogation and greater restrictions.* This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another section conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (f) *Interpretation.* In the interpretation and application of this article, all provisions shall be:
  - (1) Considered as minimum requirements;
  - (2) Liberally construed in favor of the governing body; and
  - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- (g) *Warning and disclaimer of liability.* The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

**Sec. 8-160. Administration.**

- (a) *Designation of the floodplain administrator.* The city engineer is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate

sections of 44 CFR (National Flood Insurance Program regulations) pertaining to floodplain management.

(b) *Duties and responsibilities of the floodplain administrator.*

- (1) Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:
  - a. Maintain and hold open for public inspection all records pertaining to the provisions of this article.
  - b. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
  - c. Review, approve or deny all applications from development permits required by adoption of this article.
  - d. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1344) from which prior approval is required.
  - e. Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
  - f. Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Texas Water Development Board (TWDB), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - g. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
  - h. When base flood elevation data has not been provided in accordance with Sec. 8-159(b), obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of Sec. 8-161.
  - i. Must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones AI-30 and AE on the community's FIRM when a regulatory floodway has not been designated, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (2) Under the provisions of 44 CFR 65.12 of the National Flood Insurance Program regulations, a community may approve certain development in zones AI-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by

more than one foot, provided that the community first completes all of the provisions required by 44 CFR 65.12.

(c) *Permit procedures.*

- (1) An application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
  - a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
  - b. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
  - c. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Sec. 8-161(b)(2);
  - d. Description of the extent to which any watercourse of natural drainage will be altered or relocated as a result of proposed development; and
  - e. Maintain a record of all such information in accordance with subsection (b)(1) of this section.
- (2) Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this section and the following relevant factors:
  - a. The danger to life and property due to flooding or erosion damage;
  - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - c. The danger that materials may be swept onto other lands to the injury of others;
  - d. The compatibility of the proposed use with existing and anticipated development;
  - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
  - g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
  - h. The necessity to the facility of a waterfront location, where applicable;
  - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - j. The relationship of the proposed use to the comprehensive plan for that area.

(d) *Variance procedures.*

- (1) A variance is a grant of relief to a person from the requirements of this division when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by the aforementioned division. For full requirements, see section 60.6 of the National Flood Insurance Program regulations
- (42) The appeal board as established by the community shall hear and render judgment on requests for variances from the requirements of this article.
- (23) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.
- (34) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- (45) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (56) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.
- (67) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection (c)(2) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (78) Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article.
- (89) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (910) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (110) Prerequisites for granting variances.
- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - b. Variances shall only be issued upon:
    1. Showing a good and sufficient cause;
    2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (124) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- a. The criteria outlined in subsections (d)(1) through (9) of this section are met; and
  - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**Sec. 8-161. Provisions for flood hazard reduction.**

- (a) *General standards.* In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:
- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
  - (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
  - (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
  - (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
  - (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

- (b) *Specific standards.* In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sec. 8-159(b), 8-160(b)(1)h. and subsection (c)(5) of this section, the following provisions are required:
- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection, as proposed in Sec. 8-160(c)(1)a., is satisfied.
  - (2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the floodplain administrator.
  - (3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
    - a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    - b. The bottom of all openings shall be no higher than one foot above grade.
    - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  - (4) *Manufactured homes.*
    - a. Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or

frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

- b. Require that manufactured homes that are placed or substantially improved within zones AI-30, AH, and AE on the community's FIRM on sites that are:
  - 1. Outside of a manufactured home park or subdivision;
  - 2. In a new manufactured home park or subdivision;
  - 3. In an expansion to an existing manufactured home park or subdivision; or
  - 4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood; be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones AI-30, AH and A on the community's FIRM that are not subject to the provisions of subsection (d) of this section be elevated so that either:
  - 1. The lowest floor of the manufactured home is at or above the base flood elevation; or
  - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (5) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones AI-30, AH, and A on the community's FIRM either:
  - a. Are on the site for fewer than 180 consecutive days;
  - b. Are fully licensed and ready for highway use; or
  - c. Meet the permit requirements of Sec. 8-160(c)(1), and the elevation and anchoring requirements for manufactured homes in subsection (d) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(c) *Standards for subdivision proposals.*

- (1) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with this article.
- (2) All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet floodplain development permit requirements of Sec. 8-159(c), 8-160(c) and this section.

- (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to Sec. 8-159(b) or 8-160(b)(1)h.
  - (4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
  - (5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- (d) *Standards for areas of shallow flooding (AO/AH zones).* Located within the areas of special flood hazard established in Sec. 8-159(b) are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
  - (2) All new construction and substantial improvements of nonresidential structures:
    - a. Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
    - b. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
  - (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in Sec. 8-160(c)(1)a., are satisfied.
  - (4) Require within zone AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.
- (e) *Floodways.* Located within areas of special flood hazard established in Sec. 8-159(b) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  - (2) If subsection (e)(1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
  - (3) Under the provisions of 44 CFR 65.12 of the National Flood Insurance regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by 44 CFR 65.12.
- (f) *Penalties for noncompliance.* No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor.

### ***DIVISION 13. BUILDING STANDARDS COMMISSION***

#### **Sec. 8-162. Building standards commission established.**

- (a) *Creation.* The city hereby implements Chapter 4, subchapter C of the Texas Local Government Code (V.T.C.A., Local Government Code § 54.031 et seq.). Pursuant to such subchapter, the city council shall provide for the appointment of a Building Standards Commission, and the regulations and restrictions adopted shall be pursuant to the provisions of applicable statutory requirements for a building standards commission under state law.
- (b) *Membership, terms and compensation.*
- (1) *Number, appointment.* The building standards commission shall consist of five members. Appointment of members shall be made by the city council at the second regular meeting of the city council after the city election. All members shall reside within the corporate city limits or within the extraterritorial jurisdiction of the city during the time in which they serve on the building standards commission. To the extent possible, the city council shall appoint members to the building standards commission who have experience or expertise in the building trade.
  - (2) *Terms.* Terms for members shall be for two years, and shall expire on June 15; provided, however, that the members shall continue to serve until their successors are appointed.

- (3) *Initial appointments.* The initial appointments to the building standards commission shall have staggered terms so that two members are appointed for one-year terms and three members are appointed for two-year terms.
- (4) *Vacancies.* Vacancies shall be filled by the city council for the unexpired terms of any member whose term becomes vacant.
- (5) *Removal.* A building standards commission member may be removed by the city council for cause on a written charge and after a public hearing if so requested by the building standards commission member subject to the removal action.
- (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.
- (7) *Alternates.* The city council shall be authorized to appoint up to eight alternate members of the building standards commission who shall serve in the absence of one or more regular members when requested to do so by the mayor or city manager. The alternate members serve for two-year terms and are subject to removal in the same manner as the regular members.

**Sec. 8-163. Powers and duties.**

- (a) The building standards commission shall have the powers and duties as set forth in Chapter 4, subchapter C of the Local Government Code (V.T.C.A., Local Government Code § 54.031 et seq.) to hear and determine cases concerning alleged violations of ordinances.
- (b) The building standards commission has the power to hear appeals and render decisions upon rulings and refusals of ruling by the building official when requests for a modification or a variation from the provisions of this division have been made. Whenever the building official rejects or refuses to approve the mode or manner of work proposed to be followed or materials to be used in the proposed construction, or when it is claimed that the provisions of this Code do not apply, or that any equally good or more desirable form of installation can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal the decision of the building official to the building standards commission. Notice of the appeal shall be in writing and filed within 30 days after the decision is rendered by the building official.
- (c) The building standards commission shall have the power and duty to act as the fire code board of appeals as set forth in Sec. 16-57 of the Code of Ordinances.

**Sec. 8-164. Procedures.**

- (a) *Officers.* The chairperson of the Building Standards Commission shall be elected from the membership of the building standards commission by a majority of the members. A vice-chair to serve in the chairperson's absence shall be likewise elected.
- (b) *Meetings.* Meetings may be called upon request of the chairperson of the building standards commission, or upon written request of three members, or upon notice from the building official that a matter requires consideration of the building standards commission.
- (c) *Quorum.* A quorum shall consist of a majority of the entire membership of the building standards commission and any issue to be to be voted on shall be resolved by a majority of those present.
- (d) *Notice of meetings.* Public notice of all meetings of the building standards commission shall be posted according to the Texas Open Meetings Act, V.T.C.A., Government Code ch. 551.
- (e) *Rules of proceeding.* The building standards commission shall adopt its rules of procedure by majority vote of the entire building standards commission, provided that such rules not be in conflict with laws applicable to the building standards commission or any provisions of the city Charter.
- (f) *Minutes.* The building standards commission shall keep minutes of its proceedings showing the vote of each member on each question or the fact that a member is absent or fails to vote. The building standards commission shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the office of the building standards commission as public records.
- (g) *Record of proceedings.* The building official or his duly appointed agent is the secretary of the building standards commission and shall keep a full record of all proceedings of the building standards commission and such other records as the building standards commission may direct; provided, however, that in no event shall any city employee vote on any matter pending before the building standards commission.

**Sec. 8-165. Variance of provisions.**

- (a) The building standards commission, after hearing an appeal, may vary the application of any provision of this Code to any particular case, when it has determined that the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this Code or public interest.

**Sec. 8-166. Decision to be final.**

- (a) Every decision of the building standards commission shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

**Sec. 8-167. Building official ruling effective pending appeal.**

- (a) During the pendency of an appeal to the building standards commission, the ruling or refusal of the building official shall be in full force and effect.

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## Chapter 10 ZONING AND DEVELOPMENT REVIEW PROCEDURES AND BODIES

### ARTICLE I. IN GENERAL

#### Sec. 10-1. Filing of applications.

For all applications filed under this code, the following shall apply:

- (a) *Application forms and fees.* The following regulations shall apply to all applications:
- (1) *Forms.* Applications required under this code shall be submitted on forms and in such numbers as required by the city and as specified in the development packets for platting, zoning, and ~~the development packet for a~~ site development permits.
  - (2) *Development packets.* The development packets for platting, zoning and ~~the development packet for a~~ site development permits shall mean the set of application procedures maintained and on file at the planning and development services department pertaining to, among other things, the platting, zoning, and site development of land. The PDS director shall maintain the authority to add, remove, or otherwise alter specific requirements of each application contained within a development packet.
- (b) *Pre-submittal~~application conference~~ meeting.*
- (1) The applicant shall request a pre-submittal~~application conference~~ meeting with the zoning administrator to discuss procedures, standards, and regulations required by this code for the following:
    - a. General plan amendment;
    - b. Application for original zoning;
    - c. Map amendment (rezoning);
    - d. Planned unit development (PUD);
    - e. Site plan;
    - f. Variance;
    - g. Special exception;
    - h. Historic (H) overlay designation; ~~and~~
    - i. Certificate of appropriateness; and
    - j. Subdivision platting.
- (c) *Application filed.* Pursuant to V.T.C.A., Local Government Code ch. 245, the rights to which an applicant is entitled shall accrue on the filing of an application that gives the city fair notice of the project and the nature of the permit sought. An application is considered filed on the date the applicant mails by certified mail or delivers the application to the following address:

City of Round Rock  
Department of Planning and Development Services  
Attn: PDS director  
301 West Bagdad, Suite 210  
Round Rock, TX 78664

- (d) *Application completeness.* An application shall be considered complete if it is submitted in the required form, includes all mandatory information, including all exhibits, and is accompanied by the applicable fee. A determination of application completeness shall be made by the zoning administrator within five days of application filing. If an application is determined to be incomplete, the zoning administrator shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected.
- (e) *Expiration of application.*
- (1) An application shall expire 45 days after the date the application is filed if:
    - a. The applicant fails to provide the documents or other information necessary to comply with the city's technical requirements relating to the form and content of the application;
    - b. The city provides the applicant, no later than ten business days after the date the application is filed, written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and
    - c. The applicant fails to provide the specified documents or other information within the aforesaid 45-day period.
  - (2) Except as otherwise provided for in this code, an application shall expire 180 days after the date the application was filed; provided, however, the zoning administrator may grant a one-time, 180-day extension for good cause demonstrated by the applicant. A delay solely caused by a governmental agency shall be considered good cause. For an extension to be granted the applicant shall provide a written request ten working days prior to expiration stating the reason for the extension.

**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: Ten days prior to public hearing.
  2. 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: Ten days prior to public hearing.
  3. 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, one on-site public hearing notification sign 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 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.
  - 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
<b>Planning Policy</b>			
General Plan text amendment	X		
General Plan map amendment	X		X
Code amendment (other than zoning)			
<b>Annexation</b>			
Voluntary	X	X	
Involuntary	X	X	X
<b>Zoning</b>			
Zoning text amendment	X		

Application for original zoning	X	X <sup>(4)</sup>	X
Zoning map amendment	X	X	X
PUD development plan/rezoning	X	X	X
<b>Platting</b>			
Concept plan		X	X
Preliminary plat			
Final plat			
Replat – <u>single-family or two-family</u> <sup>(1)</sup>		X	X
<u>Replat – all other</u>			
Amending or minor plat			
<b>Exceptions and Variances</b>			
Variance		X	X
Special exception		X	X
Sign exception			
Compatibility buffer exception			X
<b>Historic Preservation</b>			
Certificate of appropriateness			
Historic overlay designation	X	X	X
Partial historic tax exemption		X	

~~<sup>(4)</sup> Mailed notice is included as part of the platting notice mailed to property owners.~~

<sup>(1)</sup> See Sec. 10-30(e)

(c) *Expiration of approvals and permits.*

(1) Approvals and permits issued pursuant to this chapter shall expire according to V.T.C.A., Local Government Code ch. 245, as amended, and the following table if no progress has been made toward the completion of the project~~unless the proposed development for which the approval was given is pursued~~ as described in subsection (f)(3) of this section.

Procedure	Expiration
Certificate of zoning compliance	12 months
Written interpretation	12 months
Administrative adjustment	12 months

Temporary use permits	60 days
Site plan review	<del>12 months</del> <u>2 years</u>
Certificate of appropriateness	12 months
General plan amendment	No expiration
Original zoning	No expiration*
Text amendment	No expiration
Zoning map amendment (rezoning)	No expiration
Designation of historic district or landmark	No expiration
<u>Concept plan</u>	<u>2 years</u>
<u>Preliminary plat</u>	<u>2 years</u>
<u>Final plat</u>	<u>2 years</u>
<u>Minor subdivision final plat</u>	<u>2 years</u>
<u>Replat</u>	<u>2 years</u>
<u>Amended plat</u>	<u>2 years</u>
<u>Subdivision development permit</u>	<u>2 years</u>

\*Except where provided in a planned unit development

- (2) A certificate of zoning compliance or written interpretation stays in effect indefinitely where no change of use or development has occurred or is proposed. Upon modification of use or modified development, the certificate of zoning compliance or written interpretation shall expire according to the table in subsection (f)(1) of this section.
- (3) Progress toward completion of the project shall include any of the following, pursuant to V.T.C.A., Local Government Code ch. 245, as amended: ~~A development for which an approval or permit has been issued pursuant to this chapter shall be considered pursued as set forth in the following:~~
- a. An application for a final plat is submitted;
  - b. A good-faith attempt is made to file with the city an application for a permit necessary to begin or continue towards completion of the project;
  - c. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition), in the aggregate amount of five percent (5%) of the most recent appraised market value of the real property on which the project is located;
  - d. Fiscal security is posted;
  - e. Utility connection fees or impact fees have been paid for the project;

- f. \_\_\_\_\_ A complete building permit application has been submitted or, if no building permit is required, a certificate of occupancy has been issued; or.
- g. In the case of projects where more than one building or phase is to be built, the applicant may submit a series of building permit applications. The first application must be submitted within 12 months from the date site plan approval is granted. Each subsequent application must be submitted within 12 months from the date of issuance of a certificate of occupancy for the previous development.
- (4) *Preliminary plat approval.* The approval of a preliminary plat shall expire two years from the date of approval unless a final plat for a portion of the preliminary plat has been approved and recorded, in which case the preliminary plat is extended three additional years from the date each additional final plat is recorded. The developer may request an administrative extension of two (2) years prior to the two-year expiration date where the city has approved the subdivision improvement permit as provided for in Sec. 4-95.
- (5) *Final plat, replat, and amending plat approval.* The approval of a final plat, replat and amending plat shall expire two years from the date of approval if the respective plat has not been recorded. The developer may request an administrative extension of ~~three~~two (2) years prior to the two-year expiration date where the city has accepted the subdivision improvement construction plans as provided for in Sec. 4-96(a).
- (6) *Subdivision development permit.*
- a. Pursuant to V.T.C.A., Local Government Code ch. 245, as amended, a subdivision development permit shall be issued by the PDS director after the recording of the final plat. For the purposes of this subsection, the development of each lot shall constitute a separate project. The subdivision development permit authorizes the developer to proceed with the next step in the development process of the lots within the recorded final plat as follows:
1. For lots zoned single-family residential, the next step in the development process is an application for a building permit; or
  2. For lots zoned for uses other than single-family residential, the next step in the development process is an application for site plan approval.
- b. The subdivision development permit shall expire two years from the date the final plat is recorded. Pursuant to V.T.C.A., Local Government Code ch. 245, as amended, upon the expiration of the subdivision development permit, the development project for each undeveloped lot contained within the recorded final plat shall be considered dormant.
- c. After a development project has become dormant, the developer of the dormant development project whose subdivision development permit has expired may proceed with said development project provided the developer makes an application for a building permit or site plan approval, as appropriate, but such application shall be governed by the ordinances and regulations in effect at the time of said application.

- (7) Reinstatement of a lapsed approval shall require the same submittal and approval as an original application.

### **Sec. 10-3. Certificate of zoning compliance.**

(a) *Applicability.*

- (1) A certificate of zoning compliance shall represent a determination by the zoning administrator that a proposed development or use does, in all respects, conform to the provisions of this Code.
- (2) A certificate of zoning compliance shall be required for all development, except for residential uses in the SF-R, SF-1, SF-2, SF-3, SF-D, and TF districts, prior to beginning development. It shall be unlawful to begin development until the zoning administrator has issued a certificate of zoning compliance for such work.
- (3) The following use-related changes are ~~not permitted~~prohibited until the zoning administrator has issued a certificate of zoning compliance for the intended use:
  - a. Changes in the type of land use.
  - b. Changes in the type of use or type of occupancy of any building.
  - c. The expansion of a building or the associated structures of a business.

(b) *Timing of application.* An application for a certificate of zoning compliance shall be made concurrently with an application for a site development permit or in cases where a site development permit is not required, concurrently with the application for a building permit.

(c) *Application filing.* Certificate of zoning compliance applications shall be made in writing to the zoning administrator on forms provided for that purpose and available in the planning department. The zoning administrator shall keep a record of all such applications on file.

(d) *Zoning administrator's review and action.*

- (1) If the proposed development, as set forth in an application for a certificate of zoning compliance, is in conformity with the provisions of this Code, the zoning administrator shall issue a certificate of zoning compliance, provided that all of the following conditions shall apply:
  - a. Issuance of a certificate of zoning compliance shall in no case be construed as waiving any provisions of this Code.
  - b. The zoning administrator shall not grant any exceptions to the actual meaning of any clause, standards, or regulation contained in this Code to any person making application to excavate, construct, move, alter or use buildings, structures or land.
  - c. The zoning administrator shall issue a certificate of zoning compliance when the imposed conditions of this Code are complied with by the applicant regardless of

whether the use of the certificate would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties.

- d. The certificate of zoning compliance shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this Code. Prior to the issuance of a certificate of zoning compliance, the zoning administrator shall consult with all applicable city departments.
- (2) If the proposed development, as set forth in an application for a certificate of zoning compliance, is not in conformity with the provisions of this Code, the zoning administrator shall not issue a certificate of zoning compliance. If an application for a certificate of zoning compliance is disapproved, the zoning administrator shall state in writing the cause of such disapproval and provide written notice to the applicant.

#### **Sec. 10-4. Written interpretation.**

- (a) *Applicability.* The zoning administrator shall have authority to make all written interpretations concerning the provisions of this code.
- (b) *Request for interpretation.* A request for interpretation shall be submitted to the zoning administrator on a form established by the zoning administrator and made available to the public.
- (c) *Interpretation by zoning administrator.* The zoning administrator shall:
  - (1) Review and evaluate the request in light of the text of this Code, the official zoning map, the general plan and any other relevant information;
  - (2) Consult with other staff, as necessary;
  - (3) Render an opinion; and
  - (4) Provide the interpretation to the applicant in writing by mail.
- (d) *Official record.* The zoning administrator shall maintain an official record of interpretation. The record of interpretations shall be available for public inspection during normal city business hours.

#### **Secs. 10-5. – 10-9. Reserved.**

### **ARTICLE II. GENERAL PLAN AMENDMENTS**

#### **Sec. 10-10. General Plan Amendments.**

- (a) *Applicability.* The city council may from time to time amend, supplement, change, modify or repeal the general plan or portion thereof, after recommendation by the planning and zoning commission.

(b) *Procedure before the planning and zoning commission.*

- (1) The planning and zoning commission shall hold a public hearing to consider all proposed amendments to the general plan. Notice of the public hearing shall be given in accordance with the procedures in Sec. 10-1(e).
- (2) Upon such hearing, all interested parties shall have the opportunity to give testimony or make inquiries regarding any proposed amendment.
- (3) After such hearing, the planning and zoning commission shall make its recommendation regarding any proposed amendment.
- (4) Recommendations made by the planning and zoning commission shall be reported to the city council in writing.

(c) *Procedure before the council.*

- (1) After receiving the recommendation of the planning and zoning commission, the city council shall hold a public hearing on same. Notice of the public hearing shall be given in accordance with the procedures in Sec. 10-1(e).
- (2) The city council shall be at liberty to accept, reject, or take other action on the recommendation it receives from the planning and zoning commission, provided that such action furthers the health, safety, and general welfare of the residents of the city.

**Secs. 10-11. – 10-14. Reserved.**

**ARTICLE III. AMENDMENTS TO THE DEVELOPMENT CODE**

**Sec. 10-15. Amendments to the development code.**

- (a) *Purpose.* For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the city, the text of this code shall not be amended except to acknowledge changed or changing conditions in a particular area or in the city generally, or to change the regulations and restrictions of this code. All amendments shall be in accordance with the general plan.
- (b) *Initiation of amendments.* An amendment to the text of this code may be initiated by:
  - (1) City council on its own motion; or
  - (2) The planning and zoning commission.
- (c) *Approval process.*

- (1) *Review and report by zoning administrator.* The zoning administrator shall review the proposed amendment in light of the general plan and give a report to the planning and zoning commission on the date of the scheduled public hearing.
  - (2) *Public hearing and recommendation by planning and zoning commission.* The planning and zoning commission shall publish notice in accordance with Sec. 10-1(e), hold a public hearing and recommend to the council such action as the commission deems proper.
  - (3) *City council action.*
    - a. *Notice.* The city council shall publish notice in accordance with Sec. 10-1(e) and hold a public hearing before rendering decisions on a petition to amend this Code.
    - b. *Public hearing.* The city council shall hold a public hearing and approve, approve with modifications or conditions, or disapprove the amendment application.
- (d) *Review criteria.* In determining whether to approve, approve with modifications or conditions, or disapprove amendments to this Code, the city council shall consider and make findings on the following matters regarding the proposed amendment:
- (1) Whether the proposed amendment is consistent with the general plan;
  - (2) Whether the proposed amendment advances the stated scope and purpose of this Code as stated in Sec. 1-3; and
  - (3) Whether the proposed amendment advances the stated purpose of any zoning district it may affect.

**Secs. 10-16. – 10-19. Reserved.**

#### **ARTICLE IV. ZONING AMENDMENTS**

##### **Sec. 10-20. Original zoning.**

- (a) *Applicability.* All land annexed to the city shall be accompanied by a proposal to zone the affected property to a base zoning district as identified in Sec. 2-1. It is the intent of the city to zone property when it is annexed. To achieve the city's intent, a property owner may submit a proposal to zone the land being annexed to a base zoning district as identified in Sec. 2-1 along with the annexation petition. Such zoning district shall be appropriate for the intended use of the property and in accordance with the general plan. When the intended use of the land being annexed has not been determined and a proposal to zone the land has not been provided by the property owner, the land annexed may be zoned by the city council at its sole discretion.
- (b) *Process.* The original zoning decision shall be made after annexation occurs, although decisions for both may occur at the same public meetings. In all meetings, annexation votes shall occur prior to voting on the application for original zoning.

- (c) *Map amendment procedures.* An application for original zoning shall follow the procedures set forth in Sec. 10-21, map amendment (rezoning), ~~except that no mailed notice shall be required by this chapter. Mailed notice is included as part of the platting notice mailed to property owners.~~

**Sec. 10-21. Map amendment (rezoning).**

- (a) *Purpose.* For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the city, the official zoning map shall not be amended except to confirm or acknowledge changed or changing conditions in a particular area, or to extend the boundary of an existing zoning district. All amendments shall be in accordance with the general plan.
- (b) *Initiation of amendments.* An amendment to the official zoning map may be initiated by:
- (1) City council on its own motion;
  - (2) The planning and zoning commission; or
  - (3) Application by property owner.
- (c) *Approval process.*
- (1) *Review and report by zoning administrator.* The zoning administrator shall review the proposed amendment to the official zoning map in light of the general plan, subject to the criteria enumerated in subsection (d) of this section, and give a report to the planning and zoning commission on the date of the scheduled public hearing.
  - (2) *Referral to planning and zoning commission.* The zoning administrator, upon receipt of application to amend the official zoning map, shall refer the same to the planning and zoning commission for study, hearing, and report. The city council may not enact the proposed amendment until the commission makes its report to the city council.
  - (3) *Public hearing and recommendation by planning and zoning commission.* The planning and zoning commission shall publish and mail public notice in accordance with Sec. 10-1(e), shall hold a public hearing and recommend approval, approval with modifications or conditions, or disapproval to the council.
  - (4) *City council action.*
    - a. *Notice.* The city council shall publish and mail public notice in accordance with Sec. 10-1(e), and hold a public hearing before rendering a decision on an amendment to the official zoning map.
    - b. *Public hearing.* The city council shall hold a public hearing and approve, approve with modifications or conditions, or disapprove the application to amend the official zoning map.
    - c. *Effect of planning and zoning commission recommendation for disapproval.* If the planning and zoning commission has recommended that the city council

disapprove a potential zoning map amendment, the amendment shall not become effective except by the favorable vote of three-fourths of all members of the city council.

- d. *Effect of protest to proposed amendment.* In accordance with V.T.C.A., Local Government Code § 211.006, if a written protest that meets the conditions in this subsection is presented to the city secretary prior to the public hearing for the map amendment, the amendment shall become effective only with the favorable vote of three-fourths of all members of the city council. The valid protest must be written and signed by the owners of at least 20 percent of either:

1. The area of the lots or land covered by the proposed change; or
2. The area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

In computing the percentage of land area under this subsection, the area of streets and alleys shall be included.

- (d) *Review criteria.* In determining whether to approve, approve with modifications or conditions or disapprove amendments to the official zoning map, the city council shall consider and make findings on the following matters regarding the proposed amendment:

- (1) Consistency (or lack thereof) with the general plan;
- (2) Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
- (3) Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment;
- (4) Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment; and
- (5) Availability of water, wastewater and stormwater facilities suitable and adequate for the proposed use.

- (e) *Limitation on reapplication.* If an application for rezoning is disapproved by the city council, another application for reclassification of the same property or any portion thereof to the same zoning district shall not be filed within a period of 12 months from the date of final disapproval, unless upon initiation by the planning and zoning commission or city council.

#### **Sec. 10-22. Planned unit development (PUD).**

- (a) *Applicability.* A PUD may be used to permit new or innovative concepts in land utilization, master-planned communities, or mixed use developments that other zoning districts do not easily accommodate. A PUD also provides site-specific compatibility standards. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established to ensure against misuse of increased flexibility. PUDs are

appropriate in areas where the general plan reflects either the specific uses proposed in the PUD or where the general plan reflects mixed use as a land use category.

(b) *Procedure.*

(1) *Initiation of PUD.* A PUD application shall consist of a request for original zoning or a zoning change and a development plan.

(2) *Pre-submittal~~application~~ ~~conference~~ meeting.* The purpose of the mandatory pre-submittal~~application~~ ~~review~~ meeting is to afford the applicant an opportunity to avail himself of the advice and assistance of the city staff before submitting the PUD application.

(3) *Review and recommendation by zoning administrator.* The zoning administrator shall review the original zoning or zoning change and the development plan application and forward its recommendation to approve, approve with modifications or conditions, or disapprove the application to the zoning administrator, who shall in turn forward his/her recommendations to the planning and zoning commission.

(4) *Review and recommendation by planning and zoning commission.* The planning and zoning commission shall review the request for either original zoning or a zoning change, along with the development plan application, and recommend approval, approval with modifications or conditions, or disapproval of the same.

(5) *Review and action by city council.*

a. If the PUD zoning application is favorably reviewed by the planning and zoning commission, it shall be sent forward to the city council with a recommendation for approval under the condition that the development plan with all related information shall be presented to the city council. Otherwise it shall be forwarded with an unfavorable recommendation.

b. The chapter granting a PUD district shall include a statement as to the purpose and intent of the planned development granted therein. All specific conditions of approval that are imposed by the city council shall be listed in the PUD chapter and development plans shall be referenced as attachments.

(c) *Development plan requirements.* The development requirements for each separate PUD district shall be included as a part of the development plan for each PUD district and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, parking, driveways and access, streets and circulation, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as the city council may deem appropriate.

(d) *Development plan approval criteria.* The form and content of the development plan shall be in sufficient detail to enable the city council to evaluate the proposal and ascertain that it meets the following:

- (1) The proposal will constitute an environment of sustained stability and shall be in harmony with the character of the surrounding area.
  - (2) The proposal is in conformity with the policies, goals and objectives of the general plan including all its elements and shall be consistent with the intent and purpose of this Code.
  - (3) The proposal ensures the provision of adequate public improvements, including but not limited to, transportation, drainage, parks, and other public facilities.
  - (4) The proposal ensures minimal development-related off-site impacts.
- (e) *Minimum requirements.* Unless otherwise specified in the approved development plan, the minimum requirements for each development shall be those stated in this code and shall be the requirements of the most restrictive standard zoning district in which designated uses are permitted. Meritorious modification of these standards may be considered.
- (f) *Density requirements.* Overall density in any planned unit development shall generally equal that shown on the general plan for the particular location. Lower density may be required to ensure compatibility with surrounding existing neighborhood densities. Higher densities may be approved at the discretion of the city council.
- (g) *Compliance with applicable city ordinances.* The granting of a PUD designation shall not relieve the developer from responsibility for complying with all other applicable sections of this code, and other codes and chapters of the city unless such relief is specified in the approved development plan.
- (h) *Deviations from established standards.* Each PUD application shall describe and justify each aspect of the proposed development that is not already accommodated by the standards established in this code, and thus contributes to the necessity of the PUD request.
- (i) *Minor amendment to development plan.* All changes of use from those approved in the original PUD shall require city council approval. Minor additions and modifications to the approved development plans meeting the criteria below may be approved by the zoning administrator:
- (1) Minor additions to structures, with a floor area no larger than ten percent of the existing floor area of the main floor, not to exceed 5,000 square feet, provided that overall density of the project does not increase.
  - (2) Minor new accessory structures if the location does not interfere with existing site layout (e.g., circulation, parking, loading, stormwater management facilities, open space, landscaping or buffering).
  - (3) Minor additions to parking lots comprising no more than ten percent of the original number of parking spaces required, not to exceed 25 spaces.
  - (4) Clearing or grading that does not exceed 5,000 square feet in area or ten percent of the site.

- (ii) *Development plan is a subdivision concept plan.* Approval of a development plan shall also constitute approval of a concept plan for subdivision purposes.

**Secs. 10-23. – 10-24. Reserved.**

**ARTICLE V. SUBDIVISIONS**

**Sec. 10-25. In General.**

- (a) *Application procedure.* An application for approval of a concept plan or a plat shall be filed with the PDS director by the developer and in accordance with the official filing date schedule. An application for approval of a final plat, minor subdivision final plat or replat not submitted in accordance with the official filing date schedule may be subject to disapproval.
- (b) *Review for application completeness.* The PDS director shall determine if the application for approval of a concept plan or a plat meets all of the content requirements of this chapter. An incomplete application will ~~be returned to the developer within ten working days following the date of filing~~ not be accepted. The PDS director shall notify the developer in writing of the noted deficiencies. Upon correction of the deficiencies, the application may be resubmitted on a subsequent official filing date.
- (c) *Withdrawal of an application.* A developer may withdraw an application for approval of a concept plan or any plat prior to the review of the respective concept plan or plat by the planning and zoning commission, by notifying the PDS director in writing.
- (d) *Filing fees.* Fees shall be charged for all concept plans, plats, or vacation applications. The fees and charges shall be paid upon the submittal of an application and the application shall not be considered complete until such fee has been paid.

**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: contains more than five ~~twenty~~ acres and is not contained within a parent tract, contains ultimate 1% annual chance floodplain, proposes to create a new connection to a freeway, highway, or designated arterial roadway in the regional transportation network, or is located in the ETJ. 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 of the materials listed in the development packet. following:
- ~~(1) — The number of copies specified in the development packet with the title of the concept plan appearing on the outside and folded to a size specified in the development packet;~~
  - ~~(2) — An aerial photo at the same scale as the reproducible drawing;~~
  - ~~(3) — A location map showing the proposed subdivision or addition with a 300-foot line drawn around the proposed subdivision or addition with a key referencing the list provided in subsection (e)(7) of this section;~~
  - ~~(4) — A plan that indicates the availability of utilities, streets and drainage to the tract or identifies the availability of extensions of utilities, streets and drainage necessary to serve the tract;~~
  - ~~(5) — A commitment letter stating that an annexation petition will be provided upon the request by the planning director. Said petition shall include a metes and bounds description labeled as exhibit "A" with an accompanying sketch of a size specified in the development packet and a copy of the deed showing the current owner and labeled as exhibit "B," if applicable;~~
  - ~~(6) — A letter from the developer's engineer describing how the subdivision will be served by water, reuse water (if applicable), and wastewater and how the utilities will interface with adjacent tracts. The letter must include oversize construction and/or off-site requirements, if applicable, and a general discussion on drainage. If the subdivision is to be served by a municipal utility district (MUD) or other authorized utility provider, a letter certifying the availability of utilities must be provided. If the MUD is in the process of being created, the letter certifying the availability of utilities must be provided prior to the final plat hearing by the planning and zoning commission for approval;~~
  - ~~(7) — A listing of all property owners within 300 feet of the proposed subdivision or addition, with addresses as recorded by the appropriate tax appraisal district;~~
  - ~~(8) — A letter of intent for parkland dedication form, as provided in the development packet;~~
  - ~~(9) — If applicable, a city approved TIA pursuant to the requirements of section 36-106~~

- ~~(10) If applicable, a written request to use a tree inventory or a partial tree survey in lieu of a tree survey, as defined in section 14-20, and pursuant to the requirements of section 14-25;~~
- ~~(11) The concept plan drawing which shall include all of the information specified in the development packet;~~
- ~~(12) An electronic copy of the concept plan in a format specified in the development packet;~~
- ~~(13) All other application requirements specified in the development packet; and~~
- ~~(14) Payment of applicable fees.~~

- (f) *Notice requirement for concept plan.* The planning department will mail a notice of public hearing to each property owner named, as required by subsection (e)(3) of this section. 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 on-site public hearing notification sign 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.
- (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.* ~~Approved concept plans shall be revised in conjunction with the preliminary plat when a minor revision to an approved preliminary plat is requested, as provided for in Sec. 10-27(f)(1).~~ 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.

#### **Sec. 10-27. Preliminary Plat.**

- (a) *Purpose and intent.* The purpose of the preliminary plat is to present a detailed layout of the proposed subdivision in order to facilitate a review by the planning and zoning commission of the

proposed subdivision's street and drainage system, easements, utilities, building lots, and other lots including parkland.

- (b) *Pre-submittal meeting.* The developer must attend a pre-submittal meeting prior to the filing of an application for approval of a preliminary plat, unless waived by the PDS director.
- (c) *Required.* The developer shall submit to the planning and zoning commission for approval a preliminary plat of the subdivision. The preliminary plat shall conform to the concept plan, where one was required. If the PDS director determines the preliminary plat does not conform to the approved concept plan, a new concept plan shall be submitted in conjunction with the preliminary plat and the notice requirements provided for in Sec. 10-26(f) shall be followed.
- (d) *Application requirements.* The developer shall submit ~~A~~ preliminary plat application ~~must that~~ contains all of the materials listed in the development packet. ~~following:~~
  - ~~(1) — The number of copies specified in the development packet with the title of the preliminary plat appearing on the outside to a size specified in the development packet;~~
  - ~~(2) — A tree survey or, if applicable, a partial tree survey or tree inventory pursuant to the requirements in chapter 14, article II~~
  - ~~(3) — A plan that indicates utilities, streets and drainage together with a plan that indicates the order in which the phases or sections will be developed to ensure the orderly extension of utilities and streets;~~
  - ~~(4) — An engineer's report~~
  - ~~(5) — A current phase I environmental assessment, as required by federal law, for the dedicated parkland, if applicable;~~
  - ~~(6) — If applicable, a copy of the city approved TIA submitted with the concept plan or a revised city approved TIA pursuant to the requirements of section 36-106~~
  - ~~(7) — Certification from a surveyor that the property boundary closes as per minimum standards set forth by the Texas Board of Professional Land Surveying Code, as amended, specifically sections 663.13 through 663.23, which include provisions requiring 1:10,000 ± 0.10 feet precision for monuments found or set within the corporate limits of any city in the state;~~
  - ~~(8) — A letter of intent for parkland dedication form, provided in the development packet, if not submitted with the concept plan;~~
  - ~~(9) — A letter from Williamson County 911 Addressing Division, indicating street name approval;~~
  - ~~(10) — If applicable, a tree replacement plan pursuant to the requirements of chapter 14, article II;~~
  - ~~(11) — The preliminary plat drawing which shall include all of the information specified in the development packet;~~
  - ~~(12) — All other application requirements specified in the development packet; and~~

~~(13) — Payment of applicable fees.~~

- (e) *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 preliminary plat as specified in the development packet, along with one reproducible drawing with all required information and an electronic plat in the format described in the development packet. A phase II environmental assessment may be required if the phase I environmental assessment indicates that a potential environmental hazard may exist.
- (f) *Revisions to approved preliminary plats.*
- (1) *Minor revisions to approved preliminary plats.* The PDS director may administratively approve minor revisions to approved preliminary plats. ~~Proposed minor revisions to an approved preliminary plat shall trigger the submittal of a revised concept plan in conjunction with the preliminary plat.~~ The developer shall submit a preliminary plat application that contains all of the materials listed in the development packet. A minor revision is one that:
- a. Changes the lot size or configuration provided that the total number of lots does not increase;
  - b. Changes a local street width or alignment; or
  - c. Changes a utility or access easement.
- (2) *Major revisions to approved preliminary plats.* The planning and zoning commission may approve major revisions to approved preliminary plats. Proposed major revisions to an approved 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 Sec. 10-10(f), with the exception that concept plans contained within a Planned Unit Development are not required to be re-submitted. The developer shall submit a preliminary plat application that contains all of the materials listed in the development packet. A major revision may include, but is not limited to the following:
- a. An increase in the number of lots;
  - b. A change to the collector or arterial street layout; or
  - c. A modification of the parkland.

**Sec. 10-28. Final Plat.**

- (a) *Purpose and intent.* The purpose of the final plat is to allow for a review by the planning and zoning commission of the proposed subdivision's street and drainage system, easements, utilities, building lots, and other lots including parkland, and to establish an approved, legally recordable plat of the proposed subdivision.

- (b) *Corresponding final plat.* If a final plat does not include the entire parcel of land included in the preliminary plat, the final plat must correspond to the phasing approved in the preliminary plat.
- (c) *Required.* The developer shall submit to the planning and zoning commission for approval a final plat of the subdivision in conformance with the approved preliminary plat.
- (d) *Application requirements.* The developer shall submit a final plat application that contains all of the materials listed in the development packet. following:
- ~~(1) — The number of copies specified in the development packet with the title of the subdivision appearing on the outside and folded to a size specified in the development packet;~~
  - ~~(2) — An abstractor's certificate which shall state the names and addresses of all current owners and current lienholders of the property described in the final plat. The abstractor's certificate shall be dated no earlier than 30 days prior to submission of the final plat;~~
  - ~~(3) — A copy of the deeds identifying the owners of the property;~~
  - ~~(4) — An engineer's report or a letter from the developer, if applicable, certifying that no changes have been made to the engineer's report since its previous submittal;~~
  - ~~(5) — A current phase I environmental assessment as required by federal law, for the dedicated parkland, if applicable and if not provided with the preliminary plat;~~
  - ~~(6) — If applicable, a copy of the city-approved TIA submitted with the preliminary plat or a revised city-approved TIA pursuant to the requirements of section 36-106~~
  - ~~(7) — Certification from a surveyor that the property boundary closes as per minimum standards set forth by the Texas Board of Professional Land Surveying Code, as amended, specifically sections 663.13 through 663.23, which include provisions requiring 1:10,000 + 0.10 foot precision for monuments found or set within the corporate limits of any city in the state;~~
  - ~~(8) — The final plat drawing which shall include all of the information specified in the development packet;~~
  - ~~(9) — An electronic copy of the plat in a format specified in the development packet;~~
  - ~~(10) — All other application requirements specified in the development packet;~~
  - ~~(11) — Payment of applicable fees.~~
- (e) *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 final plat as specified in the development packet, along with one reproducible drawing with all required information in a format specified in the development packet. A phase II environmental assessment may be required if the phase I environmental assessment indicates that a potential environmental hazard may exist.
- ~~(f) — *Subdivision development permit.*~~

- ~~(1) Pursuant to V.T.C.A., Local Government Code ch. 245, a subdivision development permit shall be issued by the planning director after the recording of the final plat. For the purposes of this subsection, the development of each lot shall constitute a separate project. The subdivision development permit authorizes the developer to proceed with the next step in the development process of the lots within the recorded final plat as follows:~~
- ~~a. For lots zoned single-family residential, the next step in the development process is an application for a building permit; or~~
- ~~b. For lots zoned for uses other than single-family residential, the next step in the development process is an application for site plan approval.~~
- ~~(2) The subdivision development permit shall expire two years from the date the final plat is recorded. Pursuant to V.T.C.A., Local Government Code ch. 245, upon the expiration of the subdivision development permit, the development project for each undeveloped lot contained within the recorded final plat shall be considered dormant.~~
- ~~(3) After a development project has become dormant, the developer of the dormant development project whose subdivision development permit has expired may proceed with said development project provided the developer makes an application for a building permit or site plan approval, as appropriate, but such application shall be governed by the ordinances and regulations in effect at the time of said application.~~
- ~~(Code 1995, § 8-206; Ord. No. S-05-09-08-10C1, 9-8-2005; Ord. No. G-05-09-22-13C2, 9-22-2005)~~

#### **Sec. 10-29. Minor Subdivision Final Plat.**

- (a) *Purpose and intent.* The purpose of the minor subdivision final plat is to allow for a review by ~~the planning and zoning commission~~ city staff and to establish an approved, legally recordable plat of the proposed subdivision. The minor subdivision final plat is intended to expedite the platting process for qualifying subdivisions by not requiring the submission of a concept plan and preliminary plat.
- (b) *Pre-submittal meeting.* The developer must attend a pre-submittal meeting prior to the filing of an application for approval of a minor subdivision final plat. At the pre-submittal meeting, the developer must meet the following criteria in order to file a minor subdivision final plat application:
- (1) The number of proposed lots does not exceed four~~two~~;
  - (2) There are no requirements for additional off-site or on-site public improvements;
  - (3) There is no requirement for a TIA; and
  - (4) At the conclusion of the pre-submittal meeting, obtain the signatures of the PDS director, confirming the tract of land meets the criteria provided in subsections (1) through (3) above on the certification form provided in the development packet.

- (c) *When permitted.* The developer shall submit a minor subdivision final plat to the ~~planning and zoning commission~~PDS director for approval without the submission of a concept plan or a preliminary plat. If the PDS director denies the minor subdivision final plat application, the application shall be referred to the planning and zoning commission for approval.
- (d) *Application requirements.* The developer shall submit aA minor subdivision final plat application that contains must includeall of the materials listed in the development packet. following:
- ~~(1) — The number of copies specified in the development packet with the title of the minor subdivision final plat appearing on the outside and folded to a size specified in the development packet;~~
  - ~~(2) — An abstractor's certificate which shall state the names and addresses of all current owners and current lienholders of the property described in the minor subdivision final plat. The abstractor's certificate shall be dated no earlier than 30 days prior to submission of the minor subdivision final plat;~~
  - ~~(3) — A copy of the deeds identifying the owners of the property;~~
  - ~~(4) — A current phase I environmental assessment, as required by federal law, for the dedicated parkland, if applicable;~~
  - ~~(5) — Certification from a surveyor that the property boundary closes as per minimum standards set forth by the Texas Board of Professional Land Surveying Code, as amended, specifically sections 663.13 through 663.23, which include provisions requiring 1:10,000 + 0.10 feet precision for monuments found or set within the corporate limits of any city in the state;~~
  - ~~(6) — The certification form signed by the PDS director, the confirming the tract of land qualifies as a minor subdivision final plat;~~
  - ~~(7) — The minor subdivision final plat drawing which shall include all the information specified in the development packet;~~
  - ~~(8) — An electronic copy of the plat in a format specified in the development packet;~~
  - ~~(9) — All other application requirements specified in the development packet; and~~
  - ~~(10) — Payment of applicable fees.~~
- (e) *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 minor subdivision final plat as specified in the development packet, along with one reproducible drawing with all required information in a format specified in the development packet. A phase II environmental assessment may be required if the phase I environmental assessment indicates that a potential environmental hazard may exist.

**Sec. 10-30. Replat.**

- (a) *Purpose and intent.* The purpose of a replat is to resubdivide all or part of a recorded plat, without the vacation of the preceding plat, and to allow for a review by the planning and zoning commission. A replat is not required when the city or other governmental entity acquires part of a developed property for right-of-way expansion.
- (b) *Pre-submittal meeting.* The developer must attend a pre-submittal meeting prior to the filing of an application for approval of a replat.
- (c) *When permitted.* The developer shall submit to the planning and zoning commission for approval of a replat, in compliance with the Texas Local Government Code as amended.
- (d) *Application requirements.* The developer shall submit A replat application that contains ~~must include~~ all of the materials listed in the development packet. following:
- ~~(1) — The number of copies specified in the development packet with the title of the replat appearing on the outside and folded to a size specified in the development packet;~~
  - ~~(2) — An abstractor's certificate which shall state the names and addresses of any and all current owners and current lienholders of the property described in the replat. The abstractor's certificate shall be dated no earlier than 30 days prior to submission of the replat;~~
  - ~~(3) — A copy of the deeds identifying the owners of the property;~~
  - ~~(4) — An engineer's report; (5) If applicable, a city-approved TIA for the proposed replat pursuant to the requirements of section 36-106~~
  - ~~(6) — Certification from a surveyor that the property boundary closes as per minimum standards set forth by the Texas Board of Professional Land Surveying Code, as amended, specifically sections 663.13 through 663.23, which include provisions requiring 1:10,000 + 0.10 foot precision for monuments found or set within the corporate limits of any city in the state;~~
  - ~~(7) — A list of names and addresses of the owners of property that are in the original subdivision and that are located within 300 feet of the property contained in the replat as recorded on the current tax roll including:
 
    - ~~a. — A diagram that identifies said properties and a key to the list provided; and~~
    - ~~b. — Addressed official city envelopes for the adjacent property owners identified for delivery in regular mail;~~~~
  - ~~(8) — The replat drawing which shall include all of the information specified in the development packet;~~
  - ~~(9) — An electronic copy of the plat in a format specified in the development packet;~~
  - ~~(10) — All other application requirements specified in the development packet; and~~
  - ~~(11) — Payment of applicable fees.~~

- (e) *Notice requirement for replats.* Pursuant to V.T.C.A Local Government Code ch. 212.015, a public hearing is required for replats containing lots which during the preceding five (5) years were limited by zoning or deed restriction to residential use for not more than two residential units per lot. A public hearing is not required for replats containing only lots zoned or restricted for all other uses. Notice of a replat public hearing shall be given, not less than 15 days before the date set for the hearing, by publication and by written notice forwarded by the PDS director to the owners of property lying outside of the replat boundaries and within 300 feet of those boundaries as indicated on the most recently approved municipal tax roll or, in the case of a subdivision within the ETJ regulated by the city, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the municipal boundaries. Additionally, one on-site public hearing notification sign 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.
- (f) *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.
- (g) *City staff review.* After the city staff review and comment period, the developer shall submit to the planning department the number of corrected copies specified in the development packet, along with one reproducible drawing with all required information in a format specified in the development packet.

#### **Sec. 10-31. Amending Plat.**

- (a) *Purpose and intent.* The purpose of an amending plat is to replace a recorded plat without vacation of that plat, and to allow for a review by ~~the planning and zoning commission~~ city staff. The amending plat is intended to be used as a limited means to correct minor errors or make minor adjustments to a recorded plat as provided in V.T.C.A., Local Government Code § 212.016, as amended.
- (b) *Pre-submittal meeting.* The developer must attend a pre-submittal meeting prior to the filing of an application for approval of an amending plat.
- (c) *When permitted.* The developer shall submit to the ~~planning and zoning commission~~ PDS director for approval an amending plat application in lieu of a preliminary and final plat when the proposed amending plat is filed for one or more of the purposes listed in V.T.C.A., Local Government Code

§ 212.016. If the PDS director denies the amending plat application, the application shall be referred to the planning and zoning commission for approval.

(d) *Application requirements.* The developer shall submit ~~An~~ an amending plat application ~~that~~ ~~must~~ ~~contains~~ ~~include~~ all of the ~~materials listed in the development packet.~~ ~~following:~~

- ~~(1) — The number of copies specified in the development packet with the title of the amending plat appearing on the outside and folded to a size specified in the development packet;~~
- ~~(2) — An abstractor's certificate which shall state the names and addresses of all current owners and current lienholders of the property described in the amending plat. The abstractor's certificate shall be dated no earlier than 30 days prior to submission of the amending plat;~~
- ~~(3) — A copy of the deeds identifying the owners of the property;~~
- ~~(4) — An engineer's report if applicable. The PDS director may waive the requirement for an engineer's report when lots are being consolidated under a single owner or when lot lines are being adjusted and no alterations or expansions to the existing public improvements are necessary;~~
- ~~(5) — Certification from a surveyor that the property boundary closes as per minimum standards set forth by the Texas Board of Professional Land Surveying Code, as amended, specifically sections 663.13 through 663.23, which include provisions requiring 1:10,000 + 0.10 feet precision for monuments found or set within the corporate limits of any city in the state;~~
- ~~(6) — The amending plat drawing which shall include all of the information specified in the development packet;~~
- ~~(7) — An electronic copy of the plat in a format specified in the development packet;~~
- ~~(8) — All other application requirements specified in the development packet; and~~
- ~~(9) — Payment of applicable fees.~~

(e) *City staff review.* After the city staff review and comment period, the developer shall submit to the planning department the number of corrected copies specified in the development packet, along with one reproducible drawing with all required information in a format described in the development packet.

#### **Sec. 10-32. Plat Vacation.**

- (a) *Purpose and intent.* The purpose of a plat vacation is to nullify all or part of a previously recorded plat.
- (b) *When permitted.* The developer shall submit to the planning and zoning commission for approval a plat vacation as permitted under and in compliance with V.T.C.A., Local Government Code § 212.013:

- (1) *No lots sold.* The owner of the land covered by a plat may vacate the plat at any time before any lot in the plat is sold. After approval by the planning and zoning commission, the plat is vacated when a signed, acknowledged instrument declaring the plat vacated is recorded in the manner prescribed for the original plat.
- (2) *Lots sold.* If one or more lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat. After approval by the planning and zoning commission, the plat is vacated when all owners record a signed, acknowledged instrument declaring the plat vacated.

(c) *Application requirements.* The developer shall submit a plat vacation application that contains ~~must include~~ all of the materials listed in the development packet. ~~following:~~

- ~~(1) — A letter from the developer explaining the reason for the vacation;~~
- ~~(2) — An abstractor's certificate which shall state the names and addresses of all current owners and lienholders of the property described in the vacating plat. The abstractor's certificate shall be dated no earlier than 30 days prior to the submission of the plat vacation application;~~
- ~~(3) — A copy of the deeds identifying the owners of the property;~~
- ~~(4) — A completed, signed and acknowledged plat vacation instrument including the signature of the PDS director if public rights of way or easements are being vacated and the signatures of any additional entities authorized to use the easement;~~
- ~~(5) — The plat vacation application shall include all of the information specified in the development packet; and~~
- ~~(6) — Payment of applicable fees.~~

#### **Sec. 10-33. Release of Easement.**

- (a) *Purpose and intent.* The purpose of a release of easement is to nullify a portion or the entire easement established by a previously recorded plat or by separate instrument. A release of easement may be initiated by the respective lot owners or by the city.
- (b) *When permitted.* The developer shall submit a release of easement application containing a metes and bounds description and sketch of the proposed area to be released, and signed by the owner of the land requesting the city to vacate the easement, in order to release all or a portion of an easement, including but not limited to, a public utility easement, drainage easement, conservation easement, public access easement or combination public easement. ~~After approval by the city manager, t~~The easement shall be released when all owners and entities authorized to use the easement sign and acknowledge a release form, approval is granted by the city manager and the release of easement instrument declaring the easement released is recorded.

- (c) *Application requirements.* The developer shall submit **A** release of easement application that contains ~~must include~~ all of the following:
- (1) A copy of the deeds identifying the owners of the property;
  - (2) A letter signed by the owners of the lot to the PDS director containing the following:
    - a. A metes and bounds description and survey sketch including a description of the easement or portion of the easement to be released including the lot description and orientation to the nearest lot line;
    - b. An explanation of the purpose of the release request; and
    - c. Signatures by the entities authorized to use the easement agreeing to the requested release of easement, in the form provided in the development packet.
  - (3) Payment of applicable fees.

#### **Sec. 10-34. Approval Procedure.**

- (a) *Distribution and review.* The PDS director shall distribute a copy of each application to the reviewing agencies and the reviewing agencies shall review the application in accordance with the Texas Local Government Code and this ~~code~~**chapter**. The PDS director shall prepare a report for each application and shall distribute the report to the planning and zoning commission, except for those applications approved administratively.
- (b) *Director approval.* After a review by the reviewing agencies, the PDS director may approve easement vacations. Upon a determination by the PDS director that all of the public utilities authorized to use the easement proposed for vacation approve of the vacation request, the PDS director shall then approve the respective easement vacation.
- (c) *Planning and zoning commission action.* The planning and zoning commission shall review the reports of the PDS director and shall either approve, approve with minor conditions, or disapprove concept plans or plats within 30 days after the filing of a completed application. The planning and zoning commission may approve a written request submitted by the developer to table a concept plan or plat application to a specific future planning and zoning commission meeting when it is requested on a form provided by the city where the developer waives its right to having the plat acted upon within the required 30 days as set forth in V.T.C.A., Local Government Code § 212.009(a). The planning and zoning commission may not table action on a plat without the consent of the developer and a waiver of rights.
- (d) *Notification of action taken for plats.* Within ten working days after action taken by the planning and zoning commission, the PDS director shall issue to the developer a certificate as required by V.T.C.A., Local Government Code § 212.0115, stating that the plat has been reviewed and approved by the planning and zoning commission.

~~(e) Expiration of concept plans and plats.~~

- ~~(1) Concept plan approval. The approval of a concept plan shall expire three years from the date of application approval.~~
- ~~(2) Preliminary plat approval. The approval of a preliminary plat shall expire three years from the date of approval unless a final plat for a portion of the preliminary plat has been approved and recorded, in which case the preliminary plat is extended three additional years from the date each additional final plat is recorded.~~
- ~~(3) Final plat, replat, and amending plat approval. The approval of a final plat, replat and amending plat shall expire two years from the date of approval if the respective plat has not been recorded. The developer may request an administrative extension of three years prior to the two-year expiration date where the city has accepted the subdivision improvement construction plans as provided for in Sec. 4-96(a).~~

~~(Code 1995, § 8.212)~~

**Sec. 10-35. Recordation Procedure.**

- (a) In order for the approved plat to be recorded, the following are required: ~~developer must submit the following to the planning director:~~
  - (1) The plat is subject to the recordation requirements of V.T.C.A., Local Government Code § 212.004(b);
  - (2) The plat is subject to the filing and recording provisions of Texas Property Code § 12.002; and
  - (3) The developer must submit to the PDS director all other application requirements specified in the development packet.
  - ~~(1) An abstractor's certificate which shall state the names and addresses of all current owners and current lienholders of the property described in the plat. The abstractor's certificate shall be dated no earlier than 30 days prior to a request for recordation of the plat;~~
  - ~~(2) An acknowledged signature on the plat by the current owner of the land being platted if the current owner is different than the owner at the time the final plat was approved;~~
  - ~~(3) A title insurance policy, naming the city as the holder, covering the parkland to be conveyed;~~
  - ~~(4) A deed for any parkland dedication or cash contribution in lieu of parkland dedication, if applicable. If the final plat is a phase of the total tract to be platted and it does not include the parkland to be dedicated, the developer must provide a temporary access easement to the parkland acceptable to the city in a form approved by the city attorney;~~
  - ~~(5) A deed for drainage, right-of-way and/or detention lots to be dedicated to the city or a homeowners association as applicable;~~

- ~~(6) Current original tax certificates;~~
- ~~(7) Williamson County affidavit certifying tax certificates in the form designated in the development packet, where applicable;~~
- ~~(8) The prescribed fees for preparing reproducible drawings required to record the plat;~~
- ~~(9) A copy of the written notification from the zoning administrator notifying that the requirements of chapter 14, article II of this Code have been met and if applicable, the posting of the appropriate fiscal security in accordance with section 14-28 of this Code;~~
- ~~(10) A copy of the letter from the PDS director either certifying that the public improvements have been satisfactorily completed in accordance with section 36-207 or that subdivision improvement construction plans have been accepted by the PDS director and the appropriate fiscal security has been posted in accordance with section 36-206~~
- ~~(11) The prescribed oversize fees for water and wastewater for all single-family residential and two-family residential lots;~~
- ~~(12) The prescribed county recordation fees (by check made payable to "Williamson County" or "Travis County", whichever is applicable);~~
- ~~(13) Separate instrument easements where applicable;~~
- ~~(14) Regional stormwater detention fees, in lieu of on-site detention, where approved by the PDS director.~~

- (b) The PDS director shall obtain the required city signatures on each reproducible copy of the plat. After all signatures required for recordation have been affixed to the plat, the PDS director shall present the prescribed county recording fee and the plat to the office of the county clerk for recording.
- (c) The official copy of the recorded plat shall be maintained at the office of the county clerk. A copy of the recorded plat shall be maintained in the files of the planning department.
- (d) Upon recordation of the plat, the PDS director shall distribute the copies of the plat to the city, county and other appropriate public and private entities listed in the development packet.

### **Sec. 10-36. License Agreements.**

#### **(a) In general.**

- (1) A license agreement permits a private party to encroach upon or construct site improvements within public property or the right-of-way. The agreement is granted to an entity to construct landscape improvements, such as subdivision entry features.
- (2) Private construction on public property or right-of-way is prohibited without an executed license agreement in place. Structures and planting shall be located outside of all easements and shall be set back from public utilities as required by the transportation director and city engineer.

- (3) Design and construction of improvements covered under a license agreement shall be in accordance with the Design and Construction Standards, specifically the provision for obstruction-free sight triangles at intersections.
- (4) A building permit shall be required for the irrigation tap and meter.
- (5) If the proposed work covered under the license agreement is zoned as a Planned Unit Development (PUD), then the PUD requirements shall be incorporated.
- (6) Landscaping that is not in compliance with City of Round Rock criteria or has been planted without an approved License Agreement from the City shall be removed by the sponsoring organization or individual at their cost.
- (7) In addition to landscaping and subdivision entry treatments, the following items to be constructed by the applicant within the public right-of-way shall be covered by a license agreement that states the applicant is responsible for maintenance:
  - a. illumination;
  - b. signs;
  - c. walls and fences;
  - d. aesthetic treatments such as surface finishes, concrete stain, or brick pavers;
  - e. non-standard pavement such as stamped concrete or pavers in crosswalks; and
  - f. private utilities.

(b) License agreement process.

- (1) The applicant shall request a pre-submittal meeting with the planning and development services department in order to present the initial request and discuss review procedures, applicable codes, and potential problems with the request.
- (2) The applicant shall obtain and review the license agreement application packet from the planning and development services department.
- (3) The applicant shall submit a site development plan for the proposed site improvements. After the site development plans and construction documents have been approved, and a site development permit issued, the applicant shall then submit the license agreement application to the planning and development services department.
- (4) The applicant shall submit construction plans, the completed application, and application fee to the planning and development services department. The City will review, and when ready for signatures, contact the applicant. Once the applicant has returned the signed license agreement to the planning and development services office, it will be forwarded to the city manager for execution.
- (5) The materials to be submitted with the completed license agreement application shall be listed in the development packet.

(c) Maintenance considerations.

- (1) The applicant shall be required to maintain the landscaping and other improvements covered under a license agreement. The applicant shall also be responsible for trimming tree limbs from trees located on private property which cause an obstruction of the right-of-way.
- (2) The City reserves the right to prune or remove any vegetation, at the cost of the applicant, as determined necessary for visibility and ease of maintenance.

### **Sec. 10-37. Right-of-way abandonment procedures.**

#### (a) In general.

- (1) Rights-of-way shall only be abandoned if they do not contain City facilities or facilities of a franchised utility company, and if the right-of-way is not currently being utilized or is determined to no longer be needed for public use.
- (2) Rights-of-way are dedicated to the City for public use. Action by the City Council shall be required to abandon a public right-of-way. City rights-of-way are also utilized by various privately owned utility companies through contractual franchise agreements with the City. Therefore, the franchised utility companies must agree with the abandonment of rights-of-way.
- (3) If all requirements set forth in this procedure are met, abandonment shall be considered by the City Council by adoption of an ordinance abandoning the affected right-of-way. Once adopted by the City council, the ordinance will be filed in the deed records of the county where the abandoned property is located. No deed or title conveyance shall be made by the City to the property abandoned.

#### (b) Procedure.

- (1) A pre-application meeting with the transportation director, city engineer, or designated representatives is required to look at the site and receive initial guidance through the process. The applicant requesting the abandonment must obtain the following information and forward this information to the City as a complete packet:
  - a. A letter of request from the applicant and all adjoining property owners requesting abandonment of the subject right-of-way and the specific reason for the proposed abandonment. Include the following information: street or location address, legal description, and assessor parcel number. Where the underlying title to the right-of-way is in more than one owner, all owners must agree to the abandonment. The City shall not be responsible for determinations of ownership and division of property.
  - b. An agreement in writing to relocate, construct or reconstruct fences, sidewalk, utilities, curbs and gutters, and such other improvements as required.

- c. The appropriate fee in the form of a check made out to the City of Round Rock for the administrative processing for abandonment of right-of-way.
  - d. A copy of the original right-of-way dedication instrument (usually this is a plat or a separate dedication instrument). The applicant shall obtain certified copies of the documents that were used to dedicate the easements. The applicant shall be responsible for retaining assistance, if necessary, of a surveyor or title company.
  - e. The applicant shall have a survey and field notes prepared by a Registered Professional Land Surveyor (RPLS) in the State of Texas for the right-of-way ~~or~~ (or portion) to be abandoned. The sketch and field notes shall reflect only the portions to be abandoned.
  - f. A copy of a deed or title insurance policy showing the names of the owners, dated within the last 90 days.
  - g. Actual field locations of all City utilities shall be recorded.
  - h. Letters from all franchised utility companies indicating they have no objections to the right-of-way abandonment shall be required. If the right-of-way contains facilities of the franchised utilities, these facilities shall be shown on the sketch. The applicant shall be responsible for verifying and displaying the location of utilities.
  - i. In cases where right-of-way abandonment will involve the purchase of property or interest therein from the City, the applicant shall obtain an appraisal completed by a MAI certified appraiser who is pre-approved by the City.
  - j. Corporate or partnership owners shall furnish a copy of a corporate resolution or other proof of authority to sign on behalf of the corporation, partnership, or joint venture.
- (2) When the above information has been received by the City, the applicant shall be notified that the file is complete and ready for City Council action. The city engineer or transportation director shall place the abandonment on the City Council agenda, prepare a recommendation, and inform the applicant of the date and time of the council meeting.
- (3) The City Council may at its sole right and option, elect to sell or abandon right-of-way for a sum equal to the present market value or elect not to sell and/or abandon the ROW.
- (4) The City shall request preparation of an abandonment ordinance from the City Attorney's office and forward the applicable sketch, field notes, and recommendation for the abandonment.
- (5) Upon City Council approval of the abandonment ordinance the applicant shall be required to pay to the City the value of the abandonment as determined by the appraisal (if applicable). Once the settlement is received the City shall finalize the abandonment ordinance and forward a copy of the ordinance to the applicant.
- (6) The applicant is responsible for filing a quit claim deed or an approved plat with the county clerk's office in order to legally claim the appropriate portion of property.

(c) Alternate procedure.

(1) In instances in which a right-of-way was dedicated by plat, they may be abandoned through a replat. See Sec. 10-30 for information on the replat procedure.

**Sec. 10-38. Driveway permits.**

(a) The city shall have the sole responsibility and authority to issue driveway permits for connections to roads owned by the Texas Department of Transportation (TxDOT) within the jurisdiction of the city, including the extraterritorial jurisdiction.

**Secs. 10-39. – 10-44. Reserved.**

**ARTICLE VI. SITE PLAN REVIEW**

**Sec. 10-45. Site plan review.**

(a) *Applicability.* Prior to any development other than single-family (attached or detached) an applicant must obtain site plan approval under this section. No such development shall be lawful or permitted to proceed without final site plan approval. All improvements reflected on approved site plans must be constructed at the time of development. All terms and conditions of site plan approval must be met at the time of development.

(b) *Approval process.* Site plan applications shall be processed in accordance with the following requirements:

(1) ~~*Pre-submittal application conference meeting.*~~ Prior to the submission of an application for site plan approval, all potential applicants are strongly encouraged to request a pre-submittal ~~application conference meeting~~ with the zoning administrator. The purpose of the ~~conference meeting~~ is to respond to any questions that the applicant may have regarding any application procedures, standards, or regulations required by this Code. Upon receipt of such request, the zoning administrator shall afford the potential applicant an opportunity for such a pre-submittal ~~application conference meeting~~ at the earliest reasonable time.

(2) *Review and action by the zoning administrator.* All site plans shall be submitted to the DSO for review and approval, approval with conditions or disapproval. If the proposed site plan is determined to be consistent with all applicable provisions of this section and all other provisions of the Code, the zoning administrator shall approve the site plan and so advise the applicant in writing. A determination that all such requirements and provisions have not been satisfied shall result in disapproval of the site plan and notice of such disapproval shall be given to the applicant in writing.

(c) *Approval criteria.* In order to be approved, a site plan must provide for all of the development requirements of this Code, including but not limited to the following:

- (1) Safe and convenient traffic control and handling;
- (2) Assured pedestrian safety which may include the provision of sidewalks along the perimeter of the property meeting the specifications for same as outlined in Chapter 6, relative to width and placement;
- (3) Efficient and economic public utility and sanitation access;
- (4) Public road or street access;
- (5) Satisfactory internal access; public, private or emergency;
- (6) Adequate parking and maneuvering areas;
- (7) Noise and emission control or dispersion;
- (8) Screening compatibility requirements in accordance with the provisions of this Code;
- (9) Runoff, drainage and flood control;
- (10) Sign location requirements in accordance with the provisions of Chapter 8, article VIII, of this Code;
- (11) Location and density of buildings or dwellings where topography or characteristics of the site compel a lower density than would otherwise be allowed, or require location consistent with accepted engineering practices and principles;
- (12) Landscape plans depicting the landscaping requirements in accordance with Sec. 8-10;
- (13) Legal description or metes and bounds survey that legally describes the building plot and street address; and
- (14) Compliance with any additional site plan approval criteria required for overlay districts or any site plan approval criteria adopted as part of a neighborhood plan or special area plan.

**Secs. 10-46. – 10-49. Reserved.**

## **ARTICLE VII. VARIANCES, ADMINISTRATIVE ADJUSTMENTS, AND SPECIAL EXCEPTIONS**

**Sec. 10-50. Variances.**

- (a) *Purpose.* The zoning board of adjustment shall have jurisdiction to hear requests for a variance from the terms of this code. The ZBA shall be authorized to grant a variance from the terms hereof if, and only if, they find that the strict enforcement of this code would create a substantial hardship to the applicant, by virtue of unique special conditions not generally found within the city, and that the granting of the variance would preserve the spirit and intent of the code, and would serve the general interests of the public and the applicant. Variances may be granted only when in harmony with the general purpose and intent of this code so that public health, safety and welfare may be secured and substantial justice done.

(b) *Approval process.*

- (1) *Review and report by zoning administrator.* Once the application is complete, the zoning administrator shall review the variance application, subject to the review criteria enumerated in subsection (c) below, and give a report to the zoning board of adjustment on the date of the scheduled public hearing.
- (2) *Action by the zoning board of adjustment.*
  - a. *Notice.* The zoning board of adjustment shall mail notice in accordance with Sec. 10-1(e).
  - b. *Variance review and public hearing.*
    1. In conjunction with review of the variance application, subject to the criteria listed in subsection (c) of this section, the zoning board of adjustment shall hold a public hearing and shall make a written finding and give its approval, approval with modifications or conditions, or disapproval.
    2. It shall take a concurring vote of 75 percent of the members of the ZBA to approve or approve with modifications or corrections an application for a variance from this Code.

(c) *Criteria for approval of variances.*

- (1) *Required findings.* The zoning board of adjustment shall authorize a variance from the requirements of this Code when an unnecessary hardship would result from the strict enforcement of this Code. In granting a variance, the ZBA shall prescribe only conditions that it deems not prejudicial to the public interest. In making the required findings, the ZBA shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a nuisance shall be created, and the probable effect of such variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity. No variance shall be granted unless the ZBA finds all of the following:
  - a. *Extraordinary conditions.* There are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of the reasonable use of their land. For example, a variance might be justified because of topographic or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.
  - b. *Application of a substantial property right.* The variance is necessary for the preservation and application of a substantial property right of the applicant.

- c. *Substantial detriment.* The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area, or to the city in administering this Code.
  - d. *Other property.* These conditions do not generally apply to other property in the vicinity.
  - e. *Applicant's actions.* The conditions are not the result of the applicant's own actions.
  - f. *General plan.* The granting of the variance would not substantially conflict with the general plan and the purposes of this Code.
  - g. *Utilization.* Because of these conditions, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
- (2) *Insufficient findings.* The following types of possible findings do not constitute sufficient grounds for granting a variance:
- a. The property cannot be used for its highest and best use.
  - b. There is a financial or economic hardship.
  - c. There is a self-created hardship by the property owner or his agent.
  - d. The development objectives of the property owner are or shall be frustrated.
- (3) *Limitations.* The zoning board of adjustment may not grant a variance when the effect of which would be any of the following:
- a. To allow the establishment of a use not otherwise permitted in the applicable zoning district.
  - b. To increase the density of a use above that permitted by the applicable district.
  - c. To expand a nonconforming land use.
  - d. To change the zoning district boundaries shown on the official zoning map.
- (4) *Profitability not to be considered.* The fact that property may be utilized more profitably should a variance be granted may not be considered grounds for a variance.
- (d) *Appeal.* Appeals of the zoning board of adjustment's decision must be made within ten days to the district court, county court, or county court at law in accordance with V.T.C.A., Local Government Code.

**Sec. 10-51. Administrative Adjustments.**

- (a) *Purpose.* In order to provide a method by which human error may be corrected, administrative adjustments are permitted. Administrative adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be:
- (1) Compatible with surrounding land uses;
  - (2) Harmonious with the public interest; and
  - (3) Consistent with the purposes of this Code.

- (b) *Applicability.* The zoning administrator shall have the authority to authorize an administrative adjustment of up to 10 percent of any numerical standard set forth in Chapter 2, Zoning, or Chapter 8, Development Standards, of this Code. No administrative adjustment shall increase the overall density or intensity of the development.
- (c) *Review and action by zoning administrator.* The zoning administrator shall review the application and approve or disapprove the application based upon the criteria below. A written decision including affirmative findings on the criteria set forth below shall be mailed to the applicant.
- (d) *Administrative adjustment criteria.* To approve an application for an administrative adjustment, the zoning administrator shall make an affirmative finding that the following criteria are met:
  - (1) That granting the administrative adjustment serves a conspicuously obvious and needed purpose;
  - (2) That granting the administrative adjustment will ensure an equal or better level of land use compatibility as the otherwise applicable standards;
  - (3) That granting the administrative adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;
  - (4) That granting the administrative adjustment will not adversely affect property values in any material way; and
  - (5) That granting the administrative adjustment shall be generally consistent with the purposes and intent of this Code.

**Sec. 10-52. Property subject to condemnation; administrative adjustment.**

- (a) *Purpose.*
  - (1) Condemnation administrative adjustment under this section means adjustment(s) to this Code in the special circumstance where governmental condemnation results in zoning law noncompliance.
  - (2) For the purpose of this section, condemnation includes a purchase or donation of property under the threat of condemnation, but excludes a dedication of property as a condition of zoning, subdivision, site plan or building permit approval.
- (b) *Applicability.*
  - (1) Prior to the acquisition of a right-of-way, the landowner or condemning authority may make an application to the zoning administrator, to modify any of the zoning regulations

listed in subsection (b)(2) below, that will be violated as a result of the governmental condemnation.

- (2) Under this section, the following categories subject to this Code may be considered by the zoning administrator for adjustment: Access to public roads, architectural designs, landscaping, lot area, lot depth, lot width, parking, setbacks and signage.
- (c) *Review and action by zoning administrator.* The zoning administrator shall review the application, and approve or disapprove it based upon the criteria enumerated in subsection (d) below. A written decision including applicable affirmative findings on the criteria set forth in subsection (d) below shall be mailed to the applicant.
- (d) *Condemnation administrative adjustment criteria.* The zoning administrator may approve an application for a condemnation administrative adjustment under this section if, and only if, the proposed adjustment is not detrimental to public health, safety and welfare. The zoning administrator shall consider the following criteria when applicable:
  - (1) *Consistent with this Code zoning regulations.* The proposed adjustment is in harmony with the general plan and purpose and intent of this Code.
  - (2) *Harmonious with character and scale of surrounding area.* The proposed adjustment to schematic architectural, signage and landscaping designs shall be harmonious with the character of the surrounding area.
  - (3) *General impacts.* The likely future impact that the proposed adjustment may have on the following systems and public services: Public infrastructure such as roads, parking facilities, water and wastewater systems, police and fire protection, solid waste collection, and the ability of existing infrastructure and existing services to adequately service the property in question.
  - (4) *Traffic related impacts.* The proposed adjustment does not interfere with the free flow of traffic or create a public safety hazard.
  - (5) *Condemning authority impact.* The likely cost to the condemning authority if the application is disapproved.

### **Sec. 10-53. Special exceptions.**

- (a) *Applicability.*
  - (1) Special exceptions include uses that are generally compatible with the other uses permitted in a zoning district, but require individual review of their location, design, configuration, density and intensity of use or structures, and may require the imposition of conditions in order to ensure the appropriateness of the use at a particular location.
  - (2) Uses that may be considered for special exception are identified in the permitted uses table of each zoning category in Chapter 2, Zoning.

- (3) An application for a special exception may not be made unless the use is identified as one that may be considered for special exceptions in the relevant district, as listed in the permitted uses table of each zoning category in Chapter 2, Zoning.

(b) *Requirement for concurrent site plan submittal.*

- (1) Application for a special exception must occur in conjunction with the submittal of a site plan. The zoning board of adjustment may not render a decision on the special exception application until after the site plan has been favorably reviewed by the zoning administrator.
- (2) Any modification to an approved site plan that was filed in conjunction with a special exception shall cause the special exception to become void, regardless of its current status, including already obtained approval by the ZBA. Such special exceptions must be resubmitted to the ZBA for consideration using the modified site plan. If the modified site plan requires zoning administrator approval, no decision may be rendered on the special exception until after the site plan has been favorably reviewed by the zoning administrator.

(c) *Approval process.*

- (1) *Review and report by zoning administrator.* Once the application is complete, the zoning administrator shall review the proposed development in light of the general plan, subject to the criteria enumerated in subsection (d) of this section, and give a report to the zoning board of adjustment on the date of the scheduled public hearing.
- (2) *Zoning board of adjustment (ZBA) action.*
  - a. *Notice.* The zoning board of adjustment shall mail notice in accordance with Sec. 10-1(e).
  - b. *Public hearing.*
    1. In conjunction with review of the special exception application, subject to the criteria enumerated in subsection (d) of this section, the zoning board of adjustment shall hold a public hearing and approve, approve with modifications or conditions, or disapprove the special exception application.
    2. It shall take a concurring vote of 75 percent of the members of the ZBA to approve or approve with modifications or corrections a special exception application.
  - c. *Recordation of action.* One copy of an approved special exception permit shall be given to the owner of the property, and one copy shall be filed in the office of the zoning administrator.

- (d) *Special exception review criteria.* The zoning board of adjustment may approve an application for a special exception where it reasonably determines that there shall be no significant negative impact upon residents of surrounding property or upon the general public. The ZBA shall consider the following criteria in its review:
- (1) *Consistent with zoning ordinance.* The proposed exception shall be specifically listed as permitted by special exception in the zoning district under consideration. The proposed exception shall meet the purpose and intent of this Code and the use shall meet all the minimum standards established in this Code for this type of use.
  - (2) *Consistent with general plan.* The proposed exception shall be consistent with the development policies and goals and objectives as embodied in the general plan.
  - (3) *Compatible with surrounding area.* The required site plan shall ensure compatibility with existing land uses in the surrounding area. The proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.
  - (4) *Harmonious with character and scale of surrounding area.* The proposed site plan, circulation plan, and schematic architectural, signage, and landscaping designs shall be harmonious with the character of the surrounding area.
  - (5) *Impacts minimized.* The likely impact on public infrastructure such as roads, parking facilities, water and wastewater systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use shall be minimized without negatively impacting existing uses in the area and in the city.
  - (6) *Effect on natural environment.* The potential creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts shall be minimized.
- (e) *Additional conditions.* The zoning board of adjustment may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this Code and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, additional landscaping, and additional improvements such as curbing, sidewalks and screening.
- (f) *Appeal.* Appeals of the zoning board of adjustment's decision must be made within ten days to the district court, county court, or county court at law in accordance with V.T.C.A., Local Government Code.

**Sec. 10-54. Reserved.**

## **ARTICLE VIII. HISTORIC PRESERVATION**

**Sec. 10-55. H (Historic Overlay) designations.**

- (a) *Applicability.* This section allows for the designation of areas or properties that are architecturally, archaeologically, culturally or historically significant to the city.
  
- (b) *Approval process.*
  - (1) *Proposal.*
    - a. The historic preservation commission, the city council, the planning and zoning commission, the zoning administrator, or owners of one or more parcels of land within an area may propose the designation of an H (Historic Overlay) district. If initiated by the property owner, the application shall be made upon forms or pursuant to standards set by the historic preservation commission for this purpose.
    - b. The initial proposal shall include a rationale for the designation of the proposed district, related to the approval criteria and findings provided in subsection (c) of this section.
    - c. Where practicable, the proposal itself shall include prospective regulations for the historic district or landmark and draft findings to be used by the historic preservation commission, the planning and zoning commission and the city council in approving the designation of the district. Where such regulations or findings are missing or incomplete in the proposal, they shall be added by the historic preservation commission, in consultation with the zoning administrator, and the proposal shall not be forwarded to the planning and zoning commission by the historic preservation commission until they have been added.
    - d. The proposal for the designation of the historic district shall also include an accurate map or legal description of the area proposed for inclusion in the historic district.
  - (2) *Interim control.* No building permit shall be issued by the city for alteration, construction, demolition, or removal of any property or structure within an area proposed for designation to the H (Historic Overlay) district from the date of the meeting of the historic preservation commission at which an application form is first presented until its final disposition by the city council unless such alterations, removal or demolition is authorized by formal action of the city council as necessary for preservation of the public health, welfare, or safety. In no event shall the delay be for more than 120 days.
  - (3) *Process.*
    - a. The procedure for designating an historic district or landmark and applying the H (Historic Overlay) district regulations to an area of the city shall be the same as for any other zoning map amendment, provided that if the proposal for application of the historic overlay district regulations did not originate with the historic preservation commission, the planning and zoning commission shall

forward the proposal to the historic preservation commission for its review and comment prior to acting on it.

- b. The historic preservation commission shall conduct a public hearing and recommend to the planning and zoning commission one of the following actions:
  - 1. Approve the proposal to apply the H (Historic Overlay) district regulations to the proposed area;
  - 2. Disapprove the proposal; or
  - 3. Approve the proposal subject to specified conditions.
- c. The planning and zoning commission shall consider the proposal at its next regular meeting and forward its recommendation to the city council.
- d. In considering whether to apply the historic overlay district regulations to an area of the city, the planning and zoning commission and the city council shall give careful consideration to the recommendation of the historic preservation commission.
- e. The process outlined in subsections a. through d. above shall not apply for Recorded Texas Historic Landmarks and National Register Listed properties. Any Recorded Texas Historic Landmark or property Listed in the National Register of Historic Places annexed into the City shall be zoned with the H (Historic Overlay) district at original zoning.

(c) *Approval criteria.* The following criteria shall be considered in determining whether the historic district should be applied to a structure, site or area of the city:

- (1) Character, interest or value of the structure, site or area because of its unique role in the development, heritage or cultural characteristics of the city, state or nation or other society.
- (2) Occurrence of a notable historical event at the structure, site or area.
- (3) Identification of the structure, site or area with a person or persons who contributed notably to the culture and development of the city, state, nation or society.
- (4) Embodiment of distinctive elements of architectural design, detail material or craftsmanship related to uniqueness to the area or the distinctiveness of a craftsman, master builder or architect, or a style or innovation.
- (5) Archaeological value in the sense that the structure, site or area has produced or can be expected to yield, based on physical evidence, information affecting knowledge of history or prehistory.
- (6) Other unique historical value.

(d) *H (Historic Overlay) district findings.*

- (1) In recommending the application of the historic overlay district to an area of the city, the historic preservation commission shall recommend express findings to the city council

- regarding the specific structures, landscapes or other physical aspects of the district on which it bases the determination required by the criteria in subsection (c) of this section.
- (2) Where the designation is made based on the general character of the district or landmark, these findings may include, but shall not necessarily be limited to:
- a. Scale of buildings and structures typical of the area.
  - b. Architectural style typical of the area.
  - c. Architectural period typical of the area.
  - d. Building materials typical of the area.
  - e. Colors used in buildings typical of the area.
  - f. Signage and street furniture typical of the area.
  - g. Landscapes typical of the area.
  - h. Typical relationships of buildings to the landscapes in the area.
  - i. Typical relationships of buildings in the area to the street.
  - j. Setbacks and other physical patterns of buildings in the area.
  - k. Typical patterns of rooflines of buildings in the area.
  - l. Typical patterns of porch and entrance treatments of buildings in the area.
- (3) Where the designation is made based on the character of a limited number of specific buildings in the area, the findings may include, but shall not necessarily be limited to:
- a. Architectural style of the buildings.
  - b. Architectural period of the buildings.
  - c. Textures of materials used in the buildings.
  - d. Colors of the materials used in the buildings.
  - e. Rooflines of the buildings.
  - f. Porch and entrance treatments of the buildings.
  - g. Height and mass of the buildings.
  - h. Relative proportions of the buildings (width to height, width to depth).

**Sec. 10-56. Certificates of appropriateness.**

- (a) *Certificate of appropriateness for building permit, exterior modification or demolition.*
- (1) *Applicability.* A certificate of appropriateness shall be required in the following circumstances before the commencement of development within or work upon any building or structure located within an H (Historic Overlay) district, or a building or structure that has been relocated pursuant to subsection (b).
- a. Whenever such work or development requires a building permit or certificate of zoning compliance issued by the city, or;
  - b. Whenever such work includes the erection, demolition, reconstruction, restoration or alteration of the exterior of any structure or site, except when such work satisfies all the requirements of ordinary maintenance and repair as defined in Sec. 1-50, definitions.

- (2) *Certificate of appropriateness required.* No building permit shall be issued by the building official for any structure or site located within an H (Historic Overlay) district until the application for such permit has been reviewed by either the zoning administrator or the historic preservation commission (HPC), as appropriate, and a certificate of appropriateness has been approved.
- (3) *Procedures.*
- a. After an application for a certificate of appropriateness is submitted, the zoning administrator shall determine whether the application is eligible for administrative review or must be reviewed by the historic preservation commission.
  - b. The zoning administrator may determine that the application is eligible for administrative review if it involves the following:
    1. Paint colors for the exterior of a structure including siding, trim, doors, steps, porches, railings, and window frames. This shall not include painting or otherwise coating previously unpainted masonry;
    2. The placement, ~~and~~ screening, ~~and impact of installation if necessary,~~ of roof-mounted, ~~ground-mounted~~ equipment and other mechanical equipment of various types;
    3. The placement and design of screening treatments for trash and recycling receptacles;
    4. Fences to be installed in the rear and/or side yard;
    5. Ground lighting;
    6. Elements attached to a facade of any building, garage or carriage house including, but not limited to, door hardware, hinges, mailboxes, light fixtures, sign brackets, street address signage and historic interpretive signage;
    7. Replacing roofing materials or color on a flat roof that will not be visible from the ground or from immediately adjacent taller buildings;
    8. Gutters and downspouts;
    9. Installation or removal of landscaping, including trees;
    10. Accessibility ramps;
    11. Changes to awning fabric color for an existing awning;
    12. Landscape elements, including but not limited to, walks, paving, benches, outdoor furniture, planters, pools, trellises, arbors and gazebos;
    13. Installation of any elements required by other codes such as emergency lighting;
    14. Modifications that are considered nonpermanent such as, but not limited to, window films and temporary features to weatherize or stabilize a historic resource;
    15. Minor modifications to an existing certificate of appropriateness that still meets the intent of the original approval; ~~or~~

16. Alterations to a building to secure it or prevent further damage after it sustains damage due to a natural cause such as storms or floods; or

17.6. Renewal of an expired certificate of appropriateness.

- c. The zoning administrator shall endeavor to either deny or approve the application, with or without conditions, within ten business days of receipt of the completed application.
- d. If the zoning administrator:
  - 1. Denies the application;
  - 2. Approves the application with conditions; or
  - 3. Fails to act within ten business days; and
  - 4. The applicant submits a written notice of appeal;the application shall be considered by the historic preservation commission. The notice of appeal must be submitted no later than 30 business days after the filing of the completed application.
- e. If the zoning administrator determines that the application is not eligible for administrative review, the application shall be reviewed by the historic preservation commission. In that event, the secretary to the historic preservation commission shall inform the applicant of the meeting date at which the application shall be considered. The applicant shall have the right to be heard and may be accompanied or represented by counsel and/or one or more construction or design professionals at the meeting.
- f. The zoning administrator shall review the application and make a recommendation to the historic preservation commission during the meeting at which the application shall be considered.
- g. After hearing the applicant and any other interested parties, and considering the recommendation from the zoning administrator, the historic preservation commission shall take one of the following actions:
  - 1. Approve the proposed work or development and issue a certificate of appropriateness.
  - 2. Approve the proposed work or development with conditions and issue a conditional certificate of appropriateness.
  - 3. Disapprove the certificate of appropriateness.
- h. In the case of the disapproval of a certificate of appropriateness by the historic preservation commission, the HPC shall state in writing the reasons for such disapproval and may include suggestions in regard to actions the applicant might take to secure the approval of the HPC concerning future issuance of a certificate of appropriateness.

(4) *Certificate.*

- a. It shall be the responsibility of the zoning administrator to issue the actual certificate of appropriateness following approval by the zoning administrator or the HPC, with any designated conditions, and to maintain a copy of the certificate

of appropriateness, together with the proposed plans. These shall be public documents for all purposes.

- b. Work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of such certificate. It shall be the duty of the building official to inspect from time to time any work performed pursuant to a certificate of appropriateness to assure such compliance. In the event that such work is not in compliance, the building official shall issue a stop work order and/or citation as prescribed by ordinance. The zoning administrator or the historic preservation commission, as appropriate, may request that the building official inspect the work and issue a stop work order.

(5) *Criteria.* The zoning administrator or historic preservation commission shall determine whether to grant a certificate of appropriateness based on the following criteria:

- a. The effect of the proposed change upon the general historic, cultural and architectural nature of the site, landmark or district;
- b. The appropriateness of exterior architectural features, including parking and loading spaces, which can be seen from a public street, alley or walkway; and
- c. The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the district, contrast or other relation of such factors to other landmarks built at or during the same period, as well as the uniqueness of such features, considering the remaining examples of architectural, historical and cultural values.

d. Any and all applicable guidelines referenced below.

(6) *Guidelines.* In all of its determinations of architectural appropriateness and historical integrity in the design and construction of buildings or signs in historic districts, the zoning administrator or historic preservation commission shall use the book entitled, "The Secretary of the Interior's Standards for the Treatment of Historic Properties: With Guidelines for Preserving, Rehabilitation, Restoring and Reconditioning", and the following criteria as guidelines:

- a. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
- b. The distinguishing original qualities or character of a building, structure, or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- c. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.
- d. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment.

These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

- e. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
- f. Weakened architectural features that are found in kind are to be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- g. The surface clearing of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken without approval from the historic preservation commission.
- h. Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
- i. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural, or cultural material and when such design is compatible with the size, scale, color, material, a character of the property, neighborhood or environment. Wherever possible, new additions or alterations to a structure shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(7) *Supplemental guidelines.* The historic preservation commission may develop and the city council may approve such supplemental guidelines as it may find necessary to implement the regulations of a particular H (Historic Overlay) district or the findings applicable to the designation of a particular H (Historic Overlay) district. Such guidelines may include, but are not limited to the following:

- a. Charts or samples of acceptable materials for siding, foundations, roofs or other parts of buildings;
- b. Illustrations of appropriate architectural details;
- c. Specifications of appropriate relationships to streets, sidewalks, other structures and buildings;
- d. Illustrations of appropriate porch treatments or entrances; or
- e. Illustrations of appropriate signage or street furniture.

(8) *Certificate of appropriateness for demolition.*

- a. *Certificate required.* No building or structure within any H (Historic Overlay) district shall be demolished or removed unless such demolition shall be approved

by the historic preservation commission and a certificate of appropriateness for such demolition shall be granted.

b. *Procedure.*

1. The procedure for issuance of a certificate of appropriateness for demolition shall be the same as for the issuance of other certificates of appropriateness with the following modification.
2. After the hearing, the historic preservation commission may approve the certificate of appropriateness, thereby authorizing the demolition, or the historic preservation commission may disapprove the certificate of appropriateness and postpone the demolition or removal for a period not to exceed 120 days. The purpose of such a postponement would be to allow the commission and any interested parties to explore alternatives to demolition.

c. *Supplemental demolition criteria.* In determining whether to issue a certificate of appropriateness for demolition, the historic preservation commission, and, on appeal, the city council, shall consider the following criteria, in addition to the criteria specified in this section:

1. The uniqueness of the structure as a representative type or style of architecture, historic association or other element of the original designation criteria applicable to such structure or tract.
2. The condition of the structure from the standpoint of structural integrity and the extent of work necessary to stabilize the structure.
3. The economically viable alternatives available to the demolition applicant, including:
  - i. Donation of a part of the value of the subject structure or site to a public or nonprofit agency, including the conveyance of development rights and facade easement.
  - ii. The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving such structure or site.
  - iii. The potential of such structure or site for renovation and its potential for continuing use.
  - iv. The potential of the subject structure or site for rezoning in an effort to render such property more compatible with the physical potential of the structure. The ability of the subject structure or site to produce a reasonable economic return on investment for its owner; provided, however, that this factor shall not have exclusive control and effect, but shall be considered along with all other criteria contained in this section.
  - v. Relocation of such structure in accordance with the procedures in subsection (b) below.

- (9) *Appeals.* Appeals of certificate of appropriateness decisions made by the historic preservation commission shall be made within 15 days to the city council.
- (b) *Certificate of appropriateness for relocating historic buildings or structures.*
- (1) *Applicability.* A certificate of appropriateness shall be required whenever any building or structure located within an H (Historic Overlay) district is proposed to be relocated.
- (2) *Certificate of appropriateness required.* No building permit shall be issued by the building official for the relocation of any historic building or structure until an application for such permit has been reviewed by the HPC, and a certificate of appropriateness has been approved.
- (3) *Procedure.* The procedure for issuance of a certificate of appropriateness for relocation shall be the same as set out above in subsection (a) for the issuance of other certificates of appropriateness with the following additions:
- a. If the historic building or structure is a recorded Texas historical landmark or listed on the National Register of Historic Places, the applicant shall be required to notify the appropriate party at the Texas Historical Commission and receive a response in writing, prior to submitting an application for the certificate of appropriateness.
  - b. Documentation shall be provided to the HPC at the time of application for a certificate of appropriateness that provides the following information:
    1. Overview of the proposed relocation of the historic building or structure, including:
      - i. Reasons for relocating the historic building or structure; and
      - ii. Reasons for selection of destination site.
    2. Photographs, which document all aspects of the historic building or structure. Requirements for photographs shall be provided by the HPC. At a minimum, photographs provided by the applicant shall include the following:
      - i. Each elevation of the building;
      - ii. Street view;
      - iii. All prominent architectural features; and
      - iv. Any additional accessory buildings that have H (Historic Overlay) district zoning, showing how they relate to the principal structure.
    3. Site plan of historic building or structure in current location.
    4. Site plan of historic building or structure in new location.
    5. Within ten days of receipt of an application for a permit for relocation, the city shall post a sign showing notice of the application on the originating location and on the proposed destination location, for the purpose of notifying the public of the proposed relocation.

- c. *Relocation criteria.* In determining whether to issue a certificate of appropriateness for relocation, the HPC, and, if necessary, on appeal, the city council, shall consider the following criteria:
1. The historic building or structure is imminently threatened by demolition.
  2. Reasonable alternatives to the proposed relocation have been examined. Alternatives may include, but are not limited to:
    - i. Modification of the proposed project affecting the historic building or structure to avoid its impact on the historic building or structure.
    - ii. Incorporation of the historic building or structure, in its entirety, into the proposed project.
  3. When relocated, the historic building or structure shall remain in the city.
  4. The structural condition of the historic building or structure has been examined so that it has been determined that the historic building or structure may be moved and that damage will be minimized. Stabilization of the historic building or structure prior to and/or during the move may be required.
  5. The new location for the historic building or structure has been determined to be compatible with the architectural aspects of the historic resource. Consideration shall include the review of all of the following:
    - i. Size of the historic building or structure and the destination lot;
    - ii. Massing;
    - iii. Architectural style; and
    - iv. Review of all adopted design guidelines by the HPC in determining compatibility.
  6. Other historic buildings or structures, which are not the principal structure on the site, but are historically associated with the principal structure, also should be relocated, if possible, and may be considered for relocation with the principal structure on the same certificate of appropriateness.
  7. Any historic building or structure relocated pursuant to this section shall be deemed a legal, nonconforming structure pursuant to Sec. 2-98 of this Code, and shall not be required to conform to any siting conditions at the new location. These siting conditions shall include, but are not limited to, setback requirements, structural alteration requirements such as enclosed parking requirements, and architectural requirements such as exterior finishes and orientation. The legal, nonconforming status shall apply only to the relocated structure and shall not apply to any zoning use restrictions applicable to the lot on which the historic building or structure is located.
- d. *Additional requirements.*

1. The historic building or structure shall be secured from vandalism and other damage for the time that it remains vacant as a result of the relocation process.
  2. The applicant shall be required to display a plaque provided and paid for by the city which documents the historic building's original location, date of relocation, and reason for relocation.
  3. The city may apply the H (Historic Overlay) district zoning to the destination lot(s), by following the procedures for applying H (Historic Overlay) district zoning in Sec. 10-55 of this Code. If the historic building or structure is being moved into an already designated historic district, the H (Historic Overlay) district zoning shall remain and apply to the destination lot or lot(s).
  4. The applicant shall provide photographs of the relocated historic building or structure to the zoning administrator once relocation is complete.
  5. Information regarding the relocation shall be filed in the appropriate city and county records.
- e. *Fee waivers.* If a certificate of appropriateness for relocation has been approved by the HPC, all applicable moving and building permit fees shall be waived.
- (4) *Appeals.* Appeals of certificate of appropriateness decisions made by the historic preservation commission shall be made within 15 days to the city council.

**Sec. 10-57. Partial tax exemptions for historically significant sites.**

- (a) *Definition.* As used in this section, the term "historic site" means any historically significant site within the city limits in need of tax relief to encourage its preservation. ~~Such phrase does not necessarily mean H (Historic Overlay) district as used elsewhere in this Code.~~
- (b) *Granting of exemptions.* The city council shall, by ordinance, concurrent with the levy of taxes for each year, approve for partial exemption from ad valorem taxes certain historically significant sites in need of tax relief to encourage their preservation.
- (c) *Partial exemptions.* Historic sites approved for exemption by ordinance pursuant to the provisions of this subsection shall have an exemption of 75 percent of the assessed value of the structure and the land. These exemptions may be applied to both residential and commercial property.
- (d) *Application.* For each assessment year for which the owner of property designated a historic site desires such property to be partially tax exempt pursuant to provisions of this subsection, the owner shall file with the county tax appraisal district a sworn application, not later than April 1, setting forth the fact that the requirements of subsections (e), (f) and (g) of this section concerning the preservation and maintenance of the subject structure were being fully satisfied as of January 1 of the year for which application for exemption is being sought. Application forms are to be

available at the city planning and development services department and at the county tax appraisal office. The application shall affirmatively set forth the owner's authorization for members of the historic preservation commission to visit and inspect the historic property, as well as examine the books and records as necessary, to certify whether or not the property qualified based upon the criteria of this section.

- (e) *Eligibility.* Only properties containing at least one manmade structure are eligible to apply.
- (f) *Historic significance.* Determinations of historic significance shall be made in accordance with the following criteria:
  - (1) Any structure designated as historic by the National Park Service (National Register of Historic Places), the Texas Historical Commission (recorded Texas Historic Landmark), or the city H (Historic Overlay) district shall be considered as having met the historic significance criteria.
  - (2) Any property that has participated in the tax exemption program in any year prior to the adoption of this Code under the historic significance criteria previously included herein.
  - ~~(3) Any property containing a structure not yet officially designated as historic may qualify as historically significant solely on the basis of architectural authenticity, provided that the structure was built prior to the year 1900. The applicant shall demonstrate architectural authenticity by documenting the date of construction and proving that no major exterior alteration has occurred to the structure. If a major exterior alteration has occurred, and if the alteration was out of character with the style of the original structure, proof that a subsequent restoration has occurred would then be necessary.~~
  - ~~(3) Any property containing a structure not yet officially designated as historic and built during the year 1900 or later may qualify as historically significant provided that it demonstrates:
    - ~~a. Architectural authenticity, as in subsection (f)(2) of this section; and~~
    - ~~b. History, as indicated by a famous person, place, or event. No living person may be the subject of historic significance. A person must be historically significant in his own right, rather than from association with or relation to, an historical person. A person, place, or event shall be considered historically significant if it changed, substantially contributed to changing, or was the result of a change to the course of local history or otherwise substantially contributed to the historical growth and development or to the cultural heritage of the city or county. The burden of proof for all historic claims rests upon the applicant for an historic property tax exemption. The applicant shall support such claims with documentation in the form of proper footnotes and bibliography. If the claim is one of uniqueness (one of a kind, largest, smallest, oldest, first, etc.), the application is to include documentation from an unbiased source which validates the claim. If oral histories are part of the documentation, the application shall indicate the form of the recorded data (whether tape or transcript), the location of the records, whether or not the~~~~

~~data are available to the public, the name of the interviewer and the interviewee, and the date, place, and subject of the interview. Primary source data (writing, publications, photographs, or other historical exhibits originating in association with the person, place, or event) shall take precedence over all other documentation which is a subsequent evaluation of the historic subject. Legal documents shall take precedence over private papers. Testimony from disinterested and authoritative individuals shall take precedence over the testimony of interested persons.~~

- (g) *Preservation and maintenance.* The following items shall be used in determining whether a historic site has been maintained in accordance with minimum property, structural and health standards:
- (1) Any well, cesspool or cistern shall be securely covered or closed;
  - (2) Dead trees and tree limbs that are reasonably capable of causing injury to a person shall be removed;
  - (3) Any structure or portion of a structure which is vacant shall be securely closed so as to prevent unauthorized entry;
  - (4) Paint or other coatings shall be applied at reasonable intervals so as to protect the exterior surfaces of a structure which are subject to decay;
  - (5) The exterior grounds shall be maintained free of excessive rubbish, garbage, junk or refuse;
  - (6) Screens and shutters existing at the time of historic designation or added subsequent thereto shall be maintained in good repair;
  - (7) Broken windows shall be replaced or re-glazed;
  - (8) Exterior doors and doorways shall be maintained in good repair and operable condition;
  - (9) Skirting around the structure, if any, shall be maintained in good repair;
  - (10) Porch flooring and supports shall be maintained in a sound condition, capable of bearing an imposed load safely;
  - (11) Railings and handrails of exterior stairs, steps, balconies, porches and other exterior features shall be maintained in a sound condition so as to afford safety;
  - (12) Rotted exterior wood shall be replaced and repainted;
  - (13) Broken or partially missing gutters or downspouts shall be replaced or repaired;
  - (14) Loose bricks or stones in the exterior of a structure shall be re-established or replaced and all joints weatherproofed by proper maintenance of appropriate materials;
  - (15) Fences and the exteriors of accessory buildings shall be maintained in reasonable repair, including painting if applicable; and
  - (16) The property shall be kept in conformance with all city codes.
- (h) *Tax assessment of historic sites and determination of the land reasonably necessary for access and use thereof.* The city's historic preservation officer shall recommend that portion of land which is reasonably necessary for access to and use of those historic structures for which

applications for exemptions are pending. All land in excess of that needed for access and use shall be taxed in the same equal and uniform manner as all other taxable properties in the city. The recommendation of the historic preservation officer shall be forwarded to the chief appraiser of the county tax appraisal district for review. The determination of the chief appraiser shall be final. The city's historic preservation commission shall take delivery from the county tax appraisal district office not later than May 1 of each year and prior to the levy of taxes for the current year all pending historic tax exemption applications. Applications received after that date will receive no further consideration. The applications shall have indicated thereon the assessed values of the historic structure and land necessary for access to and use thereof and the assessed value of the land determined to be in excess of that necessary for access to and use thereof.

- (i) *Procedure before the historic preservation commission.* Upon receipt of the sworn application, the historic preservation commission shall cause an inspection of the historic property to be made and may review the books and records as to whether or not the property is historically significant and is being preserved and maintained in accordance with this section as of that year and shall certify the facts to the city council not later than June 1, along with the commission's recommendation for approval or disapproval of the application for exemption. The historic preservation commission shall note on the application form any new construction or modification which has been accomplished in accordance with the restrictions placed on the structure by this division.
- (j) *Procedure before the city council.* Upon receipt of the recommendation of the historic preservation commission, the city council shall hold a public hearing concerning same, at which parties in interest and citizens shall have the opportunity to be heard. At least 15 days' prior notice of the time and place of such hearing shall be afforded the applicants by regular mail. The city council shall be at liberty to either: accept, reject, or take other action upon the recommendation of the historic preservation commission. The city council shall enact an ordinance no later than July 15th which names the properties approved for tax abatement.
- (k) *Rendition and assessment of historic sites for ad valorem taxation.* The provisions of this section pertaining to partial exemption of historic properties do not change the provisions of any other ordinance or section of the Code pertaining to taxation, and the applicant's properties shall be rendered and assessed in the same manner as any other property in the event the city council elects to disapprove the application for exemption.

(l) *Recapture of partial tax exemption.*

(1) This subsection does not apply to partial tax exemptions granted for 2015 and earlier.

(2) In the event that the owner of an historic site demolishes an historic structure for which a partial tax exemption has been granted during the previous five (5) calendar years, the

owner shall pay to the city an amount of money equal to the value of all tax exemptions granted for the historic site during said previous five (5) calendar years.

(3) The owner shall pay to the city the amount due under subsection (2) above within 30 days after the city makes demand for same. Amounts remaining unpaid after 30 days shall include interest thereon to be charged at the statutory rate for delinquent taxes as determined by Section 33.01 of the Property Tax Code of the State of Texas.

(4) The city shall have all remedies for the collection of the amounts due herein as provided generally in the Tax Code for the collection of delinquent taxes.

**Sec. 10-58. – 10-64. Reserved.**

**ARTICLE IX. DEVELOPMENT REVIEW BODIES**

**Sec. 10-65. Zoning administrator.**

- (a) *Designation.* The city manager shall designate the zoning administrator for the city. Where this Code assigns a responsibility, power, or duty to the zoning administrator, the zoning administrator may delegate that responsibility, power or duty to any other agent or employee of the city whom the zoning administrator may reasonably determine.
- (b) *Powers and duties.* The zoning administrator shall have the following powers and duties:
- (1) *Administration.*
    - a. The zoning administrator shall administer the provisions of this Code.
    - b. The zoning administrator shall develop and maintain submittal and application requirements for all procedures contained in this Code.
    - c. The zoning administrator may delegate responsibilities, powers or duties to any other agent or employee of the city whom the zoning administrator reasonably determines.
  - (2) *Initial administrative review.* The zoning administrator shall review requests or proposals for the following:
    - a. Special exceptions.
    - b. Variances
    - c. Text amendments.
    - d. Official zoning map amendments.
    - e. Planned unit development (PUD) applications.
  - (3) *Certificate of zoning compliance.* The zoning administrator shall issue certificates of zoning compliance.
  - (4) *Written interpretation.* The zoning administrator shall make written interpretations of this Code.
  - (5) *Temporary use permit.* The zoning administrator shall render decisions on applications for temporary use permits.

- (6) *Enforcement.* The zoning administrator shall enforce the provisions of this Code.
  - (7) *Administrative adjustment.* The zoning administrator shall render decision on applications for administrative adjustments.
- (c) *Other duties.* The zoning administrator shall perform all other duties imposed under the provisions of the Code, as amended from time to time.

**Sec. 10-66. Historic preservation commission (HPC).**

- (a) *Creation.* The city council shall provide for the appointment of a historic preservation commission (HPC) and the regulations and restrictions adopted shall be pursuant to the provisions of applicable statutory requirements for a historic preservation commission under state law.
- (b) *Powers and duties.* The HPC shall have the following powers and duties pursuant to the provisions of applicable statutory requirements for a historic preservation commission under state law:
  - (1) *Certificate of appropriateness.* The HPC shall render decisions on applications for certificates of appropriateness.
  - (2) *Historic district or landmark designation.* The HPC shall recommend designation of specified areas of the city as historic districts or landmarks.
  - (3) *Partial tax exemption for historic sites.* The HPC shall review applications and make recommendations for action to the city council regarding partial tax exemptions for historic sites.
  - (4) *Certified local government requirements.* Under the certified local government (CLG) agreement with the state historical commission, the HPC shall administer the requirements of the CLG program as promulgated by the national park service.
  - (5) *Renaming city facilities in honor of an individual.* In accordance with the city's naming and renaming policy for city facilities, park lands or streets, the HPC shall review, research, and report on requests to name or rename such facilities in honor of an individual.
  - (6) *Honoring local citizens or groups.* The HPC shall have the authority to adopt rules and procedures to create a "Local Legends Award" to honor local individuals, groups, businesses, locations and/or publications that have had a positive and lasting impact on the culture, development and history of the city.
- (c) *Membership, terms and compensation.*
  - (1) *Number, appointment.* The HPC shall consist of five regular members and one alternate member. Appointment of members shall be made by the city council at the second regular meeting of the city council after the city election. 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; provided, however, that members shall continue to serve until their successors are appointed.
- (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 position and a replacement shall be appointed by the city council to fill the unexpired term.
- (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. ~~within 30 days after the date of filing such application.~~

~~a. The HPC shall render a decision on the application within 30 days of the filing of said application.~~

~~b. If a decision is not rendered within 30 days after the date of filing such application, it shall be deemed to have been approved and a certificate showing the filing date and the failure to take action on the application within 30 days shall be issued by the HPC on demand. This 30-day timeline is valid except as provided in Sec. 10-56 for procedures pertaining to certificate of appropriateness for demolition.~~

- (6) *Quorum.* Three members shall constitute a quorum for transactions of business and no decision shall be rendered without a concurring vote of at least three 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.

#### **Sec. 10-67. Zoning board of adjustment (ZBA).**

- (a) *Creation.* The city council shall provide for the appointment of a zoning board of adjustment (ZBA) and the regulations and restrictions adopted shall be pursuant to the provisions of applicable statutory requirements for a zoning board of adjustment under state law.
- (b) *Powers and duties.* The ZBA shall have the following powers and duties pursuant to the provisions of applicable statutory requirements for a zoning board of adjustment under state law:
- (1) *Administrative appeals.* The ZBA shall hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Code.
  - (2) *Special exceptions.* The ZBA shall hear and decide special exceptions to the terms of this Code.
  - (3) *Variances.* The ZBA shall authorize in specific cases a variance from the terms of this Code if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this Code would result in unnecessary hardship, and so that the spirit of this Code is observed and substantial justice is done.
  - (4) *Decisions.* The ZBA shall hear and decide other matters, as authorized by this Code.
- (c) *Membership, terms and compensation.*
- (1) *Number, appointment.* The ZBA shall consist of five regular members and four alternate members. Appointment of members shall be made by the city council at the second regular meeting of the city council after the city election. 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; provided, however, that members shall continue to serve until their successors are appointed.
  - (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.
- (d) *Procedures.*
- (1) *Officers.* The chairperson of the zoning board of adjustment shall be elected from the membership of the ZBA by a majority of the members. A vice chair to serve in the chairperson's absence shall be likewise elected.
  - (2) *Meetings.* Meetings may be called upon request of the chairperson of the ZBA, or upon written request of three members, or upon notice from the zoning administrator that a matter requires the consideration of the ZBA. The chairperson, or in his or her absence the vice chair, may administer oaths and compel the attendance of witnesses. All meetings of the ZBA shall be open to the public.
  - (3) *Quorum.* Four members shall constitute a quorum for transaction of business and no decision shall be rendered without a concurring vote of at least four members.
  - (4) *Notice of meetings.* Public notice of all meetings of the ZBA shall be posted according to the Texas Open Meetings Act.
  - (5) *Rules of proceeding.* The zoning board of adjustment shall adopt its own rules of procedure, provided that such shall not be in conflict with laws applicable to the ZBA or any provisions of the City Charter.
  - (6) *Minutes.* The ZBA shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the zoning administrator and shall be a public record.

**Sec. 10-68. Planning and zoning commission (PZ).**

- (a) *Creation.* The city, as a home rule city, has by City Charter all the powers authorized by V.T.C.A., Local Government Code, which are hereby adopted, which authorize the appointment of a

planning and zoning commission, and which set out certain authority and responsibilities for such a commission.

- (b) *Powers and duties.* The commission shall have the following powers and duties pursuant to the provisions of applicable statutory requirements for a planning and zoning commission:
- (1) *General plan.* The commission shall prepare and modify the general plan for the city, for approval and adoption by the city council.
  - (2) *Text amendments.* The commission 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 shall review and make recommendations to the city council in regard to applications for original zoning.
  - (4) *Zoning map amendments.* The commission 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 shall review and make recommendations to the city council in regard to applications for planned unit developments.
  - (6) *Historic (H) overlay designation.* The commission 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 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 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 shall consist of nine members. Appointment of members shall be made by the city council at the second regular meeting of the city council after the city election. Members shall be residents of the city for the last 12 months and eligible voters.
  - (2) *Terms.* Terms of members of the commission shall be for two years, and shall expire on June 15; 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.
  - (3) *Current members.* Members of the planning and zoning commission 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 position and a replacement shall be appointed by the city council to fill the unexpired term.
  - (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 shall be elected from the membership of the commission 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 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 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, or upon written request of three members, or upon notice from the zoning administrator that a matter requires the consideration of the commission.
  - (3) *Quorum.* A quorum shall consist of a majority of the entire membership of the commission 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 shall be posted according to the Texas Open Meetings Act.
  - (5) *Rules of proceeding.* The commission shall adopt its own rules of procedure, provided that such shall not be in conflict with laws applicable to the commission or any provisions of the City Charter.
  - (6) *Minutes.* The commission 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.

**Sec. 10-69. City council, powers and duties.**

- (a) The city council shall have the following powers and duties as set forth in this code:
- (1) *Appointments.* The city council shall be responsible for appointing and removing members of the planning and zoning commission, zoning board of adjustment and historic preservation commission.
  - (2) *Certificate of appropriateness appeals.* The city council shall hear and render decisions on appeals of the decision of the historic preservation commission on certificate of appropriateness applications.

- (3) *General plan amendments.* The city council shall hear and render decisions on proposed amendments to the general plan.
- (4) *Text amendments.* The city council shall hear and render decisions on proposed text amendments to this Code.
- (5) *Application for original zoning.* The city council shall hear and render decisions on applications for original zoning.
- (6) *Zoning map amendments.* The city council shall hear and render decisions on proposed amendments to the official zoning map.
- (7) *Planned unit development (PUD) zoning adoption.* The city council shall review, hear and render decisions on applications for planned unit development zoning.
- (8) *Historic (H) overlay designation.* The city council shall hear and render decisions on designations of historic (H) overlay districts.
- (9) *Partial tax exemption for historic sites.* The city council shall hear and render decisions on applications for partial tax exemptions for historically significant sites.

**Sec. 10-70. Summary of review authority.**

(a) The following table summarizes the city procedural review structure by review body:

Procedure	Zoning Administrator	Historic Preservation Commission	Zoning Board of Adjustment	Planning and Zoning Commission	City Council
<b>Planning Policy</b>					
General Plan adoption and amendments	Review			Review*	Decision*
Code amendment (other than zoning)	Review				Decision
<b>Annexation</b>					
Voluntary	Review				Decision
Involuntary	Review				Decision*
<b>Zoning</b>					
Certificate of zoning compliance	Decision				
Written interpretation	Decision				
Administrative adjustment	Decision				

Temporary use permit	Decision				
Code amendment (zoning)	Review			Review*	Decision*
Application for original zoning	Review			Review*	Decision*
Zoning map amendment	Review			Review*	Decision*
PUD development plan/zoning	Review			Review*	Decision*
<b>Platting</b>					
Concept plan	Review			Decision*	
Preliminary plat	Review			Decision	
Final plat	Review			Decision	
Replat	Review			Decision*	
Amending and minor plats	Decision				
<b>Exceptions and Variances</b>					
Variance	Review		Decision*		
Special exception	Review		Decision*		
Sign exception	Review		Decision		
Compatibility buffer exception	Review		Decision*		
<b>Historic Preservation</b>					
Certificate of appropriateness (administrative)	Decision				
Certificate of appropriateness (non-administrative)	Review	Decision			
Historic overlay designation		Review		Review*	Decision*
Partial historic tax exemption		Review			Decision*

Key

\* = public hearing, with the exception of certain replats as described in Sec. 10-30(e).

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