

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROUND ROCK, TEXAS,
REGULATING VEHICLE PARKING ON RESIDENTIAL LOTS;
PROVIDING FOR ENFORCEMENT AND PENALTIES,
PROVIDING SEVERABILITY, REPEAL OF FORMER
ORDINANCE, AND EFFECTIVE DATE CLAUSE, AND
PROVIDING FOR RELATED MATTERS

WHEREAS, the City of Round Rock is authorized to prohibit nuisances within the city limits; and

WHEREAS, the City Council of the City of Round Rock has found parking of motor vehicles, trailers, boats, and other vehicles on private property on unimproved surfaces in the street yard and side yards in areas of the City used for single family, two family, townhouse and manufactured housing purposes may create a nuisance and may be injurious to the health, safety and welfare of persons residing in and around such residential areas and should be prohibited; and

WHEREAS, it is desirable to control the parking of vehicles on unimproved surfaces in the street yards and side yards in order to beautify neighborhoods and to promote the health, safety, and orderly development of neighborhoods within the City.

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

I.

That Chapter 9, Section 9.1800 is hereby amended by adding a new sub-section 9.1820, which shall read as follows:

SECTION 9.1820 VEHICLE PARKING ON RESIDENTIAL LOTS.

- (1) Title, Purpose and Scope.
 - (a) It is hereby declared that the purpose and intent of this Section is to regulate, control and limit public nuisances and other conditions and circumstances as herein set forth that adversely affect the health, safety or welfare of the general public, and that adversely affect community appearance, orderly development and property values.
 - (b) This Section shall apply to all residential lots located in the corporate limits of the City; provided however, this Section shall not apply to lots prior to the issuance of a Certificate of Occupancy.
 - (c) If any other ordinance of the City conflicts with this Section and the standards and regulations established herein, the higher or stricter standard or regulation shall prevail.
- (2) Definitions.
 - (a) Corner Lot: A residential lot located at the intersection of two streets.
 - (b) Design and Construction Standards Transportation Criteria Manual or DACS: the Design and Construction Standards Transportation Criteria Manual, as adopted or amended from time to time by the City Council.
 - (c) Driveway: a private, continuous driving surface providing ingress and egress for vehicles from an garage or carport to an adjacent street, alley or other improved public way, which may also serve as an off-street parking area.
 - (d) Improved Driveway: A driveway consisting of a continuous improved surface constructed in accordance with the DACS.
 - (e) Improved Surface: A continuous area used for the movement or parking of vehicles that is constructed of concrete, asphalt, brick, pavers or other equivalent materials approved by the City Engineer prior to installation, but not including gravel or crushed stone.
 - (f) Park: To stand a vehicle, whether occupied or not, for any period of time.
 - (g) Rear Yard: A rear yard shall be defined as the area extending across the full width of the lot between the rear lot line and the rear building wall. For a corner lot, the rear yard includes that portion of the residential lot which is the deepest area of the lot lying between the building wall and the property line and is not contained within the street yard.
 - (h) Residential Lot: Any lot in a residential zoning district, as identified in Section 11.401, with the exception of the Multifamily (MF) zoning district.
 - (i) Side Yard: A side yard shall be defined as the area between a side lot line and the side building wall, and extending from the front building wall to the rear building wall.

- (j) Street Yard: The area of a lot which lies between the property line adjacent to street or right-of-way and the building wall, and as such building wall line extends from the outward corners of the building, parallel to the street.
 - (k) Unimproved Driveway: A private continuous surface providing ingress and egress for vehicles from an off-street parking area, garage or carport to an adjacent street, alley or other improved public way that is constructed with gravel, crushed stone, or other equivalent material approved by the City Engineer.
 - (l) Unimproved Parking Area. Any portion of a residential lot that is used for off-street parking of vehicles that is constructed with gravel, crushed stone, or other equivalent material approved by the City Engineer.
 - (m) Unimproved Surface: Any part of a residential lot that is not either an improved surface, unimproved driveway, or unimproved parking area.
 - (n) Vehicle: Any and every motorized or non-motorized device in, upon or by which a person, persons, or property is or may be transported, drawn or moved upon a street, highway, waterway or airway and shall include but is not limited to any automobile, bus, truck, tractor, motor house, farm machinery, motorcycle, scooter, moped, all-terrain vehicle, boat, boat trailer, aircraft, golf cart, go-cart, trailer, fifth-wheel trailer, camper, camper shell, wheeled towing frame, semi-tractor, semi-tractor trailer, truck bed mounted on a chassis, mobile home, and recreational vehicle. This definition does not include non-motorized bicycles, small engine lawnmowers and devices of similar scale.
- (3) General Vehicle Parking Regulations.
- (a) It shall be unlawful for the owner, occupant or person in charge of any residential lot or the owner of a vehicle to park or to permit the parking of a vehicle on an unimproved surface, unimproved driveway, or unimproved parking area in the street yard or side yard of any residential lot.
 - (b) Except as otherwise provided, it shall be unlawful for the owner, occupant or person in charge of any residential lot or owner of any vehicle to park or permit the parking of any vehicle in the rear yard unless said vehicle is screened in the manner stated in Section 11.502(2)(c) of the Code. The aforesaid screening shall not be required in the rear yard for vehicles parked on an improved driveway.
 - (c) It is an affirmative defense to prosecution if a vehicle is parked on an unimproved surface if site construction, building improvements, or landscaping activities require parking of said vehicle on said unimproved surface. The vehicle shall be removed from the unimproved surface within seventy-two (72) hours of the completion of the portion of the project requiring said parking.
 - (d) It is an affirmative defense to prosecution for the parking of vehicles at an existing residence on an unimproved driveway or unimproved parking area where such unimproved driveway or unimproved parking area existed before the effective date of this Ordinance; however, the existing unimproved driveway or unimproved parking area shall be maintained in a fashion that will support

vehicular traffic, not allow grass, weeds or other vegetation to grow in the unimproved driveway or unimproved parking area.

(4) Enforcement and Penalty for Violation of this Section.

Any person, firm, or corporation violating any of the provisions of this Section or any amendment thereto shall be deemed guilty of a misdemeanor, and upon conviction in Municipal Court shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day such violation continues shall constitute a separate offense.

(5) Illegally Parked Vehicles Declared a Public Nuisance; Duty of Property Owners;

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(a) Illegally parked vehicles are detrimental to the safety and welfare of the general public, tending to reduce the value of private property, to invite vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the city and state by producing urban blight which is adverse to the maintenance and continuing development of the City, and such vehicles are declared to be a public nuisance and subject to abatement as set out hereunder.

(b) The owner or occupant of any real property within the City shall keep such property free of and shall not permit or suffer the presence of illegally parked vehicles on such property.

(c) It shall be unlawful for any person to knowingly or intentionally interfere with or attempt to prevent the physical impounding of any illegally parked vehicle by the chief of police or his delegate pursuant to this subsection.

(6) Visible Notice to Abate Nuisance.

(a) At the time an illegally parked vehicle is located by the chief of police on either occupied or unoccupied private property, a visible notice, brightly colored but of a color different from that used for notices of abandoned and junked vehicles, shall be securely affixed to such vehicle. Such notice shall:

(i) State that the vehicle is a public nuisance and that it must be removed and abated within seventy-two (72) hours from the date on such notice.

(ii) State that a request for a hearing to determine whether or not the vehicle is an illegally parked vehicle as defined herein must be made to the clerk of the municipal court, either in person or in writing and without the requirement of bond, before the expiration of said seventy-two (72) hour period.

(iii) Shall state that in the event that no request for a hearing is received before the expiration of said seventy-two (72) hour period, it shall be conclusively presumed that said vehicle is an illegally parked vehicle as defined under this Section.

(iv) Shall state the date and hour that it was affixed.

(b) Affixing the notice set out herein shall not be a condition or requirement precedent to any proceeding or official action to abate such public nuisance and such proceeding or action shall not be rendered void or voidable nor in any way affected by failure to affix the visible notice prescribed herein.

(7) Public Hearing; Finding and Orders of Judge.

(a) The owner or occupant of any premises on which an illegally parked vehicle is located may, within seventy-two (72) hour after service of a notice to abate said nuisance, request of the clerk of the municipal court of the city, either in person or in writing, and without the requirement of the bond, that a date and a time be set when he may appear before the judge of the municipal court for a hearing to determine whether or not the vehicle is an illegally parked vehicle.

(b) The judge of the municipal court shall hear any case brought before such court, as set out herein, and shall determine by a preponderance of the evidence whether or not the vehicle is an illegally parked vehicle and in violation of this Section. At the hearing, the vehicle is presumed, unless demonstrated otherwise by the owner, to be illegally parked. Such hearing shall not be criminal in nature and shall be as summary as due process and orderly procedure allows. Rules of evidence as in civil suits shall be followed. Upon finding that such vehicle is in violation of this Section, the judge of such court shall order such defendant to remove and abate such nuisance within seventy-two (72) hour, the same being a reasonable time. If the defendant shall fail and refuse, within such seventy-two (72) hour, to abate or remove the nuisance, the judge of the municipal court may issue an order directing the chief of police to have the same removed, and the chief of police or his delegate shall take possession of such illegally parked vehicle and remove it from the premises. Such order shall include a description of the vehicle, and the current identification number and license number of the vehicle, if available at the site.

(c) Notice of any hearing set under this Section shall be delivered to the chief of police.

(8) Notice to Texas Department of Transportation.

Notice shall be given to the Texas Department of Transportation that an illegally parked vehicle has been impounded within five (5) days after the removal of the illegally parked vehicle as provided in this Section, identifying the vehicle or part thereof impounded.

(9) Disposition of Impounded Illegally Parked Vehicles.

The chief of police or his delegate shall dispose of all impounded illegally parked vehicles in such manner as the city manager may designate, consistent with state law, provided such vehicle shall not be reconstructed or made operable. Disposal may be by removal or sale, with or without competitive bidding, to a scrap yard or demolisher.

II.

That Chapter 11, Section 11.502(2) is hereby amended by adding a new subsections (b) Residential Parking Requirements (c) Screening, and (d) Unimproved Driveways and Unimproved Parking Areas; Nonconforming Uses, which shall read as follows:

SECTION 11.502 OFF-STREET PARKING AND LOADING

11.502 (2) Off-Street Parking Requirements

(b) Residential Parking Requirements

(i) Applicability

This subsection shall apply to any lot in a residential zoning district, as identified in Section 11.401 of this Code, with the exception of the Multifamily (MF) zoning district.

(ii) Definitions

All terms that are defined in Section 9.1820(2) of this Code shall have the same meaning when used in this sub-section.

(iii) 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.

(iv) 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 component, for example, grass or sand between paving stones.

(v) Street Yard Coverage

For non-corner residential lots, no combination of improved driveways and/or improved surfaces shall cover more than fifty (50%) percent of the street yard. For corner residential lots, no combination of improved

driveways and/or improved surfaces shall cover more than twenty-five (25%) percent of the street yard. The regulations of this sub-section 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:

- (i) a solid, opaque fence or wall at least six feet (6') in height;
- (ii) 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 feet (6'); or
- (iii) a combination of the above.

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

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 Section 11.600. 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.

If the building or structure that is served by the unimproved driveway is damaged or destroyed to an extent greater than sixty percent (60%) of its fair market value, 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.

If the building or structure that is served by the unimproved driveway is increased by twenty five percent (25%) 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.

III.

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

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

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

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

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

NYLE MAXWELL, Mayor
City of Round Rock, Texas

ATTEST:

CHRISTINE R. MARTINEZ, City Secretary