

ORDINANCE NO. G-11-06-23-9A3

**AN ORDINANCE AMENDING CHAPTER 46, ZONING, CODE OF ORDINANCES (2010 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING FRONT STREET YARD; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:**

**I.**

That Chapter 46, Section 46-5, Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby amended to amend the definition of "Street yard" to read as follows:

**Sec. 46-5. - Definitions.**

<b>Term</b>	<b>Definition</b>
<b>Street yard</b>	<b>For the purpose of this chapter, 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.</b>

**II.**

That Chapter 46, Section 46-5, Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby amended as follows, with the new definition set forth below being appropriately inserted alphabetically:

**Sec. 46-5. - Definitions.**

<b>Term</b>	<b>Definition</b>
<b>Street yard, front</b>	<b>For the purpose of this chapter, the area of a lot which lies between the property line adjacent to street or right-of-way and the wall line of the building containing the front door or primary entryway to the building, as such building wall line extends from the outward corners of the building, parallel to the street.</b>

**III.**

That Chapter 46, Section 46-135(c)(1), Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

**Sec. 46-135. - SF-1 (Single family - large lot) district.**

(c) *Density and development standards.* All development within the SF-1 (single-family-large lot) district shall conform to the density, development, and special standards described below.

(1) *Single-family large lot density and development standards.*

**Density and Development Standards for Conventional Single Family Large Lots<sup>(1)</sup>**

<b>Description</b>	<b>Requirement</b>
<b>Minimum lot area</b>	<b>10,000 sq. ft.</b>
<b>Minimum lot width</b>	<b>70 ft.</b>
<b>Minimum width of principal building</b>	<b>20 ft.</b>
<b>Minimum setback from street (ROW)</b>	<b>30 ft.</b>
<b>Minimum garage door setback from street (ROW)</b>	<b>35 ft.</b>
<b>Minimum rear setback</b>	<b>20 ft.</b>
<b>Minimum side setback</b>	<b>5 ft.</b>
<b>Minimum setback for accessory building</b>	<b>5 ft.<sup>(2)</sup></b>
<b>Maximum height of principal building</b>	<b>2.5 stories</b>
<b>Maximum height of accessory building</b>	<b>15 ft.</b>
<b>Maximum lot coverage</b>	<b>40 percent</b>
<b>Maximum height of fence within front street yard</b>	<b>3 ft.<sup>(3)</sup></b>
<b>Maximum height of fence outside front street yard</b>	<b>8 ft.<sup>(3)(4)</sup></b>

<sup>(1)</sup>Special purpose lots, including but not limited to landscape lots and utility lots, may be exempted from these requirements.

<sup>(2)</sup>Accessory buildings or structures are not permitted in any front street yard.

<sup>(3)</sup>All fences shall provide a finished face to abutting streets.

<sup>(4)</sup>Fences shall not conflict with sight triangles at street intersections or obstruct views from adjacent driveways.

**IV.**

That Chapter 46, Section 46-136(c)(1), Code of Ordinances (2010 Edition), City of Round Rock, Texas, are hereby amended to read as follows:

**Sec. 46-136. - SF-2 (Single family - standard lot) district.**

(c) *Density and development standards.* All development within the SF-2 (single family-standard lot) district shall conform to the density, development, and special standards described below.

(1) *Single family detached home density and development standards.*

**Density and Development Standards for Conventional Single Family Standard Lots<sup>(1)</sup>**

<b>Description</b>	<b>Requirement</b>
<b>Minimum lot area</b>	<b>6,500 sq. ft.</b>
<b>Minimum lot width</b>	<b>50 ft.</b>
<b>Minimum width of principal building</b>	<b>20 ft.</b>
<b>Minimum setback from street (ROW)</b>	<b>20 ft.</b>
<b>Minimum garage door setback from street (ROW)</b>	<b>25 ft./15 ft.<sup>(2)</sup></b>
<b>Minimum rear setback</b>	<b>20 ft.</b>
<b>Minimum side setback</b>	<b>5 ft.</b>
<b>Minimum setback for accessory building</b>	<b>5 ft.<sup>(3)</sup></b>
<b>Maximum height of principal building</b>	<b>2.5 stories</b>
<b>Maximum height of accessory building</b>	<b>15 ft.</b>
<b>Maximum lot coverage</b>	<b>40 percent</b>
<b>Maximum height of fence within front street yard</b>	<b>3 ft.<sup>(4)</sup></b>
<b>Maximum height of fence outside front street yard</b>	<b>8 ft.<sup>(4)(5)</sup></b>

<sup>(1)</sup>Special purpose lots, including but not limited to landscape lots and utility lots, may be exempted from these requirements.

<sup>(2)</sup>Side-entry garages may have a 15 ft. setback from street (ROW).

<sup>(3)</sup>Accessory buildings or structures are not permitted in any front street yard.

<sup>(4)</sup>All fences shall provide a finished face to abutting streets.

<sup>(5)</sup>Fences shall not conflict with sight triangles at street intersections or obstruct views from adjacent driveways.

**V.**

That Chapter 46, Section 46-136(c)(8), Code of Ordinances (2010 Edition), City of Round Rock, Texas, are hereby amended to read as follows:

(c) *Density and development standards.* All development within the SF-2 (single family-standard lot) district shall conform to the density, development, and special standards described below.

(8) *Zero lot line residential lot density and development standards.*

**Density and Development Standards for Zero Lot Line Residential<sup>(1)</sup>**

<b>Description</b>	<b>Requirement</b>
<b>Minimum lot area</b>	<b>5,500 sq. ft.</b>
<b>Minimum lot width</b>	<b>45 ft.</b>
<b>Minimum width of principal building</b>	<b>20 ft.</b>
<b>Minimum setback from street (ROW)</b>	<b>15 ft.</b>
<b>Minimum garage door setback from street (ROW)</b>	<b>25 ft./15 ft.<sup>(2)</sup></b>
<b>Minimum rear setback</b>	<b>15 ft.</b>
<b>Minimum side setback</b>	<b>0 ft./12 ft.<sup>(3)</sup></b>
<b>Minimum setback for accessory building</b>	<b>5 ft.<sup>(4)</sup></b>

<b>Maximum height of principal building</b>	<b>2 stories</b>
<b>Maximum height of accessory building</b>	<b>15 ft.</b>
<b>Maximum lot coverage</b>	<b>50 percent</b>
<b>Maximum height of fence within front street yard</b>	<b>3 ft.<sup>(5)</sup></b>
<b>Maximum height of fence outside front street yard</b>	<b>8 ft.<sup>(5)(6)</sup></b>

<sup>(1)</sup>Special purpose lots, including but not limited to landscape lots and utility lots, may be exempted from these requirements.

<sup>(2)</sup>Side-entry garages may have a 15 ft. setback from street (ROW).

<sup>(3)</sup>One side setback may be zero ft.; the other side setback shall be at least 12 ft.

<sup>(4)</sup>Accessory buildings or structures are not permitted in any front street yard.

<sup>(5)</sup>All fences shall provide a finished face to abutting streets.

<sup>(6)</sup>Fences shall not conflict with sight triangles at street intersections or obstruct views from adjacent driveways.

## VI.

That Chapter 46, Section 46-137(d)(1), Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

**Sec. 46-137. - MH (Manufactured housing) district.**

(d) Density and development standards. All development within the MH (manufactured housing) district shall conform to the density, development, and special standards described in this subsection.

(1) *Manufactured housing density and development standards.*

**Density and Development Standards for Manufactured Housing Lots<sup>(1)</sup>**

<b>Description</b>	<b>Requirement</b>
<b>Minimum lot area</b>	<b>6,500 sq. ft.</b>
<b>Minimum lot width</b>	<b>50 ft.</b>
<b>Minimum width of principal building</b>	<b>20 ft.</b>
<b>Minimum setback from street (ROW)</b>	<b>20 ft.</b>
<b>Minimum garage door setback from street (ROW)</b>	<b>25 ft./15 ft.<sup>(2)</sup></b>
<b>Minimum rear setback</b>	<b>20 ft.</b>
<b>Minimum side setback</b>	<b>5 ft.</b>
<b>Minimum setback for accessory building</b>	<b>5 ft.<sup>(3)</sup></b>
<b>Maximum height of principal building</b>	<b>2.5 stories<sup>(4)</sup></b>
<b>Maximum height of accessory building</b>	<b>15 ft.</b>
<b>Maximum lot coverage</b>	<b>40 percent</b>
<b>Maximum height of fence within front street yard</b>	<b>3 ft.<sup>(5)</sup></b>
<b>Maximum height of fence outside front street yard</b>	<b>8 ft.<sup>(5)(6)</sup></b>

<sup>(1)</sup>Special purpose lots, including but not limited to landscape lots and utility lots, may be exempted from these requirements.

<sup>(2)</sup>Side-entry garages may have a 15 ft. setback from street (ROW).

<sup>(3)</sup>Accessory buildings or structures are not permitted in any front street yard.

<sup>(4)</sup>Stacking of manufactured homes is prohibited.

<sup>(5)</sup>All fences shall provide a finished face to abutting streets

<sup>(6)</sup>Fences shall not conflict with sight triangles at street intersections or obstruct views from adjacent driveways.

**VII.**

That Chapter 46, Section 46-138(c)(1), Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

**Sec. 46-138. - TF (Two-family) district.**

(c) Density and development standards. All development within the TF district shall conform to the density, development, and special standards described in this subsection.

(1) *Two family lot density and development standards.*

**Density and Development Standards for Conventional Two Family Lots<sup>(1)</sup>**

<b>Description</b>	<b>Requirement</b>
<b>Minimum lot area</b>	<b>3,500 sq. ft.<sup>(2)</sup></b>
<b>Minimum lot width</b>	<b>35 ft.<sup>(2)</sup></b>
<b>Minimum setback from street (ROW)</b>	<b>20 ft.</b>
<b>Minimum garage door setback from street (ROW)</b>	<b>25 ft.</b>
<b>Minimum rear setback</b>	<b>20 ft.</b>
<b>Minimum side setback</b>	<b>0 or 5 ft.<sup>(3)</sup></b>
<b>Minimum setback for accessory building</b>	<b>0 or 5 ft.<sup>(3)(4)</sup></b>
<b>Maximum height of principal building</b>	<b>2.5 stories</b>
<b>Maximum height of accessory building</b>	<b>15 ft.</b>
<b>Maximum lot coverage</b>	<b>50 percent</b>
<b>Maximum height of fence within front street yard</b>	<b>3 ft.<sup>(5)</sup></b>
<b>Maximum height of fence outside front street yard</b>	<b>8 ft.<sup>(5)(6)</sup></b>

<sup>(1)</sup>Special purpose lots, including but not limited to landscape lots and utility lots, may be exempted from these requirements.

<sup>(2)</sup>For fee simple lot containing one dwelling unit in a two dwelling unit building.

<sup>(3)</sup>The setback shall be 5 ft., except that common walls are not required to have a setback.

<sup>(4)</sup>Accessory buildings are not permitted in any front street yard.

<sup>(5)</sup>All fences shall provide a finished face to abutting streets.

<sup>(6)</sup>Fences shall not conflict with sight triangles at street intersections or obstruct views from adjacent driveways.

## VIII.

That Chapter 46, Section 46-139(c)(1), Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

**Sec. 46-139. - TH (Townhouse) district.**

(c) *Density and development standards.* All development within the TH (Townhouse) district shall conform to the density, development, and special standards described in this subsection.

(1) Townhouse lot density and development standards.

**Density and Development Standards for Townhouse Lots<sup>(1)</sup>**

Description	Requirement	
	Single-Unit	Multi-Unit
Minimum lot area	2,500 sq. ft./unit	20,000 sq. ft.
Minimum lot width	25 ft./unit	150 ft.
Minimum setback from street (ROW)	15 ft.	15 ft.
Minimum garage door setback from street (ROW)	25 ft.	25 ft.
Minimum rear setback	20 ft.	20 ft.
Minimum rear setback abutting SF and TF lots	20 ft.	20 ft.
Minimum side setback	5 ft. <sup>(2)</sup>	10 ft. <sup>(2)</sup>
Minimum side setback abutting SF and TF lots	20 ft.	20 ft.
Minimum setback for accessory building	0 or 5 ft. <sup>(3) (6)</sup>	5 ft.
Minimum distance between detached units	N/A	10 ft.
Maximum height of principal building	2.5 stories	2.5 stories
Maximum height of accessory building	15 ft.	15 ft.
Maximum lot coverage	N/A	50 percent
Maximum height of fence within front street yard	3 ft. <sup>(4)</sup>	3 ft. <sup>(4) (5)</sup>
Maximum height of fence outside front street yard	8 ft. <sup>(4)</sup>	8 ft. <sup>(4) (7)</sup>

<sup>(1)</sup>Special purpose lots, including but not limited to landscape lots and utility lots, may be exempted from these requirements.

<sup>(2)</sup>A side setback of 0 feet is allowed only for internal attached units with a common wall. End units shall have a 10-foot side setback. Detached multi-units have a 5-foot setback.

<sup>(3)</sup>The setback shall be 5 ft., except that common walls are not required to have a setback.

<sup>(4)</sup>All fences shall provide a finished face to abutting streets.

<sup>(5)</sup>A wrought iron fence is permitted to reach a height of six feet.

<sup>(6)</sup>Accessory buildings or structures are not permitted in any front street yard.

<sup>(7)</sup>Fences shall not conflict with sight triangles at street intersections or obstruct views from adjacent driveways.

**IX.**

That Chapter 46, Section 46-140(c)(1), Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

**Sec. 46-140. - MF (Multifamily) district.**

(c) Density and development standards. All development within the MF (Multifamily) district shall conform to the density, development, and special standards described below.

(1) Conventional multifamily lot density and development standards.

**Density and Development Standards for Townhouse Lots<sup>(1)</sup>**

Description	Requirement		
	1 story	2 stories	3 stories
Minimum lot area	1 acre	1 acre	1 acre
Minimum lot width	200 ft.	200 ft.	200 ft.
Minimum setback from street (ROW)	25 ft.	35 ft.	45 ft.
Minimum rear setback	25 ft.	35 ft.	45 ft.
Minimum rear setback abutting SF and TF lots	25 ft. <sup>(2)</sup>	50 ft. <sup>(2)</sup>	100 ft. <sup>(2)</sup>
Minimum side setback	25 ft.	25 ft	25 ft
Minimum side setback abutting SF and TF lots	25 ft. <sup>(2)</sup>	50 ft. <sup>(2)</sup>	100 ft. <sup>(2)</sup>
Minimum setback for accessory building	10 or 20 ft. <sup>(3) (6)</sup>	10 or 20 ft. <sup>(3) (6)</sup>	10 or 20 ft. <sup>(3) (6)</sup>
Maximum height of principal building	1 story	2 stories	3 stories
Maximum height of accessory building	15 ft.	15 ft.	15 ft.
Maximum lot coverage	40 percent	40 percent	40 percent
Maximum height of fence within front street yard	3 ft. <sup>(4) (5)</sup>	3 ft. <sup>(4) (5)</sup>	3 ft. <sup>(4) (5)</sup>
Maximum height of fence outside front street yard	8 ft. <sup>(4)(7)</sup>	8 ft. <sup>(4)(7)</sup>	8 ft. <sup>(4)(7)</sup>

<sup>(1)</sup>Special purpose lots, including but not limited to landscape lots and utility lots, may be exempted from these requirements.

<sup>(2)</sup>For all properties abutting SF and TF lots a minimum 15 ft. landscape buffer is required. No other use is permitted within the buffer. Landscaping shall be in accordance with section 46-195.

<sup>(3)</sup>The setback is 20 ft. when adjacent to SF or TF lots.

<sup>(4)</sup>All fences shall provide a finished face to abutting streets.

<sup>(5)</sup>A wrought iron fence shall be permitted to reach a height of six feet.

<sup>(6)</sup>Accessory buildings or structures are not permitted in any front street yard.

<sup>(7)</sup>Fences shall not conflict with sight triangles at street intersections or obstruct views from adjacent driveways.

**X.**

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

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

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

Alternative 1.

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

**READ, PASSED, and ADOPTED** on first reading this 23<sup>rd</sup> day of June, 2011.

Alternative 2.

**READ and APPROVED** on first reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.


**READ, APPROVED and ADOPTED** on second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.



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ALAN MCGRAW, Mayor  
City of Round Rock, Texas

ATTEST:



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SARA L. WHITE, City Secretary



## City Council Agenda Summary Sheet

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<b>Agenda Item No.</b>	9A3.
<b>Agenda Caption:</b>	Consider an ordinance amending Chapter 46, Zoning, Code of Ordinances, regarding front street yards and fence height restrictions. (First Reading)
<b>Meeting Date:</b>	June 23, 2011
<b>Department:</b>	Planning and Community Development
<b>Staff Person making presentation:</b>	Peter Wysocki
	Planning and Community Development Director

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### Item Summary:

Fences are currently regulated in residential districts. They are limited to 3-feet in height when located in a street yard, the area between the face of the structure and a public street. This regulation has not been consistently applied when the structure has two street yards, such as on a corner lot. Most commonly, corner lot homeowners desire to have a 6-foot privacy fence around their side yard next to the street where the current regulations allow for only a 3-foot high fence. Upon a city-wide evaluation of residential neighborhoods it is clearly visible that most properties - new and old alike - do not comply with the current requirement. Since the City does not have a fence permit/inspection program, it is very difficult to enforce the standard. The only recourse without a fence permit/inspection program is to require removal of non-conforming fences after the violation has been noticed by city staff or a complaint filed by an individual. As the Council can imagine, this would be a very difficult and likely unpleasant enforcement action. A fence permit and inspection program has been considered by staff; however, such a program would be very time intensive with very minimal overall benefit to our community. In order to remove this unintended limitation, the proposed ordinance revisions state that the 3-foot height limitation only applies to the street yard in front of the structure. Fences outside of the front street yard can be a maximum of 8-feet in height, so long as they do not conflict with sight triangles at street intersections or obstruct views from adjacent driveways. Although the maximum height is 8-feet, a vast majority of the fences constructed on residential properties are 6-feet high.

The ordinance amendments affect the: SF-1 (Single Family – Large Lot), SF-2 (Single Family – Standard Lot), MH (Manufactured Housing), TF (Two Family), TH (Town House), and the MF (Multi-Family) zoning districts. The definition for “street yard” has been revised and a new definition has been provided for “front street yard”. In addition, a graphic has been included to illustrate the meaning of “front street yard.”

### Strategic Plan Relevance:

Strategic Plan Theme: High Performance Government; Ensure plans, policies and procedures are consistent with the vision, intent and goals of the strategic plan.

**Cost:** N/A

### Source of Funds:

**Date of Public Hearing (if required):** May 18, 2011 at Planning and Zoning and June 23, 2011 at City Council

**Recommended Action:** Approval