

ORDINANCE NO. G-10-08-26 947

**AN ORDINANCE AMENDING CHAPTER 8, SUBDIVISIONS, CODE OF ORDINANCES (1995 EDITION) TO CHANGE TERMINOLOGY FROM THE DEVELOPMENT REVIEW COMMITTEE TO THE DEVELOPMENT SERVICES OFFICE AND DSO MANAGER(S); AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

**ARTICLE 1**

**That Chapter 8, Section 8.106 Definitions is hereby amended to read as follows:**

**8.106 DEFINITIONS**

For the purposes of this Chapter, the following words, terms and phrases, shall have the meaning ascribed to them except where the context clearly indicates a different meaning:

- (1) Abut or Abutting shall mean to physically touch, border, or share a common property line. This term indicates a closer proximity than the term "adjacent."
- (2) Addition shall mean one lot, tract or parcel of land lying within the corporate limits or ETJ which is intended for the purpose of development.
- (3) Adjacent shall mean lying near or close to.
- (4) Alley shall mean a public or private way intended for access and service to the rear or side of a property, but not intended for general traffic circulation.
- (5) Alternative Standards Agreement shall mean an agreement between the City and Developer and/or owner of the land that modifies the regulations herein.
- (6) Block shall mean 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.
- (7) Certify shall mean a declaration made in any manner, oral or written, which provides reasonable assurance of the accuracy of the declaration.
- (8) City shall mean the City of Round Rock, a home rule municipal corporation.
- (9) City Council shall mean the City Council of the City of Round Rock.
- (10) City Engineer shall mean the head of the Engineering and Development Services Department of the City, or an authorized representative.
- (11) Code or "this Code" shall mean the latest edition of the Code of Ordinances, City of Round Rock, Texas, as amended.

- (12) Concept Plan shall mean 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 Chapter.
- (13) Corporate Limits shall mean the boundaries of the City.
- (14) County shall mean Travis or Williamson County, Texas, whichever is applicable.
- (15) Cul-de-sac shall mean a local street with only one (1) outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.
- (16) Dedication shall mean 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.
- (17) Deed shall mean a warranty deed in a form approved by the City Attorney.
- (18) Department of Planning and Community Development or Planning Department shall mean the offices of the City which oversee the administration of the Subdivision regulations contained in this Chapter.
- (19) Design and Construction Standards shall mean 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 Secretary and available through the Development Services Office.
- (20) Developer shall mean the person or entity who submits an application pursuant to this Chapter. A Developer includes the owner of a tract of land, or an authorized agent of an owner.
- (21) Development shall mean the subdividing of land as well as any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, conversion or enlargement of any structure; and any mining, dredging, filling, grading, paving, excavation or drilling operations.
- (22) Development Packet shall mean the set of application procedures and fees maintained and on file at the Planning Department pertaining to, among other things, the platting and Subdivision of land.
- (23) Development Services Office (“DSO”) shall mean the office of the City composed of a DSO Planner Manager and a DSO Engineer Manager and other city staff deemed advisable by the City Manager. The role of the Development Services Office is to generally oversee and manage the site plan review and approval process, the variance process and the administrative adjustment process.
- (24) Development Services Office Manager(s) shall mean the DSO Planner Manager and/or the DSO Engineer Manager as more specifically set out in Section 11.202 of this Code.
- (25) Easement shall mean an easement dedicated by Plat or separate instrument to and/or for the use by the public.

- (26) Easement, public utility shall mean an easement dedicated by Plat or separate instrument to and/or for the use by a public utility.
- (27) Easement Vacation shall mean 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.
- (28) Engineer shall mean a person who is duly licensed and registered to engage in the practice of professional engineering in the State of Texas.
- (29) Engineer's Report shall mean a written report sealed by an engineer, including schematic diagrams as appropriate, addressing and describing utility service, drainage, streets and flood plain issues, and any other items that may be listed in the Development Packet.
- (30) Extraterritorial Jurisdiction (ETJ) shall mean the unincorporated area that is contiguous to the corporate limits of the City as further provided for in the Texas Local Government Code, Section 42.021.
- (31) Frontage shall mean the line where a parcel of land, lot or site abuts a street.
- (32) Gated Community shall mean 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.
- (33) General Plan shall mean 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. The current General Plan is known as the "General Plan 2000" as adopted by Chapter 11 of this Code, but the term shall include all future amendments and revised plans.
- (34) Living Unit Equivalent (LUE) shall mean a unit of measurement used to facilitate the sizing of water and wastewater mains.
- (35) Lot shall mean a parcel of land shown on a Final Plat of record and having frontage upon (i) a street and shown on a Final Plat of record, or (ii) an alternate public access to a street through an approved planned unit development zoning district, as provided for in Chapter 11.
- (36) Lot, Corner shall mean a lot located at the intersection of two (2) or more streets.
- (37) Lot, Double Frontage shall mean any lot having frontage on two (2) streets which are nonintersecting.
- (38) Lot, Flag shall mean any lot whose frontage and access is provided by way of a narrow projection of the lot to the street.
- (39) Lot Line shall mean the boundary of a lot.
- (40) Non-Recorded Subdivision shall mean a tract that has been divided, for which a Plat has not been recorded in the Official Plat Records of the County.

- (41) Non-Residential Private Street Development shall mean a non-residential development that contains private streets. Such development shall not contain a gated or guarded entrance.
- (42) Official Filing Date shall mean 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.
- (43) Off-site shall mean located outside the boundary area of the property to be platted.
- (44) Parcel shall mean a contiguous tract of land owned by or controlled by the same person or entity.
- (45) Parent Tract shall mean 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 five hundred (500) acres including the property being platted. The Planning Director may determine what portion of the Developer's land will be included in the Parent Tract up to the five hundred (500) acre limit.
- (46) Parks Director shall mean the Director of the Parks and Recreation Department of the City, or an authorized representative.
- (47) Park Zone shall mean areas identified on a Park Zone map adopted by City Council.
- (48) Peak Hour shall mean 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.
- (49) Person shall mean an individual, a corporation, a partnership, a joint venture, an association or other legal entity.
- (50) Planning Director shall mean the Director of the Planning Department of the City, or an authorized representative.
- (51) Planning and Zoning Commission or Commission shall mean 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.
- (52) Plat shall mean 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.
- (53) Plat, Amending shall mean a change to a Recorded Plat as permitted in Section 8.209 of this Chapter.
- (54) Plat, Final shall mean the Plat that is presented to the Planning and Zoning Commission for final approval.

- (55) Plat, Minor Subdivision Final shall mean the Plat that is presented to the Planning and Zoning Commission for final approval without the submission of a Concept Plan or Preliminary Plat.
- (56) Plat, Preliminary shall mean the Plat indicating the proposed layout of the Subdivision or Addition that is presented to the Planning and Zoning Commission for preliminary approval.
- (57) Plat, Recorded shall mean the duly approved Final Plat filed in the Official Plat Records of the County.
- (58) Plat Vacation shall mean a Recorded Plat which is vacated through the procedures described in this Chapter.
- (59) Predevelopment Conference shall mean a meeting of the Developer and/or his engineer with the DSO Manager(s), the Planning Director and other Department representatives to identify and evaluate items to be addressed with the initial submittal through the review of a sketch plan.
- (60) Private Street shall mean streets located within a Gated Community or a Non-Residential Private Street Development which are not dedicated to the public for maintenance, operation, or ownership, and which are designated as special purpose lots on a plat.
- (61) Protected Tree shall mean a tree, including a Monarch Tree, as the term is defined in Section 3.1100 of this Code, that due to its size, species or unique characteristics is protected from arbitrary removal, as provided in Section 3.1105 of this Code.
- (62) Public Improvement shall mean 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, 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.
- (63) Public Street shall mean streets that are dedicated to or owned by the City, County, State or Federal Government, and for which the government assumes the responsibility for maintenance, operation, or ownership.
- (64) Public Utility shall mean 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.
- (65) Recordation shall mean the act of recording a Plat, which has been approved by the City as required by this Chapter, as an official record in the Plat Records of the Office of the County Clerk.

- (66) Replat shall mean to resubdivide 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.
- (67) Reserve Specialist shall mean an individual holding the designation of a "Reserve Specialist" issued by the Community Associations Institute
- (68) Right-of-way shall mean land dedicated by a Plat or by separate instrument to and for use as public streets, utilities, drainage, etc.
- (69) Roadway shall mean the paved area of a street between the face of the curb lines, including the driving, parking and bicycle lanes.
- (70) Stormwater means the runoff or flow caused by rainfall.
- (71) Stormwater Drainage Facilities shall mean the system of pipes, appurtenances and open channels used to collect and transport stormwater.
- (72) Stormwater Management shall mean the control and management of stormwater to minimize the detrimental effects of surface water runoff.
- (73) 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.
- (74) Street, Stub shall mean a street that has been designed to allow for the future extension of the street onto or through abutting land.
- (75) Subdivision shall mean the division of a lot, tract or parcel of land into two (2) or more parts.
- (76) Subdivision Development Permit shall mean a permit issued by the Planning 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 Section 8.206(6).
- (77) Subdivision Improvement Construction Plans shall mean 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 and sewer, open space, parks or other recreational space, streets and illumination of streets.
- (78) Surveyor shall mean a person who is a registered professional land surveyor and licensed by the State of Texas.
- (79) Traffic, Average Daily (ADT) shall mean the average number of vehicles that pass a specified point during a twenty-four (24) hour period.
- (80) Traffic Impact Analysis (TIA) shall mean 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.

- (81) Transportation Director shall mean the Director of the Transportation Services Department of the City, or an authorized representative.
- (82) TCEQ shall mean the Texas Commission on Environmental Quality or its successor.
- (83) Utility Director shall mean the Director of the Water/Wastewater Utility Department of the City, or an authorized representative.
- (84) Ultimate One Hundred Year Floodplain (100-Year Floodplain) shall mean the area of land that would be inundated by a flood having a one percent (1%) chance of occurring in any given year based on the expected fully developed state of the upstream contributing drainage area.
- (85) Ultimate Twenty Five Year Floodplain (25-Year Floodplain) shall mean the area of land that would be inundated by a flood having a four percent (4%) chance of occurring in any given year based on the expected fully developed state of the upstream contributing drainage area.
- (86) Wastewater shall mean solids, liquids, or gaseous materials discharged into an approved wastewater collection and treatment system.
- (87) Wastewater System shall mean the system of pipes and appurtenances used to collect and transport wastewater.

## ARTICLE 2

**That Chapter 8, Section 8.114.1 Filing of Applications, Subsection (1) Application Filed is hereby amended to read as follows:**

### 8.114.1 FILING OF APPLICATIONS

For all applications filed under this Chapter, the following shall apply:

(1) Application Filed

Pursuant to Texas Local Government Code, Chapter 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  
Development Services Office  
Attn: Planning Director  
301 West Bagdad, Suite 140  
Round Rock, TX 78664

### ARTICLE 3

**That Chapter 8, Section 8.116 Subdivision Fees, Subsection (8) Inspection Fees is hereby amended to read as follows:**

#### 8.116 SUBDIVISION FEES

##### (8) Inspection Fees

Inspection fees for Public Improvements and/or Private Streets shall be equal to one and one-half percent (1 ½%) 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 DSO Engineer.

### ARTICLE 4

**That Chapter 8, Section 8.207 Minor Subdivision Final Plat, Subsection (2) Predevelopment Conference, Paragraph (d) is hereby amended to read as follows:**

#### 8.207 MINOR SUBDIVISION FINAL PLAT

##### (2) Predevelopment Conference

- (d) At the conclusion of the Predevelopment Conference, obtain the signatures of the Planning Director, the DSO Engineer and the Transportation Director confirming the tract of land meets the criteria provided in (a) through (c) above on the certification form provided in the Development Packet.

### ARTICLE 5

**That Chapter 8, Section 8.207 Minor Subdivision Final Plat, Subsection (4) Application Requirements, Paragraph (f) is hereby amended to read as follows:**

#### 8.207 MINOR SUBDIVISION FINAL PLAT

##### (4) Application Requirements

- (f) The certification form signed by the Planning Director, the DSO Engineer and the Transportation Director confirming the tract of land qualifies as a Minor Subdivision Final Plat;

### ARTICLE 6

**That Chapter 8, Section 8.209 Amending Plat, Subsection (4) Application Requirements, Paragraph (d) is hereby amended to read as follows:**



8.209 AMENDING PLAT

(4) Application Requirements

- (d) An Engineer's Report if applicable. The DSO Engineer 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;

**ARTICLE 7**

**That Chapter 8, Section 8.210 Plat Vacation, Subsection (3) Application Requirements, Paragraph (d) is hereby amended to read as follows:**

8.210 PLAT VACATION

(3) Application Requirements

- (d) A completed, signed and acknowledged Plat Vacation instrument including the signature of the DSO Engineer if public rights-of-way or easements are being vacated and the signatures of any additional entities authorized to use the easement;

**ARTICLE 8**

**That Chapter 8, Section 8.213 Recordation Procedure, Subsection (1), Paragraphs (i), (j) and (n) are hereby amended to read as follows:**

8.213 RECORDATION PROCEDURE

- (1) In order for the approved Plat to be recorded, the Developer must submit the following to the Planning Director:
  - (i) A copy of the written notification from the DSO Manager notifying that the requirements of Section 3.1100 of this Code have been met and if applicable, the posting of the appropriate fiscal security in accordance with Section 3.1111 of this Code;
  - (j) A copy of the letter from the DSO Engineer either certifying that the Public Improvements have been satisfactorily completed in accordance with Section 8.705 or that Subdivision Improvement Construction Plans have been accepted by the DSO Engineer and the appropriate fiscal security has been posted in accordance with Section 8.704;
  - (n) Regional stormwater detention fees, in lieu of on-site detention, where approved by the DSO Engineer.

## ARTICLE 9

**That Chapter 8, Section 8.305 Standards for Parkland Dedication, Subsection (2) Dual Park and Stormwater Drainage Facility is hereby amended to read as follows:**

### 8.305 STANDARDS FOR PARKLAND DEDICATION

#### (2) 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 DSO Engineer for the location and design of the dual park and stormwater drainage facility. Areas designated for dual use purposes shall not exceed fifty percent (50%) of the parkland dedication requirement per Section 8.303, unless otherwise approved by the Parks Director and the DSO Engineer.

## ARTICLE 10

**That Chapter 8, Section 8.405 Sidewalks, Subsections (2) Design, (3) Exceptions, and (4) Size are hereby amended to read as follows:**

### 8.405 SIDEWALKS

#### (2) Design

Unless excepted in this Section 8.405, 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 DSO Engineer. Sidewalks are required along one side of a local rural street pursuant to Section 8.421. Sidewalks are required along street frontage of parks pursuant to Section 8.305(3)(b). Sidewalks shall not intersect at driveway wings unless otherwise approved by the DSO Engineer.

#### (3) 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 DSO Engineer.

#### (4) Size

- (a) 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 feet (4') in width when separated by a distance of at least three feet from the roadway curb. Sidewalks closer than three feet (3') to the roadway curb shall be a minimum of five feet (5') in width. Where ribbon curb is installed on local rural streets, the sidewalk shall be at least eight feet (8') from the ribbon curb unless otherwise approved by the DSO Engineer.

- (b) Local non-residential, major collector and arterial streets: A sidewalk along a local non-residential, major collector or arterial street must be a minimum of four feet (4') in width and a minimum eight feet (8') from the curb.

## ARTICLE 11

**That Chapter 8, Section 8.406 Medians and Islands, Subsection (1) Standards is hereby amended to read as follows:**

### 8.406 MEDIANS AND ISLANDS

(1) 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 DSO Engineer. Grass turf areas shall not be less than six feet (6') in width. All medians and islands shall be bordered by standard curb and gutter, unless otherwise approved by the Transportation Director.

## ARTICLE 12

**That Chapter 8, Section 8.412 Street Lighting, Subsection (2) Illumination Plan is hereby amended to read as follows:**

### 8.412 STREET LIGHTING

(2) 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 DSO Engineer.

## ARTICLE 13

**That Chapter 8, Section 8.413 Subdivision Walls, Subsection (2) Standards, Paragraphs (a) and (b) are hereby amended to read as follows:**

### 8.413 SUBDIVISION WALLS

(2) Standards

- (a) 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 Development Services Office. Structural plans and specifications for walls shall be approved by the

DSO Engineer. 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 DSO Engineer shall consider the site's soil characteristics, wind loadings and other environmental considerations.

- (b) Walls shall be constructed of the following materials: brick, stone, split faced or decorative concrete masonry unit (CMU), decorative reinforced concrete or other equivalent materials approved by the DSO Engineer, subject to the following:
  - (i) Wall pillars shall be constructed of masonry of sound structural integrity.
  - (ii) Wall panels shall be constructed of brick, stone, split faced or decorative concrete masonry unit (CMU), decorative reinforced concrete or other equivalent materials approved by the DSO Engineer. Panels shall be top capped as determined by the DSO Engineer.

## **ARTICLE 14**

**That Chapter 8, Section 8.415 Lots, Subsection (1) Special Purpose Lots is hereby amended to read as follows:**

### **8.415 LOTS**

#### **(1) Special Purpose Lots**

Special purpose lots established for the purpose of private streets, parkland dedication, landscaping, postal boxes, flood plain, 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 11 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 DSO Engineer. 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.

## **ARTICLE 15**

**That Chapter 8, Section 8.423 Gated Communities, Subsection (5) Property Owners Associations, Paragraph (b) is hereby amended to read as follows:**

### **8.423 GATED COMMUNITIES**

#### **(5) Property Owners Associations**

- (b) 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 Services and the DSO Engineer. 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 (3) 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 Services and the DSO Engineer.

## ARTICLE 16

**That Chapter 8, Section 8.423 Gated Communities, Subsection (7) Design Standards, Paragraph (a) Structures, Sub-Paragraph (i) is hereby amended to read as follows:**

(7) Design Standards

(a) Structures:

- (i) 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 DSO Engineer.

## ARTICLE 17

**That Chapter 8, Section 8.424 Non-Residential Private Street Development, Subsection (5) Property Owners Associations, Paragraph (b) is hereby amended to read as follows:**

8.424 NON-RESIDENTIAL PRIVATE STREET DEVELOPMENT

(5) Property Owners Associations

- (b) 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 Services and the DSO Engineer. 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 (3) 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 Services and the DSO Engineer.

## ARTICLE 18

**That Chapter 8, Section 8.503 Oversize Mains, Subsections (3) Oversize Account and (4) Reimbursement are hereby amended to read as follows:**

### 8.503 OVERSIZE MAINS

#### (3) 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 LUEs to be added to the respective water and wastewater systems.

One LUE is equal to the amount of water consumed by a single-family dwelling unit based on an average consumption of four hundred fifty (450) gallons per day and the amount of wastewater produced using two hundred eighty (280) gallons per day average flow.

To determine the number of residential LUE's, the following calculations shall apply:

<u>LUE</u>	<u>Land Use</u>
1.0	Single Family/ per dwelling unit
0.9	Duplex or Single Family Attached/ per dwelling unit
0.8	Townhouse/ per dwelling unit
0.7	Multifamily/ per dwelling unit

LUE determinations for all other types of land uses shall be determined by the DSO Engineer pursuant to data submitted by the applicant from a certified engineer.

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-Unit Townhouse Plats the water and wastewater oversize fees shall be paid when the Developer requests recordation of the Plat. For Multi-Unit Townhouse, multifamily and non-residential 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.

(4) Reimbursement

After acceptance of the Public Improvements by the DSO Engineer, a Developer shall present in writing to the DSO Engineer, 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 DSO Engineer 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 thirty (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.

## ARTICLE 19

**That Chapter 8, Section 8.602 Stormwater Drainage Facilities, Subsections (1) On-site Detention Facilities is hereby amended so that the introductory paragraph shall read as follows:**

8.602 STORMWATER DRAINAGE FACILITIES

(1) 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 (2), ten (10) and twenty-five (25) year frequency storm. The DSO Engineer may modify this requirement under either of the following circumstances:

## ARTICLE 20

**That Chapter 8, Section 8.602 Stormwater Drainage Facilities, Subsection (2) Regional Stormwater Management Program, Sub-Paragraph (a) Participation is hereby amended to read as follows:**

### 8.602 STORMWATER DRAINAGE FACILITIES

#### (2) Regional Stormwater Management Program

##### (a) 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 DSO Engineer 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. A comprehensive engineering report providing engineering data and calculations which fully describe and justify participation in the program shall accompany all participation requests.

## ARTICLE 21

**That Chapter 8, Section 8.603 Computations and Plans, Subsection (1) is hereby amended to read as follows:**

### 8.603 COMPUTATIONS AND PLANS

- (1) Plans for proposed drainage facilities shall be submitted to the DSO Engineer for acceptance prior to construction.

## ARTICLE 22

**That Chapter 8, Section 8.701 Construction Plans Submission, Subsections (1) Submittal, (3) Submittal Content, (5) Expiration of Accepted Subdivision Improvement construction Plans, and (6) Pre-construction conference are hereby amended to read as follows:**

### 8.701 CONSTRUCTION PLANS SUBMISSION

#### (1) Submittal

Subdivision Improvement Construction Plans shall be submitted for review and acceptance by the DSO Engineer for all development for which Public Improvements are required.



(3) Submittal Content

Except as provided herein, after Preliminary Plat approval, Subdivision Improvement Construction Plans may be submitted to the DSO Engineer for acceptance. The Subdivision Improvement Construction Plans submittal shall include all of the information specified in the Development Packet.

(5) Expiration of Accepted Subdivision Improvement Construction Plans

The Subdivision Improvement Construction Plans will expire two (2) years from the date of acceptance by the DSO Engineer if construction has not commenced. Even after construction has commenced, the accepted Subdivision Improvement Construction Plans will expire three (3) 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.

(6) Pre-construction conference

After the acceptance of the Subdivision Improvement Construction Plans, a pre-construction conference shall be required prior to commencement of construction of the Public Improvements. The pre-construction conference shall be held with the DSO Engineer and include the following people: Developer, Developer's contractor, Developer's engineer and other parties as determined by the DSO Engineer.

## ARTICLE 23

**That Chapter 8, Section 8.702 Construction of Public Improvements, Subsection (3) Sidewalk Construction, Paragraph (b) Sidewalks for Multi-Unit Townhouse, Multifamily, and Non-Residential Lots is hereby amended to read as follows:**

### 8.702 CONSTRUCTION OF PUBLIC IMPROVEMENTS

(3) Sidewalk Construction

(b) Sidewalks for Multi-Unit Townhouse, Multifamily, and Non-Residential Lots

A Developer shall install sidewalks for Multi-Unit Townhouse, multifamily and non-residential 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 DSO Engineer.

## ARTICLE 24

**That Chapter 8, Section 8.702 Construction of Public Improvements, Subsection (4) Benchmarks is hereby amended to read as follows:**

### 8.702 CONSTRUCTION OF PUBLIC IMPROVEMENTS

(4) Benchmarks

(a) 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 DSO Engineer. 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 DSO Engineer, will ensure the integrity of the benchmark.

(b) 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 DSO Engineer 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 DSO Engineer prior to Plat recordation.

(c) Modification

The DSO Engineer may modify the benchmark requirement if he/she determines one of the following:

- (i) 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;
- (ii) The requirement creates undue hardship on the Developer;
- (iii) 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 DSO Engineer may approve a permanent benchmark established in conformance with generally accepted surveying and engineering practices; or
- (iv) Lack of development within the Subdivision or Addition.

## ARTICLE 25

**That Chapter 8, Section 8.704 Fiscal Security, introductory paragraph and Subsection (1) Amount are hereby amended to read as follows:**

#### 8.704 FISCAL SECURITY

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 DSO Engineer and provided that the Subdivision Improvement Construction Plans have been accepted by the DSO Engineer.

(1) Amount

The amount of fiscal security posted by the Developer shall equal the estimated cost plus ten percent to complete the Public Improvements that have not been accepted. The Developer's engineer must provide the DSO Engineer with a sealed opinion of the probable cost for his approval.

### ARTICLE 26

**That Chapter 8, Section 8.705 Inspection and Acceptance is hereby amended to read as follows:**

#### 8.705 INSPECTION AND ACCEPTANCE

(1) Entry and Inspection

The DSO Engineer and other City employees shall have the right to enter upon the construction site for the purpose of conducting inspections. The DSO Engineer shall conduct inspections of the Public Improvements during construction to ensure general conformity with plans and specifications as accepted. If the DSO Engineer 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.

Upon completion of the Public Improvements, the Developer shall arrange with the DSO Engineer 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.

(2) Acceptance of Improvements

(a) Request Acceptance of Public Improvements

Upon completion of the construction of the Public Improvements, the Developer shall request that the DSO Engineer 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.

(b) Letter of Acceptance

Upon satisfactory completion of the Public Improvements and receipt of the information and items requested for the acceptance, the DSO Engineer shall issue a letter accepting the Public Improvements and shall forward a copy of the letter of acceptance to the Planning Director.

**ARTICLE 27**

**That Chapter 8, Section 8.706 Maintenance of Improvements is hereby amended to read as follows:**

**8.706 MAINTENANCE OF IMPROVEMENTS**

The Developer shall be responsible for the maintenance and repair of all Public Improvements for one (1) year after acceptance of said Public Improvements by the City. Prior to issuance of the letter of acceptance by the DSO Engineer pursuant to Section 8.705, a one (1) year maintenance guarantee, in favor of the City, shall be provided by the Developer by means of a warranty bond, subject to the approval of the City, in the form specified in the Development Packet.

**ARTICLE 28**

**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.

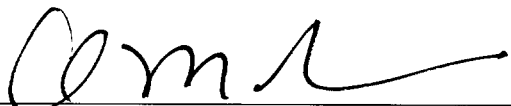
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

**READ, PASSED, and ADOPTED** on first reading this 26<sup>th</sup> day of August, 2010.


Alternative 2.

**READ and APPROVED** on first reading this the \_\_\_\_ day of \_\_\_\_\_, 2010.

**READ, APPROVED and ADOPTED** on second reading this the \_\_\_\_ day of \_\_\_\_\_, 2010.

  
ALAN MCGRAW, Mayor  
City of Round Rock, Texas

ATTEST:

  
SARA L. WHITE, City Secretary



## City Council Agenda Summary Sheet

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<b>Agenda Item No.</b>	9C7.
<b>Agenda Caption:</b>	Consider an ordinance amending Chapter 8, Code of Ordinances, to change terminology to reflect the new Development Services Office. (First Reading)
<b>Meeting Date:</b>	August 26, 2010
<b>Department:</b>	Administration
<b>Staff Person making presentation:</b>	Brad Wiseman
	Development Services Manager

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**Item Summary:**

The purpose of this ordinance is to amend the Code of Ordinances to incorporate the Development Services Office (DSO) process. This amendment transfers decision-making authority from the Development Review Committee (DRC) to the DSO thereby reflecting the City's reorganization.

**Strategic Plan Relevance:**

High Performance Government

**Cost:** N/A

**Source of Funds:** N/A

**Date of Public Hearing (if required):** N/A

**Recommended Action:** Adoption