

**Text Amendments
CODE AMENDMENT**

DATE: October 2, 2019

CODE AMENDMENT SECTIONS: Part III – Zoning and Development Code: Subdivision Improvement Construction Permits - Section 4-95

STAFF REVIEW AND ANALYSIS: Recent changes have been made to the Texas Local Government Code which need to be reflected in the Zoning and Development Code.

Subdivision Improvement Construction Permits - Section 4-95: This section is revised in order to comply with HB 3167, effective on September 1, 2019. The bill amends the Texas Local Government Code for the subdivision platting process to make certain plans subject to action within 30 days of filing. Section 4-95 is revised to clarify that the process described is a permit, not a plan, and is therefore not subject to requirement for action within 30 days.

RECOMMENDED MOTION:

Staff recommends approval of the Code amendments in order to comply with State law.

ORDINANCE NO. O-2019-_____

AN ORDINANCE AMENDING ZONING AND DEVELOPMENT CODE, CHAPTER 4, ARTICLE VIII, SECTION 4-95 REGARDING SUBDIVISION IMPROVEMENT CONSTRUCTION PERMITS, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS; 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 Zoning and Development Code, Chapter 4, Article VIII, Section 4-95, Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended as follows:

CHAPTER 4. SUBDIVISION DESIGN AND CONSTRUCTION

Sec. 4-95. ~~Construction plans submission~~ Subdivision improvement construction permits.

- (a) *Submittal.* ~~Applications for S~~subdivision improvement construction ~~planspermits~~ 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, an application for a subdivision improvement construction ~~plans-permit~~ may be submitted to the PDS director for acceptance approval. The application for the subdivision improvement construction ~~plans-submittal permit~~ 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.

- 1 (e) *Expiration of ~~accepted~~-subdivision improvement construction-~~plans permits~~.* The subdivision
2 improvement construction ~~plans-permit~~ will expire two years from the date of ~~acceptance-approval~~ by
3 the PDS director if construction has not commenced. Even after construction has commenced, the
4 ~~accepted~~-subdivision improvement construction ~~plans-permit~~ will expire three years from the date of
5 ~~acceptance issuance~~. If ~~accepted-a~~ subdivision improvement construction ~~planspermit~~ expires, the
6 ~~plans- application~~ shall be resubmitted for review and acceptance to ensure compliance with the
7 current Design and Construction Standards.
- 8 (f) *Preconstruction conference.* After the issuance of the subdivision improvement permit, a
9 preconstruction conference shall be required prior to commencement of construction of the public
10 improvements. The preconstruction conference shall be held with the PDS director and include the
11 following people: Developer, developer's contractor, developer's engineer and other parties as
12 determined by the PDS director.

13 II.

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

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

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

1 Alternative 1.

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

5 **READ, PASSED, and ADOPTED** on first reading this _____ day of
6 _____, 2019.

7 Alternative 2.

8 **READ and APPROVED** on first reading this the _____ day of
9 _____, 2019.

10 **READ, APPROVED and ADOPTED** on second reading this the _____ day of
11 _____, 2019.

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15 CRAIG MORGAN, Mayor
16 City of Round Rock, Texas
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18 ATTEST:
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20 _____
21 SARA L. WHITE, City Clerk