

ORDINANCE NO. O-2017-4291

AN ORDINANCE AMENDING CHAPTERS 10 AND 36, CODE OF ORDINANCES (2010 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING PERMITS FOR RESIDENTIAL CONSTRUCTION AND CERTIFICATE OF SUBSTANTIAL AND FINAL COMPLETION OF SUBDIVISION PUBLIC IMPROVEMENTS BY AMENDING SECTION 10-50, DELETING SECTIONS 10-51 AND 10-52; AND AMENDING SECTION 36-6 BY ADDING NEW DEFINITIONS; AND AMENDING SECTION 36-207; 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 10, Section 10-50, Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby replaced in its entirety and shall read as follows:

**Sec. 10-50. Conditions for issuance of building permits for residential construction in new subdivisions.**

- (a) Model Homes. Building permit(s) for up to four Model Homes per Final Plat may be issued when the following conditions have been met:
- (1) All applicable permits have been issued;
  - (2)
    - a. 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;
    - b. 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;
    - c. 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; and
    - d. All streets, curbs, and gutters required by this Code have been installed and inspected by the city;
  - (3) Staff review has been completed; and
  - (4) All necessary fees have been paid.

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 Final Plat.

- (b) Initial Homes. Building permit(s) for up to twenty-six Initial Homes per Final Plat may be issued when the following conditions have been met:

(1) All applicable permits have been issued;

(2) The developer has been issued a Certificate of Substantial Completion for the Final Plat in accordance with Section 36-207;

(3) Staff review has been completed; and

(4) All necessary fees have been paid.

As used herein, Initial Homes means a housing unit that may be permitted before a Certificate of Acceptance has been issued for the Final Plat.

(c) Other Homes. Building permit(s) for Other Homes may be issued when the following conditions have been met:

(1) All applicable special permits have been issued;

(2) The developer has been issued a Certificate of Acceptance for the Final Plat;

(3) Staff review has been completed; and

(4) All necessary fees have been paid.

As used herein, Other Homes means residential construction other than Model Homes and Initial Homes.

## II.

That Chapter 10, Section 10-51, Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby deleted in its entirety and shall be reserved for future use as follows:

**Sec. 10-51. Reserved. -~~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 requirements of chapter 36, subdivisions, 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.~~

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III.

That Chapter 10, Section 10-52, Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby deleted in its entirety and shall be reserved for future use as follows:

**Sec. 10-52. Reserved.** ~~Conditions for issuance of building permits for commercial, industrial or residential construction of more than four units.~~

~~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 requirements of chapter 36, subdivisions, have been satisfied;~~

~~(2) All applicable special permits have been issued;~~

~~(3) Staff review has been completed;~~

~~(4) All necessary fees have been paid;~~

~~(5) 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.~~

~~(6) Active fire hydrants have been installed within required distances to the site.~~

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3 **IV.**

4 That Chapter 36, Section 36-6, Code of Ordinances (2010 Edition), City of Round  
5 Rock, Texas, is hereby amended as follows, with the new definitions set forth below  
6 being appropriately inserted alphabetically:

7 **Sec. 36-6. Definitions.**  
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9 For the purposes of this chapter, the following words, terms and phrases, shall have the meaning  
10 ascribed to them except where the context clearly indicates a different meaning:

11 Final Completion means the stage in the progress of the construction of public subdivision improvements  
12 when, in the PDS Director's opinion, the entire construction of the public subdivision improvements has  
13 been completed, and the Developer's obligations under this chapter have been fulfilled, as evidenced by  
14 a Certificate of Acceptance approved by the PDS Director.

15 Substantial Completion means the stage in the progress of the construction of public subdivision  
16 improvements when the construction work may still require some additional work, minor modifications  
17 and/or adjustments but, in the PDS Director's opinion, the construction work has progressed to the point  
18 that permits may be issued for Initial Homes as provided in Sec. 10-50. Such opinion of the PDS Director  
19 shall be evidenced by a Certificate of Substantial Completion issued to the developer.  
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21 **V.**

22 That Chapter 36, Section 36-207, Code of Ordinances (2010 Edition), City of  
23 Round Rock, Texas, is hereby amended to read as follows:

24 **Sec. 36-207. Inspection and acceptance.**  
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26 (a) *Entry and inspection.*

27 (1) The PDS director and other city employees shall have the right to enter upon the construction  
28 site for the purpose of conducting inspections. The PDS director shall conduct inspections of the  
29 public improvements during construction to ensure general conformity with plans and  
30 specifications as accepted. If the PDS director finds upon inspection that any of the public  
31 improvements have not been constructed in accordance with this chapter and the design and  
32 construction standards, then the developer shall be responsible for making the necessary  
33 changes to insure compliance.

34 (2) Upon completion of the public improvements, the developer shall arrange with the PDS director  
35 for a final inspection to determine that the public improvements have been installed and in  
36 conformity with the accepted subdivision improvement construction plans. The developer shall  
37 pay all necessary inspection fees prior to the acceptance of the public improvements by the city.  
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39 (b) Substantial completion.

(1) If the developer wishes to start construction of homes before a Certificate of Acceptance is issued by the PDS Director, the developer must request a Certificate of Substantial Completion. The PDS Director may issue a Certificate of Substantial Completion if he/she determines that the public improvements are substantially complete so that it is safe to issue permits for Initial Homes pursuant to Section 10-50.

(b) c) *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~~Certificate of ~~a~~A *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~~ Certificate of Acceptance ~~accepting for~~ the public improvements and shall forward a copy of the ~~letter~~ Certificate of a *Acceptance* to the ~~PDS director~~ developer.

## VI.

**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 \_\_\_\_\_, 2017.

1           **READ, APPROVED** and **ADOPTED** on second reading this the \_\_\_\_\_ day of  
2   \_\_\_\_\_, 2017.

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ATTEST:

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ALAN MCGRAW, Mayor  
City of Round Rock, Texas

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SARA L. WHITE, City Clerk