

**AN ORDINANCE AMENDING CHAPTER 2 AND CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING CHAPTER 2 TO INCLUDE A RE-INSPECTION FEE; AMENDING CHAPTER 26 TO AMEND THE INFRASTRUCTURE DESIGN AND DEVELOPMENT STANDARDS MANUAL; AMENDING VARIOUS SECTIONS OF CHAPTER 26 AS A HOUSEKEEPING MATTER TO ENSURE CONSISTENCY WITH NEW PROVISIONS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, the City of Killeen has declared the application and enforcement of the City's subdivision regulations to be necessary for the promotion of the orderly development of the city, public safety, health, convenience, comfort, prosperity and general welfare of the City; and,

**WHEREAS**, the City Council finds that revisions to the City's subdivision and development regulations are necessary to adopt standard infrastructure specifications and construction details to ensure the construction of quality public infrastructure; and,

**WHEREAS**, the City Council finds that establishing infrastructure specifications and construction details is in the best interest of the City and its current and future Citizens and is further permitted in accordance with the Texas Local Government Code, Chapter 212 et seq.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:**

**SECTION I.** That the City of Killeen hereby amends the City of Killeen's Infrastructure Design and Development Standards Manual, which is attached hereto and incorporated herein and into the City of Killeen's Code of Ordinances for all intents and purposes with the full effect of law.

**SECTION II.** That Chapter 2, Article VI, Section 2-150 of the City of Killeen Code of Ordinances is hereby amended to read as follows:

**Sec. 2-150. Fees.**

The following fees are hereby established for the departments listed:

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(p) Public Works

(1) Public Infrastructure Acceptance Re-inspection - \$50.00 plus associated costs as follows:

a. Sewer Line CCTV Re-inspection - \$1.15/foot

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**SECTION III.** That Chapter 26, Articles I, II, III, and IV, Sections 26-2, 26-41, 26-51, 26-71, 26-81, 26-82, 26-83, 26-101, 26-111, 26-112, and 26-113 of the City of Killeen Code of Ordinances are hereby amended to read as follows:

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**Sec. 26-2. Definitions**

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*Infrastructure Design and Development Standards Manual (IDDSM)* shall mean the city of Killeen's adopted infrastructure design and development standards manual, as amended, providing definitions, formulae, criteria, specifications, details, procedures, data, parameters and methodology governing the planning, design, construction, and maintenance of water, sewer, drainage, street and associated infrastructure and, further detailing pollution control measures within the city's jurisdiction.

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**Sec. 26-41. Form, contents and required documentation**

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(c) In the event a preliminary plat application is filed with the planning department, it shall be accompanied by the following minimum documentation:

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(2) Five (5) copies of the plat and one (1) digital (.dwg or .shp format) version of the same;

(3) Five (5) copies of engineering plans and one (1) digital (.pdf format) version of the same;

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**Sec. 26-51. Form, contents, and required documentation.**

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(c) Final plats shall be filed with the planning and development services department and shall be accompanied by the following minimum documentation:

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(2) Five (5) copies of the plat and one (1) digital (.dwg or .shp format) version of the same;

(3) Five (5) copies of engineering plans and one (1) digital (.pdf format) version of the same;

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(d) Final plats must meet the following criteria and contain the following information:

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(7) All FEMA-designated flood hazards shall be indicated. These shall include, the floodway boundary, 100-year floodplain limits, base flood elevation (BFE) contours, flood zone designations (Zone "X" inclusive), and all other essential flood insurance study data. The panel number, effective date, and map number of each referenced National Flood Insurance Program (NFIP) map shall be cited. Where required, the lowest finish floor elevation (FFE) shall be determined for each affected lot. The BFE and FFE for each lot shall be summarized in a table. All NFIP map changes or map revision data submitted to FEMA shall be indicated in like manner;

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**Sec. 26-71. Vacation of plats.**

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(b) If one (1) or more lots have been sold, the plat, replat or amended plat may be vacated by the property owners by filing a written signed and acknowledged instrument with the planning and development services department. The vacating instrument for an original plat, replat or amended plat must be approved by the planning and zoning commission-. The planning and zoning commission shall disapprove the vacating instrument which abridges or destroys public rights in any of its public uses, improvements, streets, or alleys. Upon approval by the planning and zoning commission, the vacating instrument may be recorded with the county clerk and the vacated plat, replat or amended plat shall have no effect.

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**Sec. 26-81. Construction of infrastructure.**

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(b) Upon ~~approval~~ review and consideration of release for construction of construction plans by the public works department, the plat applicant and/or the plat applicant's contractor will provide written notification to the public works department of the intent to commence construction of the required infrastructure. No work may be performed unless written notification has been provided to the public works department. The written notification shall contain the following information:

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(5) Estimated value of construction-~~contract~~.

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**Sec. 26-82. Phasing of infrastructure construction.**

(a) At the time the applicant submits his or her construction plans to the public works department, the applicant may request ~~approval~~ to phase construction of the subdivision improvements. The construction plans submitted for ~~approval~~ review and consideration of release for construction shall clearly delineate those facilities to be constructed in the current phase. Any infrastructure required to mutually support multiple phases of the subdivision shall be constructed as a part of the first phase of the subdivision development. All requests for phasing made after construction plans have been ~~approved~~ released for construction shall be resubmitted ~~for approval~~ to the Director of Public Works or his appointee for review.

(b) Upon completion of each phase of infrastructure construction and satisfaction of the requirements of Sec. 26-83 and/or Sec. 26-84 of Article III, the ~~public works department~~ Director of Public Works or his appointee shall issue a written letter of acceptance of the infrastructure, stating the specific street sections which have been accepted, and shall identify by

lot and block numbers the lots which the building and development services department may issue building permits.

**Sec. 26-83. Acceptance of infrastructure.**

(a) Upon completion of all required infrastructure, prior to the acceptance of the subdivision by the city for maintenance, the applicant, or applicant's agent, shall provide record (as-built) drawings of all constructed water, wastewater, street, and drainage infrastructure. Also, the applicant, or applicant's agent, shall post, or cause to be posted, a maintenance bond executed by a corporate surety or corporate sureties duly authorized to do business in this state, payable to the city and approved by the city as to form, to guarantee the maintenance of the construction for a period of one (1) year after its completion and acceptance by the city. However, a two (2) year maintenance bond shall be required for all drainage infrastructure. In cases where the entirety or a portion of a water or sewer main will be placed under a street, if the applicant, or applicant's agent, does not provide full base backfill from the bedding of a water or sewer main to the sub base of the street, a three (3) year maintenance bond shall be required for all water and sewer infrastructure placed under a street. In lieu of a maintenance bond, the applicant may submit either an irrevocable letter of credit payable to the city and approved by the city as to form or a cash bond payable to the city and approved by the city as to form. The actual value of the maintenance bond or letter of credit or cash bond shall be ten (10) percent of the full cost of the water and sewer system and fifteen (15) percent of the full cost of the cost of street and drainage construction, as determined by the ~~estimate of~~ actual construction costs. The values enumerated in the bond or letter of credit shall be supported by a construction take-off summarizing the lineal, areal and volumetric quantities, as applicable, of all constructed water, sewer, street, and drainage infrastructure.

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(c) All infrastructure including, but not limited to, water, sewer, streets, transportation, drainage, environmental, and appurtenances shall be inspected by the Public Works Department prior to acceptance and warranty period. The initial inspection shall be provided by the City at no cost to the developer. Should the inspected infrastructure not meet the IDDSM or other applicable local, state and/or federal regulations or if the inspection cannot be completed due to risk of injury to city personnel or equipment due to a condition created by the developer or his agents, a fee, as provided in Chapter 2 of this Code of Ordinances, will be paid to the City by the developer for any additional inspections as required. In-lieu of paying a fee, the developer may contract a third party to make the required inspections and all documentation, including but not limited to, logs, videos, photos, and test reports shall be presented to the Director of Public Works or his appointee for review and approval.

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**Sec. 26-101. Streets**

(a) ~~Street widths in subdivisions~~ All street improvements and infrastructure shall conform to the current thoroughfare plan and the IDDSM as adopted and amended by the city council.

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(c) All necessary street rights-of-way as determined by the thoroughfare plan and the IDDSM shall be dedicated as part of the platting or permitting process. In the event the city requires a right of way width greater than the right of way necessary to accommodate the paved surface for the street required to provide the movement capacity for the development, the city will provide the additional right of way required. To substantiate the cost of the additional right of way, the developer shall provide a survey of the additional right of way and a copy of the property conveyance document that applies to the parcel upon which the additional right of way is requested. Street right of way and design requirements may be increased, to provide the additional capacity consistent with the impact of a proposed development. Additionally, the city engineer may increase, decrease or modify street right of way and design requirements based on sound engineering practice when safety concerns, topography, or development circumstances warrant.

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**Sec. 26-111. General provisions.**

(a) The intent and purpose of this division is to provide equitable charges for water and sewer connections as a proportionate distribution of the cost of the water and sewer main extensions to serve property within the city. If the existing city utility facilities are not within or adjacent to a subdivision, the developer shall construct the necessary extension of water and sewer mains, ~~force mains,~~ force mains, and lift stations, including all valves, manholes, and piping necessary to serve any future development of abutting property as specified in this chapter. The developer's engineer shall prepare a proposed plan of service for the subdivision and property along the extension which shall be reviewed by the plat review committee. These facilities shall be constructed in accordance with both the master plan and the ~~Technical and Administrative Manual for Water and Sewer System Development~~ IDDSM.

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(e)(2) This division is intended to set the general policies, supplemented by technical and administrative procedures contained in the public works department's manuals as approved by the city council, and which is incorporated herein. The ~~manual~~ IDDSM shall address such items as determining capacity, design standards, service areas, and other administrative and technical

details for implementing the policies of this division. The IDDSM shall be available to interested parties in the same manner as all other public documents. ~~Between the time this ordinance is adopted and the time the manual is completed by public works and adopted by the city council, the policies, formulas, capacities, grades, percentages, and other standards existing prior to this ordinance shall remain in effect to the extent necessary, except where otherwise explicitly altered herein.~~

~~(3)~~

### **Sec. 26-112. Water.**

(a) No water main shall be extended unless the diameter of any such extended main is a minimum of six (6) inches inside the subdivision. Larger mains may be required per the water master plan or the IDDSM, provided such plan exists.

(b) All water infrastructure shall be designed, constructed, and tested in accordance with the rules and regulations of the Texas Commission on Environmental Quality (TCEQ), as amended, and the IDDSM. If a conflict arises between a provision of this ordinance, the IDDSM, or the rules and regulations of the TCEQ, the more restrictive provision shall control.

~~(bc)~~ Water system layout shall be looped whenever possible. Dead-end mains shall not exceed one thousand eight hundred (1,800) feet or include three (3) fire hydrants. Single feeds may be permitted at the discretion of the public works department; however, any such denial may be appealed to the planning and zoning commission. Single feeds should include provisions for looping in future development.

~~(ed)~~ The location of fire hydrant(s) shall comply with chapter 11 of the city code of ordinances.

~~(de)~~ Long water service taps shall be installed while the subdivision is being developed. Short water service taps shall be installed when needed for development. Long water service taps locations shall be shown by branding a "W" on the curb. No water service taps smaller than six (6) inches in diameter shall be allowed on water mains larger than twelve (12) inches in diameter.

### **Sec. 26-113. Sewer.**

(a) No sewer main shall be extended unless the diameter of any such extended main is a minimum of six (6) inches inside the subdivision. Larger mains may be required per the sewer master plan or the IDDSM, provided such plan exists.

~~(b) Manholes are required any time the alignment, slope, or diameter of the sewer main changes, or when two or more sewer mains intersect. In no case will the maximum spacing between manholes, or from a manhole to a cleanout, exceed 500 feet. All sewer infrastructure~~

shall be designed, constructed, and tested in accordance with the rules and regulations of the Texas Commission on Environmental Quality (TCEQ), as amended, and the IDDSM. If a conflict arises between a provision of this ordinance, the IDDSM, or the rules and regulations of the TCEQ, the more restrictive provision shall control.

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~~(d) Minimum lift station capacity shall be one hundred (100) gallons per minute and shall have at least two (2) pumps, each of which shall be capable of pumping the design capacity of the lift station. The minimum size of the wetwell shall be such that with any combination of inflow and pumping, the cycle of operation for each pump shall not be less than five (5) minutes and the maximum retention time in the wetwell shall not average more than thirty (30) minutes.~~

(e) In locations where sanitary sewer service is not available, as determined by the public works department, an individual sewage disposal system of a type approved by the building and development service department may be installed in conformity with chapter 8 of the city code of ordinances, provided a percolation test is furnished by the applicant.

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**SECTION IV.** That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION V.** That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

**SECTION VI.** That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION VII.** That this ordinance shall be effective after its passage and publication according to law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 13th day of May, 2014, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*



**APPROVED**

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Daniel A. Corbin, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

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Dianna Barker, CITY SECRETARY

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Kathryn H. Davis, CITY ATTORNEY