



**CITY OF HUTTO, TEXAS
REGULAR CITY COUNCIL MEETING
Thursday, September 19, 2019 AT 6:30 PM
CITY HALL - CITY COUNCIL CHAMBERS
500 WEST LIVE OAK**

CITY COUNCIL

Doug Gaul, Mayor
Tom Hines, Place 2, Mayor Pro-tem
Scott Rose, Place 1
Mike Snyder, Place 3
Peter Gordon, Place 4
Patti Martinez, Place 5
Tanner Rose, Place 6

AGENDA

1. **CALL SESSION TO ORDER**

2. **ROLL CALL**

3. **EXECUTIVE SESSION**

The City Council for the City of Hutto reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above as authorized by the Texas Government Code Sections 551.071 [Litigation/Consultation with Attorney], 551.072 [Deliberations regarding real property], 551.073 [Deliberations regarding gifts and donations], 551.074 [Deliberations regarding personnel matters] or 551.076 [Deliberations regarding deployment/implementation of security personnel or devices] and 551.087 [Deliberations regarding Economic Development negotiations].

3.A. Executive Session, as authorized by Texas Government Code, Section 551.087, Deliberations regarding Economic Development Negotiations, and Texas Government Code, Section 551.071, Consultation with Attorney, to discuss Project Expansion update

4. **INVOCATION**

5. **PLEDGE OF ALLEGIANCE**

6. **CITY COUNCIL COMMENTS**

Pursuant to Texas Government Code Sec. 551.0415, a member of the governance body may make an announcement about items of community interest during a meeting of the governing body without given notice of the subject of the announcement. Items of Community Interests include: (1) expressions of thanks, congratulations, or condolence; (2) information regarding holiday schedule; (3) an honorary or salutary recognition of public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition of the subdivision; (4) a reminder regarding social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and (5) announcements involving imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

7. **PUBLIC COMMENT**

Any citizen wishing to speak during public comment may do so after completing the required registration form. In accordance with the Texas Attorney General's Opinion, any public comment that is made on an item that is not on the published final agenda will only be heard by the City Council. No formal action, discussion, deliberation, or comment will be made by the City Council. Comments must be courteous and respectful. Accordingly, concerns, complaints, and assertions of character regarding specific individuals, including any citizens, staff member, City Board or Commission member or City Council member shall not be raised in a public forum; but should be addressed separately and privately with the City Manager or individual member of the City Council. Any person who violates these rules will have their speaking time ended immediately. Any person, including persons in the audience, who acts in an inappropriate or disruptive manner may be asked to leave the City Council Chambers. Each person providing public comment will be limited to 3 minutes.

8. **CITY MANAGER COMMENTS**

8.A. Discussion and update on Project Expansion

8.B. Budget and Tax Rate Review and Discussion. (Michel Sorrell)

9. **CONSENT AGENDA ITEMS**

9.A. Consideration and possible action on a resolution approving the proposed Hutto Crossing Phase 4 Section 9B Final Plat, 43.5315 acres, more or less, of land, 124 residential lots, located at Knowles Drive and Simmental Loop. (Ashley Lumpkin)

9.B. Consideration and possible action on a resolution approving the proposed RSI Hutto Phase 1 Final Plat, 78.777 acres, more or less, of land, 116 residential lots, 6 townhome lots, 3 condominium lots, located on CR 119 at Duke Reynolds Parkway. (Ashley Lumpkin)

9.C. Consideration and possible action approving the minutes of the September 5, 2019 Regular City Council Meeting

9.D. Consideration and possible action on a resolution authorizing the City Manager to purchase a four new trucks (2 for Public Works and 2 for Parks and Recreation) at an amount not to exceed \$185,000

9.E. Consideration and possible action on a resolution authorizing the City Manager to purchase three lawn mowers for Parks and Recreation at an amount not to exceed \$83,428.56

10. **ORDINANCES**

10.A. Consideration and possible action on the second reading of an ordinance making appropriations for the support of the City of Hutto Fiscal Year October 1, 2019 through September 30, 2020, and adopting the annual budget of the City of Hutto for Fiscal Year 2019-2020 (Michel Sorrell)

10.B. Consideration and possible action on the second reading of an ordinance levying Ad Valorem taxes for the use and support of the municipal government for the City of Hutto for the Tax Year 2019.

10.C. Consideration and possible action on the second reading of an ordinance ratifying an Ad Valorem tax increase for the 2019-2020 Fiscal Year for the use and support of the municipal government for the City of Hutto for the Tax Year 2019. (Michel Sorrell)

- 10.D. Consideration and possible action on the second reading of an ordinance concerning the adoption of the Hutto Economic Development Corporation - Type B Fiscal Year 2019-2020 Budget. (Michel Sorrell)
- 10.E. Consideration of a public hearing and possible action on the second and final reading of an ordinance regarding the proposed annexation of Covered Bridge, 49.95 acres, more or less, of land, and to establish base zoning as SF-1 (Single Family Residential), located on CR 138. (Ashley Lumpkin)
- 10.F. Consideration of a public hearing and possible action on the second and final reading of an ordinance regarding the proposed annexation of Durango Farms, 105.2 acres, more or less, of land, and to establish base zoning as SF-1 (Single Family Residential), located on FM 1660 North. (Ashley Lumpkin)
- 10.G. Consideration of a public hearing and possible action on the first reading of an ordinance approving the Planned Unit Development (PUD) zoning ordinance for the Durango Farms Planned Unit Development (PUD), 105.2 acres, more or less, of land, located on FM 1660 North. (Ashley Lumpkin)
- 10.H. Consideration of a public hearing and possible action on the second and final reading of an ordinance regarding the proposed annexation of the Hutto EDC Megasite, 451.355 acres, more or less, of land, and to establish base zoning as LI (Light Industrial), located on US 79 East and FM 3349. (Ashley Lumpkin)
- 10.I. Consideration of a public hearing and possible action on the first reading of an ordinance regarding the proposed annexation of the Pfeiffer Tracts, 27.97 acres, more or less, of land, and to establish base zoning as B-1 (Local Business), located on FM 685. (Ashley Lumpkin)
- 10.J. Consideration and possible action on the second and final reading of an ordinance regarding the annexation of the Chandler Corner Subdivision, 26.303 acres, more or less, of land, and to establish base zoning as AG (Agriculture), located at the southwest corner of Chandler Road and FM 1660 North. (Ashley Lumpkin)
- 10.K. Consideration and possible action on the second and final reading of the an ordinance regarding the annexation of the Fritz Tract, 5.9753 acres, more or less, of land, and to establish base zoning as AG (Agriculture), located on CR 132. (Ashley Lumpkin)
- 10.L. Consideration and possible action on the second and final reading of an ordinance regarding the annexation of the M. Moore Family Farms Tracts, 528.774 acres, more or less, of land, and to establish base zoning as AG (Agriculture), located on CR 132 and also on Limmer Loop. (Ashley Lumpkin)
- 10.M. Consideration and possible action on the second and final reading of an ordinance regarding the annexation of the TK Industrial Park, 35.51 acres, more or less, of land, and to establish base zoning as AG (Agriculture), located on CR 108. (Ashley Lumpkin)
- 10.N. Consideration of a public hearing and possible action on the first reading of an ordinance amending the Code of Ordinances (2014 Edition, as amended), Chapter 6 Building Regulations: Article 6.02; Chapter 10 Fire Prevention and Protection: Article 10.02; and Chapter 24 Utilities: Article 24.05, by adopting the 2018 editions of the International Codes (I-Codes), including appendices and listed amendments as regulations for buildings and structures. (Ashley Lumpkin)

- 10.O. Consideration of a public hearing and possible action on the first reading of an ordinance amending the Hutto 2040 Comprehensive Plan. (Ashley Lumpkin)
- 10.P. Consideration and possible action on the first reading of an ordinance amending the Code of Ordinances (2014 Edition), Chapter 16, Article 16.02 Unified Development Code (UDC) Chapter 10 Section 10.202.2: Definitions, Section 10.605.3 and 10.605.10 General Provisions. (Ashley Lumpkin)
- 10.Q. Consideration of a public hearing and possible action on the first reading of an ordinance amending the Code of Ordinances (2014 Edition, as amended), Chapter 16, Article 16.02 Unified Development Code (UDC) Chapter 3 Section 10.303 Zoning Districts, Section 10.303.7 B-1, 10.304 Permitted Uses, 10.304.5 Residential Uses, 10.304.6 Commercial and Retail Uses, 10.304.7 Industrial Uses, 10.304.8 Institutional and Civic Uses, 10.304.9 Temporary Uses, 10.304.10 Accessory Uses, 10.306 Residential Uses, 10.307 Commercial and Retail Uses, 10.308 Industrial Uses, 10.309 Institutional and Civic Uses, 10.310 Temporary Uses, 10.311 Accessory Uses. (Ashley Lumpkin)
- 10.R. Consideration and possible action on the first reading of an ordinance regarding the boundary lines for the Library Advisory Board.
- 10.S. Consideration and possible action on the second and final reading of an ordinance approving a negotiated settlement between the Atmos Cities steering Committee (ACSC) and Atmos Energy Corporation, Mid-Tex Division regarding the company's rate review mechanism. (Michel Sorrell)

11. **RESOLUTIONS**

- 11.A. Consideration and possible action on a resolution authorizing the execution of an annexation development agreement between the City of Hutto and No-Count LLC, for 3.50 acres, more or less, of land. (Ashley Lumpkin)
- 11.B. Consideration and possible action on a resolution authorizing the execution of an annexation development agreement between the City of Hutto and No-Count LLC, for 8.36 acres, more or less, of land. (Ashley Lumpkin)
- 11.C. Consideration and possible action on a resolution authorizing the execution of an annexation development agreement between the City of Hutto and No-Count LLC, for 50.8268 acres, more or less, of land, located on CR 108. (Ashley Lumpkin)
- 11.D. Consideration and possible action on a resolution authorizing the execution of an annexation development agreement between the City of Hutto and No-Count LLC, for 93.341 acres, more or less, of land, located on CR 108. (Ashley Lumpkin)

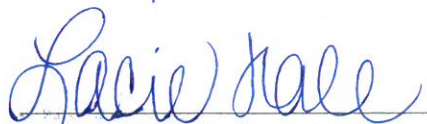
12. **OTHER BUSINESS**

- 12.A. Consideration of and possible appointments to City Boards and Commissions.(Lacie Hale)
- 12.B. Consideration and possible action regarding ordinance 07-001-00 on financial disclosures.

13. **ADJOURNMENT**

CERTIFICATION

I certify that this notice of the September 19, 2019 Hutto City Council meeting was posted on the City Hall bulletin board of the City of Hutto on September 13, 2019 at 5:40 pm


Lacie Hale, City Secretary

The City of Hutto is committed to comply with the American with Disabilities Act. The Hutto City Council Chamber is wheelchair accessible. Request for reasonable special communications or accommodations must be made 48 hours prior to the meeting. Please contact the City Secretary at (512) 759-4033 or lacie.hale@huttotx.gov for assistance.

Regular City Council
AGENDA ITEM
8.B.



To: City Council
Subject: Budget and Tax Rate Review and Discussion. (Michel Sorrell)

Meeting: Regular City Council - 15 Aug 2019
Department: Finance
Staff Contact: Michel Sorrell,

Regular City Council
AGENDA ITEM
9.A.



To: City Council
Subject: Consideration and possible action on a resolution approving the proposed Hutto Crossing Phase 4 Section 9B Final Plat, 43.5315 acres, more or less, of land, 124 residential lots, located at Knowles Drive and Simmental Loop. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

The proposed Hutto Crossing Phase 4, Section 9B Final Plat is located south of the southeast intersection of Knowles Drive and SH 130 frontage, when the main access being provided via Simmental Loop. The Final Plat will provide another 124 residential lots for development.

The proposed subdivision is part of the Hutto Crossing Planned Unit Development. In addition to the single family residential lots, this phase of Hutto Crossing will include 2 open space lots and 7.8283 acres of right-of-way.

Comments from all departments have been addressed.

The Planning and Zoning Commission recommended approval to City Council on September 3, 2019.

RECOMMENDATION:

Staff recommends that the Council approve the resolution.

ATTACHMENTS:

[\(Res\)HC4-9BFP\(Res\)Complete](#)

RESOLUTION NO.

A RESOLUTION APPROVING THE PLAT KNOWN AS "HUTTO CROSSING PHASE 4 SECTION 9B FINAL PLAT"; IN THE CITY OF HUTTO, WILLIAMSON COUNTY, TEXAS.

WHEREAS, the Texas Local Government Code Chapter 212 and the City of Hutto Subdivision Ordinance requires the Planning and Zoning Commission to take action to recommend to the City Council whether or not to approve or disapprove a subdivision plat within thirty (30) days of the date an application is accepted, and;

WHEREAS, the Texas Local Government Code Chapter 212 and the City of Hutto Subdivision Ordinance requires the City Council take action to approve or disapprove a subdivision plat within thirty (30) days of the date of presentation at Planning and Zoning Commission, and;

WHEREAS, the Development Services Department and the City Engineer have reviewed the above referenced plat for compliance with statute and engineering standards, and;

WHEREAS, if City Council fails to take action on this plat within the prescribed thirty (30) day period, the plat is granted statutory approval, Now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

that the Hutto City Council hereby approves the resolution for the plat known as "Hutto Crossing Phase 4 Section 9B Final Plat", a copy of same being attached hereto as "Exhibit A" and incorporated herein for all purposes.

CONSIDERED and RESOLVED on this the **19th** day of the month **September, 2019**.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Lacie Hale, City Secretary

HUTTO CROSSING
PHASE 4, SECTION 9B
FINAL PLAT

OWNER'S CERTIFICATION

STATE OF TEXAS {
COUNTY OF WILLIAMSON {
KNOW ALL MEN BY THESE PRESENTS
THAT HUTTO OPTION MEZZ HOLDINGS, LLC, OWNER OF THAT CERTAIN 45.5315 ACRE TRACT OF LAND SHOWN HEREON, BEING A PORTION OF THAT 150.96 ACRE TRACT DESCRIBED AS TRACT 1 CONVEYED TO HUTTO OPTION MEZZ HOLDINGS, LLC BY DEED RECORDED IN DOCUMENT NO. 2009018029 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, DO HEREBY STATE THAT THERE ARE NO LIEN HOLDERS OF THE 45.5315 ACRE TRACT, AND DO HEREBY SUBDIVIDE SAID 45.5315 ACRE TRACT AS SHOWN HEREON, AND DO HEREBY CONSENT TO ALL PLAT NOTE REQUIREMENTS SHOWN HEREON, AND DO HEREBY DEDICATE TO THE CITY OF HUTTO THE STREETS, ALLEYS, RIGHTS-OF-WAY, EASEMENTS AND PUBLIC PLACES SHOWN HEREON FOR SUCH PUBLIC PURPOSES AS THE CITY OF HUTTO MAY DEEM APPROPRIATE. THIS SUBDIVISION IS TO BE KNOWN AS HUTTO CROSSING PHASE 4, SECTION 9B.

TO CERTIFY WHICH, WITNESS by my hand this ____ day of _____, 2019.

Aaron A. Giovara, Owner
Hutto Option Mezz Holdings LLC
10100 Santa Monica Blvd., Suite 1000
Los Angeles, CA 90067

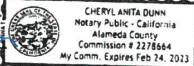
STATE OF CALIFORNIA {
COUNTY OF San Francisco {

ON August 14, 2019 BEFORE ME, Cheryl Anita Dunn
PERSONALLY APPEARED AARON A. GIOVARA WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS CAPACITY AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I certify UNDER PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Cheryl Anita Dunn



ENGINEER'S CERTIFICATION

STATE OF TEXAS {
COUNTY OF WILLIAMSON {
KNOW ALL MEN BY THESE PRESENTS

I, KENNETH W. MARTIN, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SUBDIVISION ORDINANCES AND STORMWATER DRAINAGE POLICY ADOPTED BY THE CITY OF HUTTO, TEXAS.

A PORTION OF THIS TRACT IS WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 48491C0515E, EFFECTIVE DATE SEPTEMBER 26, 2008, FOR WILLIAMSON COUNTY, TEXAS.

Kenneth W. Martin 7/31/2019
KENNETH W. MARTIN DATE
Registered Professional Engineer No. 65971
State of Texas
1101 Capital of Texas Highway South Building
D, Suite 210
Austin, Texas 78746



SURVEYOR'S CERTIFICATION

STATE OF TEXAS {
COUNTY OF WILLIAMSON {
KNOW ALL MEN BY THESE PRESENTS

I, BLAINE J. MILLER, REGISTERED PUBLIC SURVEYOR, NO. 5121, IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY AND THAT PROPERTY MARKERS AND MONUMENTS WERE PLACED UNDER MY SUPERVISION ON THE GROUND. THE FIELD WORK WAS COMPLETED ON MAY 15, 2019, TO CERTIFY WHICH, WITNESS MY HAND AND SEAL AT AUSTIN, TRAVIS COUNTY, TEXAS, THIS 31st DAY OF JULY, 2019.

Blaine J. Miller
BLAINE J. MILLER
Registered Professional Surveyor No. 5121
State of Texas
Firm Registration No. 101267-0
925 Capital of Texas Highway South
Building B, Suite 115
Austin, Texas 78746



OWNER:
HUTTO OPTION MEZZ HOLDINGS, LLC
10100 Santa Monica Blvd., Suite 1000
Los Angeles, CA 90067

ENGINEER:
MURFEE ENGINEERING COMPANY
1101 Capital of Texas Highway South
Building D
Austin, Texas 78746

SURVEYOR:
CAPITAL SURVEYING CO., INC.
925 Capital of Texas Highway South
Building B, Suite 115
Austin, Texas 78746
Firm Registration No. 10126700

LAND USE SUMMARY:
TOTAL ACREAGE: 45.5315 ACRES
RESIDENTIAL LOTS: 124 25.1261 ACRES
NON-RESIDENTIAL LOTS: 2 12.5771 ACRES
RIGHT-OF-WAY: 7.8283 ACRES
TOTAL NUMBER OF LOTS: 126

CITY DEVELOPMENT SERVICES

THIS SUBDIVISION IS LOCATED WITHIN THE CITY LIMITS OF THE CITY OF HUTTO, THIS THE DAY ____ OF _____, 2019.

ASHLEY LUMPKIN, AICP, EXECUTIVE DIRECTOR DATE

APPROVAL
CITY OF HUTTO

THIS PLAT WAS APPROVED FOR RECORDING BY THE HUTTO CITY COUNCIL ON THE ____ DAY OF _____, 2019.

MAYOR, CITY OF HUTTO, DOUG GAUL DATE

CITY SECRETARY, LACIE HALE DATE

STATE OF TEXAS {
COUNTY OF WILLIAMSON {
KNOW ALL MEN BY THESE PRESENTS

I, NANCY RISTER, CLERK OF THE COUNTY COURT OF SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IN WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF _____, A.D., AT ____ O'CLOCK, ____ M. AND DULY RECORDED ON THE ____ DAY OF _____, 2019, A.D., AT ____ O'CLOCK, ____ M., IN THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY IN INSTRUMENT NO. _____.

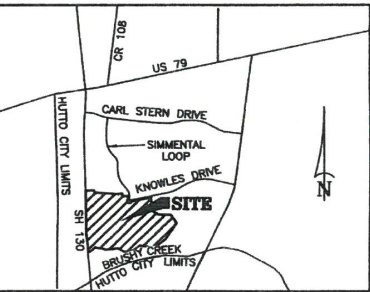
TO CERTIFY WHICH, WITNESS MY HAND AND SEAL AT THE COUNTY COURT OF SAID COUNTY, AT MY OFFICE IN GEORGETOWN, TEXAS, THE DATE LAST SHOWN ABOVE WRITTEN.

NANCY RISTER, CLERK
COUNTY COURT OF WILLIAMSON COUNTY, TEXAS

BY: _____, DEPUTY

GENERAL NOTES FROM 9A:

- 1) NO BUILDING, FENCING LANDSCAPING OR STRUCTURES ARE ALLOWED WITHIN ANY DRAINAGE EASEMENT UNLESS EXPRESSLY PERMITTED BY THE CITY OF HUTTO.
- 2) BUILDING SETBACKS SHALL CONFORM TO PUD REQUIREMENTS AS AMENDED JULY 19, 2018.
- 3) A FIVE (5') FOOT PUBLIC UTILITY EASEMENT (PUE) IS HEREBY DEDICATED ON EACH SIDE OF ALL REAR LOT LINES.
- 4) A TEN (10') FOOT PUBLIC UTILITY EASEMENT (PUE) IS HEREBY DEDICATED ALONG AND ADJACENT TO ALL STREET SIDE PROPERTY LINES.
- 5) NO RESIDENTIAL LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTION IS MADE TO PUBLIC WATER AND WASTEWATER UTILITIES.
- 6) STREET LIGHTING SHALL BE PROVIDED BY DEVELOPER IN CONFORMANCE WITH THE PUD REQUIREMENTS
- 7) SIDEWALKS AND TREES SHALL BE PROVIDED ON BOTH SIDES OF ALL STREETS WITHIN AND ABOUNDING THIS SUBDIVISION.
- 8) ALL LOTS IN THIS SUBDIVISION ARE RESTRICTED TO SINGLE-FAMILY USES UNLESS OTHERWISE INDICATED.
- 9) WATER AND WASTEWATER WILL BE AVAILABLE THROUGH THE CITY OF HUTTO AFTER THE APPROPRIATE WATER AND WASTEWATER SYSTEMS ARE INSTALLED TO THIS SITE. THE CITY OF HUTTO ASSUMES NO OBLIGATIONS FOR INSTALLING ANY WATER AND WASTEWATER IMPROVEMENTS REQUIRED TO SERVE THIS SITE.
- 10) UTILITY PROVIDERS FOR THIS DEVELOPMENT ARE: WATER: CITY OF HUTTO; WASTEWATER: CITY OF HUTTO; ELECTRIC: ONCOR ENERGY.
- 11) A PORTION OF THIS TRACT IS ENCRONCHED BY SPECIAL FLOOD HAZARD AREAS INUNDATED BY THE 1% ANNUAL CHANCE FLOODPLAIN AS IDENTIFIED BY THE U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY BOUNDARY MAP (FLOOD INSURANCE RATE MAP) COMMUNITY PANEL NUMBER 48494C0515E, EFFECTIVE DATE SEPTEMBER 26, 2008, FOR WILLIAMSON COUNTY, TEXAS.
- 12) IN ORDER TO PROMOTE DRAINAGE AWAY FROM STRUCTURE, THE SLAB ELEVATIONS SHOULD BE BUILT AT LEAST ONE FOOT ABOVE SURROUNDING GROUND, AND THE GROUND SHOULD BE GRADED AWAY FROM THE STRUCTURE AT A SLOPE OF AT LEAST $\frac{1}{4}$ " PER FOOT FOR A DISTANCE OF AT LEAST 10 FEET.
- 13) THE MAXIMUM IMPERVIOUS COVERAGE IS AS DEFINED BY THE UDC 2018, AS AMENDED AND PUD AGREEMENT AS AMENDED JULY 19, 2018.
- 14) DEVELOPMENT OF THIS SUBDIVISION CONFORMS WITH THE CONCLUSIONS OF "DETERMINATION OF THE HYDROLOGIC IMPACT OF PROPOSED HUTTO CROSSING DEVELOPMENT USING UPPER BRUSHY CREEK WCID WATERSHED MODEL", DATED NOVEMBER 10, 2013 AND ADDENDUM DATED JANUARY 16, 2014.
- 15) CITY OF HUTTO ASSUMES NO RESPONSIBILITY FOR INSTALLING ANY WATER AND WASTEWATER IMPROVEMENTS TO SERVE THIS SITE.
- 16) STREET TREES ARE REQUIRED IN ACCORDANCE WITH SECTION 4.9.5 OF THE PUD AGREEMENT AND SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.
- 17) ALL SUBDIVISION CONSTRUCTION SHALL CONFORM TO THE HUTTO CROSSING PLANNED UNIT DEVELOPMENT (PUD) PLAN, CITY OF HUTTO CONSTRUCTION STANDARDS AND GENERALLY ACCEPTED ENGINEERING PRACTICES.
- 18) ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR HIS OR HERS ASSIGNS.
- 19) LOT 10, BLOCK 'Q', AND LOT 39, BLOCK 'M' ARE OPEN SPACE LOTS. THE OPEN SPACE LOTS WILL BE OWNED AND MAINTAINED BY THE CARMEL CREEK HOMEOWNER'S ASSOCIATION.



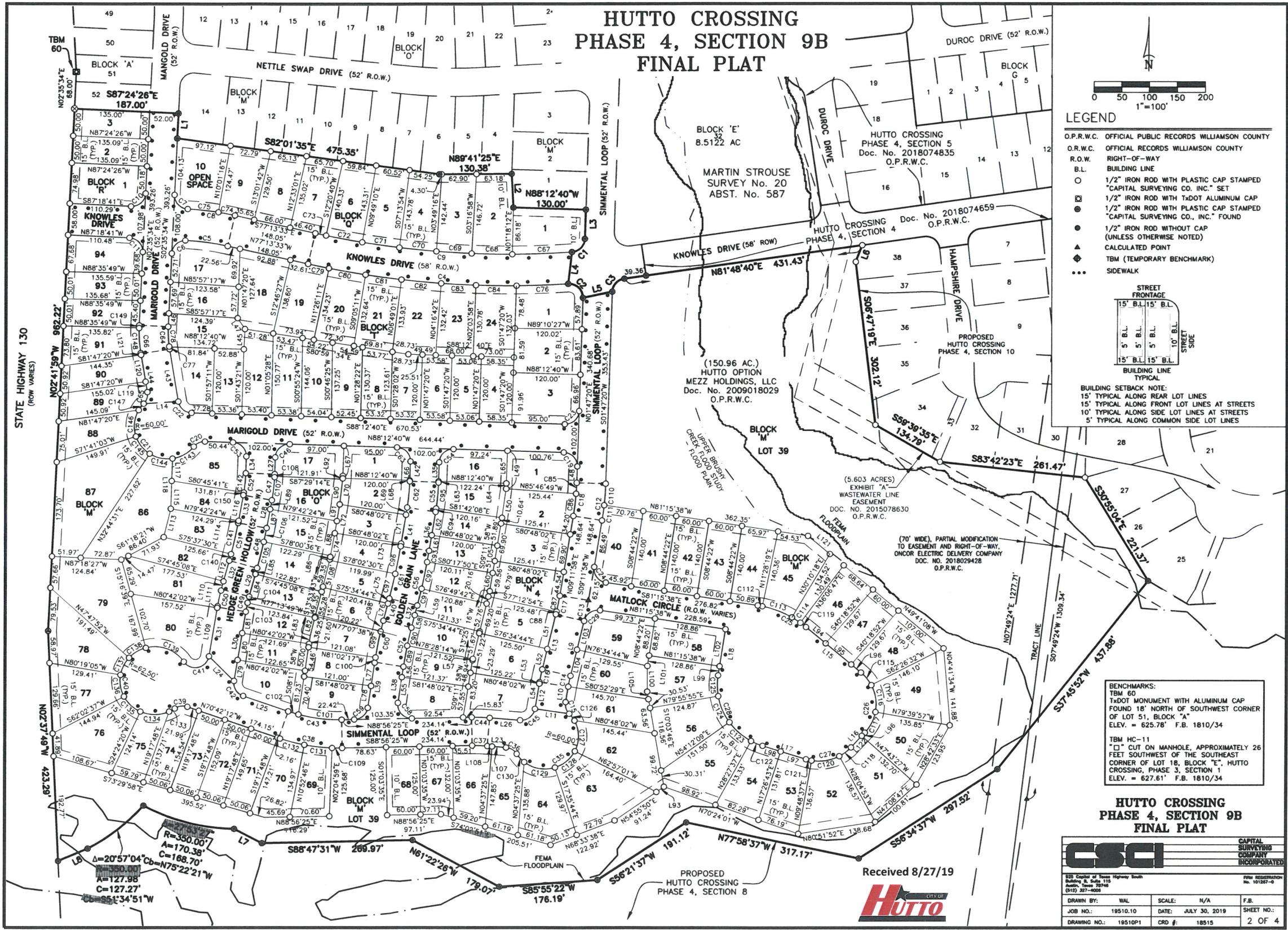
LOCATION MAP
(NOT TO SCALE)

Received 8/27/19



HUTTO CROSSING
PHASE 4, SECTION 9B
FINAL PLAT

CSCI		CAPITAL SURVEYING COMPANY INCORPORATED	
925 Capital of Texas Highway South Building B, Suite 115 Austin, Texas 78746 (512) 327-6660		FIRM REGISTRATION No. 101267-0	
DRAWN BY:	WAL	SCALE:	N/A
JOB NO.:	19510.10	DATE:	JULY 30, 2019
DRAWING NO.:	19510P1	CRD #:	18515
			SHEET NO.:
			1 OF 4



LEGEND

O.P.R.W.C. OFFICIAL PUBLIC RECORDS WILLIAMSON COUNTY
O.R.W.C. OFFICIAL RECORDS WILLIAMSON COUNTY
R.O.W. RIGHT-OF-WAY
B.L. BUILDING LINE
1/2" IRON ROD WITH PLASTIC CAP STAMPED "CAPITAL SURVEYING CO. INC." SET
1/2" IRON ROD WITH TxDOT ALUMINUM CAP
1/2" IRON ROD WITH PLASTIC CAP STAMPED "CAPITAL SURVEYING CO. INC." FOUND
1/2" IRON ROD WITHOUT CAP (UNLESS OTHERWISE NOTED)
CALCULATED POINT
TBM (TEMPORARY BENCHMARK)
... SIDEWALK

STREET FRONTAGE

15' B.L. 15' B.L.
5' B.L. 5' B.L.
15' B.L. 15' B.L.
BUILDING LINE
TYPICAL

BUILDING SETBACK NOTE:
15' TYPICAL ALONG REAR LOT LINES
15' TYPICAL ALONG FRONT LOT LINES AT STREETS
10' TYPICAL ALONG SIDE LOT LINES AT STREETS
5' TYPICAL ALONG COMMON SIDE LOT LINES

BENCHMARKS:
TBM 60
TxDOT MONUMENT WITH ALUMINUM CAP
FOUND 18' NORTH OF SOUTHWEST CORNER
OF LOT 51, BLOCK "A"
ELEV. = 625.78' F.B. 1810/34
TBM HC-11
"X" CUT ON MANHOLE, APPROXIMATELY 26
FEET SOUTHWEST OF THE SOUTHEAST
CORNER OF LOT 18, BLOCK "E", HUTTO
CROSSING, PHASE 3, SECTION 1
ELEV. = 627.61' F.B. 1810/34

**HUTTO CROSSING
PHASE 4, SECTION 9B
FINAL PLAT**

CSCI CAPITAL SURVEYING COMPANY INCORPORATED
505 Center of Texas Highway South
Building A, Suite 110
Austin, Texas 78745
(512) 387-4201
FIRM REGISTRATION No. 101087-9

Received 8/27/19

HUTTO CITY OF

DRAWN BY:	WAL	SCALE:	N/A	F.B.	
JOB NO.:	18510.10	DATE:	JULY 30, 2019	SHEET NO.:	
DRAWING NO.:	18510P1	CRD #:	18515		2 OF 4

HUTTO CROSSING
PHASE 4, SECTION 9B
FINAL PLAT

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD	CH. BEARING
C1	84°04'43"	25.00'	36.69'	33.48'	S43°49'42"W
C2	95°12'22"	25.00'	41.54'	36.92'	S45°48'51"E
C3	80°01'20"	25.00'	34.92'	32.15'	N41°47'59"E
C4	16°31'26"	1629.00'	469.79'	468.17'	N85°29'16"W
C5	9°49'26"	441.00'	75.61'	75.52'	N82°08'16"W
C6	90°21'28"	25.00'	39.43'	35.47'	S47°46'18"W
C7	89°42'58"	25.00'	39.15'	35.27'	S42°15'55"E
C8	9°53'52"	499.00'	86.20'	86.09'	S82°10'29"E
C9	16°54'24"	1571.00'	463.56'	461.88'	S85°40'45"E
C10	90°02'25"	25.00'	39.29'	35.37'	N47°40'07"E
C11	89°54'14"	25.00'	39.23'	35.33'	N42°21'33"W
C12	7°24'38"	526.00'	68.03'	67.99'	S05°29'39"W
C13	4°13'18"	526.00'	38.76'	38.75'	S11°18'37"W
C14	4°13'18"	274.00'	20.19'	20.18'	S11°18'37"W
C15	53°07'48"	25.00'	23.18'	22.36'	S17°21'56"E
C16	4°13'18"	326.00'	24.02'	24.01'	N11°18'37"E
C17	4°13'18"	474.00'	34.92'	34.92'	N11°18'37"E
C18	7°24'38"	474.00'	61.31'	61.26'	N05°29'39"E
C19	90°00'00"	25.00'	39.27'	35.36'	N43°12'41"W
C20	53°07'47"	25.00'	23.18'	22.36'	S65°13'25"W
C21	185°04'39"	60.00'	193.81'	119.88'	N48°48'10"W
C22	78°49'02"	25.00'	34.39'	31.74'	S48°48'10"E
C23	90°00'00"	25.00'	39.27'	35.36'	N46°47'19"E
C24	90°27'34"	25.00'	39.47'	35.50'	S36°01'49"E
C25	31°34'34"	176.00'	97.00'	95.77'	S65°28'15"E
C26	91°57'41"	77.00'	123.59'	110.74'	S03°42'17"E
C27	65°10'09"	77.00'	87.58'	82.94'	S74°51'38"W
C28	81°17'39"	117.00'	166.01'	152.43'	N31°54'28"W
C29	86°55'10"	25.00'	37.94'	34.40'	S55°16'47"W
C30	191°41'04"	60.00'	200.73'	119.38'	S51°54'41"W
C31	53°07'49"	25.00'	23.18'	22.36'	N58°48'41"W
C32	5°40'59"	274.00'	27.18'	27.17'	N88°13'05"W
C33	20°21'23"	326.00'	115.82'	115.21'	N80°52'54"W
C34	54°20'53"	25.00'	23.71'	22.83'	S82°07'21"W
C35	27°10'34"	82.50'	295.81'	87.48'	N10°32'11"E
C36	136°49'29"	25.00'	59.70'	46.49'	N77°42'43"E
C37	80°00'05"	25.00'	34.91'	32.14'	S30°42'05"E
C38	20°21'23"	274.00'	97.35'	96.84'	S80°52'54"E
C39	5°41'00"	326.00'	32.34'	32.32'	S88°13'05"E
C40	85°25'27"	25.00'	37.27'	33.92'	N51°54'41"E
C41	90°00'00"	25.00'	39.27'	35.36'	S46°47'20"W
C42	8°30'16"	326.00'	48.39'	48.34'	S06°02'28"W
C43	4°57'16"	874.00'	75.58'	75.55'	S12°46'14"W
C44	5°56'54"	274.00'	28.45'	28.43'	S12°16'25"W
C45	5°56'54"	326.00'	33.84'	33.83'	N12°16'25"E
C46	4°57'16"	822.00'	71.08'	71.06'	N12°46'14"E
C47	8°30'16"	274.00'	40.67'	40.63'	N06°02'28"E
C48	90°00'00"	25.00'	39.27'	35.36'	N43°12'40"W
C49	90°00'00"	25.00'	39.27'	35.36'	S46°47'20"W
C50	7°24'38"	426.00'	55.10'	55.06'	S05°29'39"W
C51	5°13'18"	1126.00'	102.62'	102.58'	S11°48'37"W
C52	6°13'18"	674.00'	73.19'	73.15'	S11°18'37"W
C53	99°15'34"	25.00'	43.31'	38.09'	S41°25'49"E
C54	80°44'27"	25.00'	35.23'	32.39'	N48°34'12"E
C55	6°13'18"	726.00'	78.84'	78.80'	N11°18'37"E
C56	5°13'18"	1074.00'	97.88'	97.85'	N11°48'37"E
C57	7°24'38"	374.00'	48.37'	48.34'	N05°29'39"E
C58	89°59'59"	25.00'	39.27'	35.36'	N43°12'41"W
C59	11°59'12"	199.00'	41.63'	41.56'	S03°24'02"E
C60	53°07'49"	25.00'	23.18'	22.36'	N17°10'16"E
C61	11°59'12"	251.00'	52.51'	52.42'	N03°24'02"W
C62	3°54'25"	1571.00'	107.13'	107.11'	S87°49'16"W
C63	2°39'05"	1571.00'	72.70'	72.70'	N88°53'59"W
C64	2°20'19"	1571.00'	64.12'	64.12'	N86°24'17"W
C65	2°26'37"	1571.00'	67.00'	67.00'	N84°00'49"W
C66	2°26'37"	1571.00'	67.00'	67.00'	N81°34'19"W
C67	2°24'26"	1571.00'	66.00'	66.00'	N79°09'09"W
C68	0°42'54"	1571.00'	19.60'	19.60'	N77°35'00"W
C69	3°29'05"	499.00'	30.35'	30.34'	N78°58'05"W
C70	6°24'47"	499.00'	55.85'	55.82'	N83°55'01"W
C71	3°16'11"	1629.00'	92.96'	92.95'	N87°53'07"E
C72	1°12'38"	199.00'	4.20'	4.20'	N08°47'21"W
C73	10°46'34"	199.00'	37.43'	37.37'	N02°47'43"W
C74	1°20'16"	1629.00'	38.04'	38.03'	S77°53'41"E
C75	2°21'00"	1629.00'	66.81'	66.81'	S79°44'19"E
C76	2°16'10"	1629.00'	64.53'	64.52'	S82°02'54"E
C77	2°32'19"	1629.00'	72.17'	72.17'	S84°27'08"E
C78	2°12'45"	1629.00'	62.90'	62.90'	S86°49'40"E
C79	2°32'45"	1629.00'	72.38'	72.38'	S89°12'25"E
C80	2°25'52"	474.00'	20.11'	20.11'	S03°00'15"W
C81	4°58'47"	474.00'	41.20'	41.18'	S06°42'55"W

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD	CH. BEARING
C82	3°35'08"	474.00'	29.66'	29.66'	S10°59'32"W
C83	0°38'10"	474.00'	5.26'	5.26'	S13°06'13"W
C84	3°19'47"	674.00'	39.17'	39.17'	N09°51'52"E
C85	2°53'30"	674.00'	34.02'	34.01'	N12°58'31"E
C86	1°36'45"	1126.00'	31.69'	31.69'	N13°36'54"E
C87	2°32'38"	1126.00'	49.99'	49.99'	N11°32'12"E
C88	1°03'55"	1126.00'	20.94'	20.94'	N09°43'56"E
C89	0°54'06"	426.00'	6.70'	6.70'	N08°44'54"E
C90	6°30'32"	426.00'	48.39'	48.37'	N05°02'36"E
C91	2°44'40"	1074.00'	51.44'	51.44'	S10°34'18"W
C92	2°28'38"	1074.00'	46.44'	46.43'	S13°10'57"W
C93	1°32'53"	726.00'	19.62'	19.62'	S13°38'49"W
C94	3°54'39"	726.00'	49.56'	49.55'	S10°55'03"W
C95	0°45'45"	726.00'	9.66'	9.66'	S08°34'50"W
C96	16°20'51"	274.00'	78.18'	77.91'	N82°53'09"W
C97	4°00'310"	274.00'	19.17'	19.17'	N72°42'29"W
C98	3°28'13"	274.00'	16.60'	16.59'	N11°02'04"E
C99	2°28'41"	274.00'	11.85'	11.85'	N14°00'32"E
C100	3°15'27"	874.00'	49.69'	49.69'	N13°37'08"E
C101	1°41'49"	874.00'	25.88'	25.88'	N11°08'30"E
C102	7°46'50"	326.00'	44.27'	44.24'	N06°24'11"E
C103	0°43'26"	326.00'	4.12'	4.12'	N02°09'03"E
C104	3°08'34"	326.00'	17.88'	17.88'	S89°29'18"E
C105	4°19'34"	526.00'	39.72'	39.71'	N03°57'07"E
C106	3°05'04"	526.00'	28.32'	28.31'	N07°39'26"E
C107	2°43'57"	176.00'	8.39'	8.39'	N79°53'40"W
C108	18°04'24"	176.00'	55.52'	55.29'	N69°29'29"W
C109	5°56'24"	176.00'	18.25'	18.24'	N56°51'28"W
C110	22°07'40"	77.00'	29.74'	29.55'	N38°37'18"W
C111	3°53'31"	77.00'	50.92'	50.00'	N08°36'42"W
C112	31°56'30"	77.00'	42.93'	42.37'	N26°18'18"E
C113	19°38'33"	77.00'	26.40'	26.27'	N52°05'50"E
C114	4°12'18"	176.00'	12.92'	12.91'	N51°47'07"W
C115	3°53'30"	77.00'	50.92'	50.00'	N80°51'52"E
C116	7°38'05"	77.00'	10.26'	10.25'	S76°22'20"E
C117	11°00'53"	117.00'	22.49'	22.46'	S67°02'50"E
C118	25°44'32"	117.00'	52.56'	52.13'	S48°40'07"E
C119	25°43'45"	117.00'	52.54'	52.10'	S22°55'58"E
C120	18°48'27"	117.00'	38.41'	38.23'	S00°39'51"E
C121	15°02'40"	60.00'	15.75'	15.71'	N36°24'30"W
C122	55°56'09"	60.00'	58.58'	56.28'	N05°55'05"W
C123	45°21'18"	60.00'	47.50'	46.27'	N49°43'38"E
C124	55°47'49"	60.00'	58.43'	58.15'	S79°41'49"E
C125	19°33'08"	60.00'	20.47'	20.38'	S42°01'20"E
C126	8°47'47"	326.00'	50.05'	50.00'	S83°31'08"E
C127	8°25'02"	326.00'	47.89'	47.85'	S74°54'43"E
C128	10°45'10"	62.50'	11.73'	11.71'	N60°19'28"E
C129	48°42'16"	62.50'	53.13'	51.54'	S89°56'48"E
C130	37°38'17"	62.50'	41.06'	40.32'	S46°46'31"E
C131	37°38'17"	62.50'	41.06'	40.32'	S09°08'14"E
C132	32°31'13"	62.50'	35.47'	35.00'	S25°56'31"W
C133	32°31'13"	62.50'	35.47'	35.00'	S58°27'44"W
C134	71°24'06"	62.50'	77.89'	72.94'	N69°34'35"W
C135	0°52'22"	822.00'	12.52'	12.52'	S14°48'41"W
C136	4°04'54"	822.00'	58.56'	58.55'	S12°20'03"W
C137	7°27'00"	274.00'	35.63'	35.60'	S05°30'49"W
C138	43°07'30"	60.00'	45.16'	44.10'	N60°13'16"E
C139	40°57'30"	60.00'	42.89'	41.98'	S77°44'14"E
C140	38°56'33"	60.00'	40.78'	40.00'	S37°47'13"E
C141	47°58'10"	60.00'	50.23'	48.78'	S05°40'09"W
C142	14°04'56"	60.00'	14.75'	14.71'	S36°41'43"W
C143	10°56'08"	251.00'	47.91'	47.83'	S03°55'34"E
C144	1°03'04"	251.00'	4.60'	4.60'	S02°04'01"W
C145	1°03'16"	274.00'	5.04'	5.04'	S09°45'59"W

LINE TABLE		
LINE	BEARING	LENGTH
L1	S02°35'34"W	48.20'
L2	S02°49'34"E	62.14'
L3	S01°47'20"W	53.90'
L4	S06°30'13"W	58.98'
L5	N77°54'08"E	53.57'
L6	S20°34'44"W	32.64'
L7	N62°10'12"W	56.63'
L8	S86°45'13"W	57.73'
L9	S13°25'16"W	103.75'
L10	S09°11'58"W	28.82'
L11	N81°38'58"W	62.01'
L12	N09°11'58"E	49.74'
L13	N13°25'16"E	103.75'
L14	N86°13'15"E	62.30'
L15	S49°41'03"E	129.13'
L16	S42°16'34"W	36.54'
L17	N72°33'17"W	82.16'
L18	N08°44'22"E	85.76'
L19	N85°22'35"W	33.84'
L20	S45°02'22"E	64.00'
L21	S70°42'12"E	85.88'
L22	S85°22'35"E	54.76'
L23	S01°47'20"W	30.88'
L24	N13°25'16"E	51.97'
L25	S15°14'52"W	54.21'
L26	S09°17'58"W	128.96'
L27	N09°17'58"E	91.64'
L28	N15°14'52"E	54.21'
L29	N10°17'36"E	51.97'
L30	N01°47'20"E	30.88'
L31	S01°47'20"W	36.63'
L32	S09°11'58"W	72.36'
L33	S14°25'16"W	42.22'
L34	S08°11'58"W	67.20'
L35	N08°11'58"E	83.83'
L36	N14°25'16"E	42.22'
L37	N09°11'58"E	72.36'
L38	N01°47'20"E	36.63'
L39	S09°23'39"E	97.57'
L40	N09°23'39"W	71.47'
L41	S03°03'37"W	37.21'
L42	N02°35'27"E	24.53'
L43	S33°25'42"E	24.09'
L44	S01°47'20"W	30.22'
L45	N01°47'20"E	70.00'
L46	N07°45'42"E	53.84'
L47	S13°25'16"W	65.33'
L48	S13°25'16"W	38.41'
L49	S09°11'58"W	2.82'
L50	S09°11'58"W	46.92'
L51	N08°11'58"E	47.75'
L52	N08°11'58"E	19.45'
L53	S13°25'20"W	2.61'
L54	N14°25'16"E	23.79'
L55	N14°25'16"E	18.43'
L56	S09°18'11"W	37.15'
L57	N09°11'58"E	29.0

HUTTO CROSSING
PHASE 4, SECTION 9B
FINAL PLAT

Block M - 56 Lots	
Lot No.	Acres
39 *	12.3488
40	0.2238
41	0.1928
42	0.1928
43	0.1928
44	0.2013
45	0.2621
46	0.1901
47	0.1785
48	0.2412
49	0.2896
50	0.2543
51	0.2397
52	0.2763
53	0.2049
54	0.2091
55	0.2942
56	0.2530
57	0.2218
58	0.2035
59	0.2374
60	0.2030
61	0.2092
62	0.2814
63	0.3332
64	0.2531
65	0.2045
66	0.2076
67	0.1740
68	0.1722
69	0.1782
70	0.1984
71	0.1704
72	0.1732
73	0.1760
74	0.1747
75	0.1569
76	0.2913
77	0.2496
78	0.2803
79	0.4184
80	0.3078
81	0.2353
82	0.1765
83	0.1673
84	0.1521
85	0.2268
86	0.3891
87	0.5111
88	0.1955
89	0.1789
90	0.1718
91	0.1965
92	0.1558
93	0.1557
94	0.2027
TOTAL	24.8294

* DENOTES NON SINGLE
FAMILY LOTS

Block N - 16 Lots	
Lot No.	Acres
1	0.2066
2	0.2019
3	0.2012
4	0.2026
5	0.2014
6	0.2013
7	0.2143
8	0.1823
9	0.1538
10	0.1529
11	0.1428
12	0.1487
13	0.1393
14	0.1405
15	0.1581
16	0.1653
TOTAL	2.8130

Block O - 17 Lots	
Lot No.	Acres
1	0.1622
2	0.1546
3	0.1478
4	0.1480
5	0.1483
6	0.1481
7	0.1491
8	0.1491
9	0.1905
10	0.1988
11	0.1402
12	0.1484
13	0.1474
14	0.1814
15	0.1757
16	0.1928
17	0.1672
TOTAL	2.7496

Block Q - 10 Lots	
Lot No.	Acres
1	0.2420
2	0.2347
3	0.2109
4	0.2060
5	0.2104
6	0.2050
7	0.2079
8	0.1987
9	0.2015
10 *	0.2534
TOTAL	2.1705

* DENOTES NON SINGLE
FAMILY LOTS

Block R - 3 Lots	
Lot No.	Acres
1	0.1551
2	0.1551
3	0.2300
TOTAL	0.5402

Block T - 24 Lots	
Lot No.	Acres
1	0.2202
2	0.2275
3	0.2503
4	0.1607
5	0.1462
6	0.1476
7	0.1490
8	0.1554
9	0.1636
10	0.1739
11	0.1799
12	0.1855
13	0.1463
14	0.1902
15	0.1836
16	0.1642
17	0.2121
18	0.2531
19	0.2260
20	0.2126
21	0.2052
22	0.2312
23	0.1974
24	0.2188
TOTAL	4.6005

Public Street Name	Linear Ft.	Acres
HEDGE GREEN HOLLOW (52' R.O.W.)	435	0.5092 Ac.
GOLDEN GRAIN LANE (52' R.O.W.)	535	0.6156 Ac.
KNOWLES DRIVE EAST (58' R.O.W.)	750	0.9657 Ac.
KNOWLES DRIVE WEST (58' R.O.W.)	145	0.1864 Ac.
MARIGOLD DRIVE (52' R.O.W.)	1,290	1.6864 Ac.
MATLOCK CIRCLE (R.O.W. VARIES)	1,030	1.6449 Ac.
SIMMENTAL LOOP (52' R.O.W.)	1,640	2.2201 Ac.
TOTAL RIGHT-OF-WAY	5,825	7.8283 Ac.

BLOCK "M" 55 Single Family Lots	12.4806 Ac.
1 Open Space Lot - Lot 39	12.3488 Ac.
BLOCK "N" 16 Single Family Lots	2.8130 Ac.
BLOCK "O" 17 Single Family Lots	2.7496 Ac.
BLOCK "Q" 9 Single Family Lots	1.9171 Ac.
1 Open Space Lot - Lot 10	0.2534 Ac.
BLOCK "R" 3 Single Family Lots	0.5402 Ac.
BLOCK "T" 24 Single Family Lots	4.6005 Ac.
Total Lots 126 (124 SF Lots, 2 Open Space Lots)	37.7032 Ac.
Total Right of Way	7.8283 Ac.
Total Acreage of Subdivision	45.5315 Ac.

Received 8/27/19



CSCI		CAPITAL SURVEYING CORP. INCORPORATED
825 Capital of Texas Highway South Building 2, Suite 115 Austin, Texas 78746 (512) 227-6666		FIRM REGISTRATION No. 101987-0
DRAWN BY: WAL	SCALE: N/A	F.B.
JOB NO.: 19510-10	DATE: JULY 30, 2019	SHEET NO.:
DRAWING NO.: 19510P1	CRD #: 18515	4 OF 4

Regular City Council
AGENDA ITEM
9.B.



To: City Council
Subject: Consideration and possible action on a resolution approving the proposed RSI Hutto Phase 1 Final Plat, 78.777 acres, more or less, of land, 116 residential lots, 6 townhome lots, 3 condominium lots, located on CR 119 at Duke Reynolds Parkway. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

The proposed RSI Phase 1 Final Plat is located between County Road 119/Ed Schmidt Blvd. and FM 1660 North. The Final Plat will provide another 116 residential lots, 6 townhouse lots and 3 condominium lots for development.

The proposed subdivision is part of the RSI Planned Unit Development. In addition to the single-family residential lots, this phase of RSI will include one 13.042 acre recreation center lot that will be dedicated to the City via this plat and 10.137 acres of right-of-way.

Comments from all departments have been addressed.

The Planning and Zoning Commission recommended approval to City Council on September 3, 2019.

RECOMMENDATION:

Staff recommends that the Council approve the resolution.

ATTACHMENTS:

[\(Res\)RSIHuttoPh1FP\(Res\)Complete](#)

RESOLUTION NO.

**A RESOLUTION APPROVING THE PLAT KNOWN AS "RSI HUTTO
PHASE 1 FINAL PLAT"; IN THE CITY OF HUTTO, WILLIAMSON
COUNTY, TEXAS.**

WHEREAS, the Texas Local Government Code Chapter 212 and the City of Hutto Subdivision Ordinance requires the Planning and Zoning Commission to take action to recommend to the City Council whether or not to approve or disapprove a subdivision plat within thirty (30) days of the date an application is accepted, and;

WHEREAS, the Texas Local Government Code Chapter 212 and the City of Hutto Subdivision Ordinance requires the City Council take action to approve or disapprove a subdivision plat within thirty (30) days of the date of presentation at Planning and Zoning Commission, and;

WHEREAS, the Development Services Department and the City Engineer have reviewed the above referenced plat for compliance with statute and engineering standards, and;

WHEREAS, if City Council fails to take action on this plat within the prescribed thirty (30) day period, the plat is granted statutory approval, Now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

that the Hutto City Council hereby approves the resolution for the plat known as "RSI Hutto Phase 1 Final Plat", a copy of same being attached hereto as "Exhibit A" and incorporated herein for all purposes.

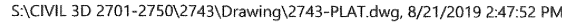
CONSIDERED and RESOLVED on this the **19th** day of the month **September, 2019**.

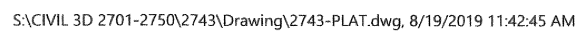
THE CITY OF HUTTO, TEXAS

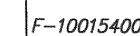
Doug Gaul, Mayor

ATTEST:

Lacie Hale, City Secretary







LINE TABLE		
LINE	BEARING	DISTANCE
L1	S56°08'33"E	52.18'
L2	S56°08'33"E	55.31'
L3	N56°51'13"E	50.00'
L4	N79°37'54"E	33.50'
L5	S77°11'29"E	70.35'
L6	S54°05'04"W	70.26'
L7	S52°02'17"W	66.76'
L8	S24°49'23"E	17.09'
L9	S85°06'49"E	27.68'
L10	S24°49'23"E	38.31'
L11	S21°51'13"E	89.44'
L12	S82°11'13"E	46.16'
L13	N19°18'45"W	38.73'
L14	N85°00'53"W	40.95'
L15	N48°39'26"W	35.87'
L16	N43°57'31"W	70.69'
L17	N42°47'47"W	87.55'
L18	N67°34'10"E	66.87'
L19	N67°34'10"E	45.00'
L20	N67°34'10"E	21.87'
L21	N67°34'10"E	66.87'
L22	N67°34'10"E	45.00'
L23	N67°34'10"E	21.87'
L24	S56°08'33"E	60.21'
L25	S32°09'35"E	75.64'
L26	N24°11'06"W	71.88'
L27	S21°45'02"E	68.22'
L28	N23°34'20"W	51.92'
L29	S39°36'42"E	55.31'
L30	S22°25'50"E	121.68'
L31	N54°04'56"E	45.89'
L33	N79°37'54"E	33.50'
L34	N35°38'43"E	9.75'
L35	S56°08'33"E	29.99'
L36	S56°08'33"E	22.20'
L37	S56°08'33"E	14.15'
L38	S56°08'33"E	41.16'
L39	N01°22'25"E	23.94'
L40	N23°52'25"E	54.68'
L41	N74°21'27"W	15.16'
L42	N23°52'25"E	53.86'
L43	N01°22'25"E	5.95'
L44	N74°21'27"W	24.13'
L45	N26°49'32"W	23.40'
L46	S74°21'27"E	79.55'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CH. DIST.
C1	591.87'	1389.44'	024°24'23"	S26°27'05"E	587.40'
C2	209.20'	785.00'	015°16'09"	N45°40'48"E	208.58'
C3	37.73'	25.00'	086°27'40"	N10°05'02"E	34.25'
C4	37.73'	25.00'	086°27'40"	S76°22'37"E	34.25'
C5	263.59'	785.00'	019°14'21"	N70°00'43"E	262.35'
C6	353.07'	1035.00'	019°32'44"	N89°24'16"E	351.36'
C7	182.96'	130.00'	080°38'10"	N58°51'33"E	168.23'
C8	188.49'	130.00'	083°04'33"	S22°59'48"E	172.41'
C9	431.17'	1035.00'	023°52'09"	S52°36'01"E	428.06'
C10	40.60'	25.00'	093°02'57"	S05°30'48"W	36.28'
C11	253.93'	205.00'	070°58'17"	S16°33'08"W	238.01'
C12	21.03'	25.00'	048°11'23"	S00°43'42"E	20.41'
C13	162.65'	50.00'	186°22'46"	S69°49'23"E	99.85'
C14	102.84'	150.00'	039°16'49"	S05°10'59"E	100.83'
C15	108.50'	89.00'	069°51'05"	S20°28'07"E	101.91'
C16	374.58'	965.00'	022°14'24"	N52°07'52"W	372.23'
C17	116.06'	150.00'	044°20'00"	N85°25'04"W	113.19'
C18	10.95'	275.00'	002°16'52"	S22°14'33"E	10.95'
C19	23.56'	15.00'	090°00'00"	N66°06'07"W	21.21'
C20	23.56'	15.00'	090°00'00"	N23°53'53"E	21.21'
C21	12.25'	25.00'	028°04'21"	N35°08'17"W	12.13'
C22	294.23'	60.00'	280°58'04"	N88°41'25"W	76.36'
C23	107.86'	89.00'	069°26'15"	S72°51'57"E	101.38'
C24	38.96'	60.00'	037°12'00"	S30°34'27"E	38.28'
C25	32.21'	60.00'	030°45'31"	S03°24'18"W	31.82'
C26	34.89'	60.00'	033°19'04"	S35°26'36"W	34.40'
C27	34.89'	60.00'	033°19'04"	S68°45'39"W	34.40'
C28	34.89'	60.00'	033°19'04"	N77°55'17"W	34.40'
C29	34.89'	60.00'	033°19'04"	N44°36'13"W	34.40'
C30	50.78'	60.00'	048°29'24"	N03°41'59"W	49.28'
C31	31.81'	25.00'	072°53'43"	S15°20'45"W	29.70'
C32	137.60'	225.00'	035°02'26"	S38°37'20"E	135.47'
C33	57.28'	225.00'	014°35'12"	S28°23'42"E	57.13'
C34	80.32'	225.00'	020°27'14"	S45°54'55"E	79.90'
C35	168.18'	275.00'	035°02'26"	S38°37'20"E	165.57'
C36	18.69'	275.00'	003°53'40"	S54°11'42"E	18.69'
C37	46.18'	275.00'	009°37'18"	S47°26'13"E	46.13'
C38	46.18'	275.00'	009°37'18"	S37°48'55"E	46.13'
C39	46.18'	275.00'	009°37'18"	S28°11'38"E	46.13'
C40	116.06'	150.00'	044°20'00"	N60°18'49"W	113.19'
C41	301.28'	965.00'	017°53'17"	S88°34'32"W	300.06'
C42	548.91'	715.00'	043°59'11"	S57°38'18"W	535.53'
C43	492.17'	715.00'	039°26'23"	S59°54'42"W	482.51'
C44	56.74'	715.00'	004°32'48"	S37°55'07"W	56.73'
C45	38.49'	25.00'	088°12'45"	N79°45'05"E	34.80'
C46	40.05'	25.00'	091°47'15"	S10°14'55"E	35.90'
C47	38.49'	25.00'	088°12'45"	S79°45'05"W	34.80'
C48	114.22'	205.00'	031°55'28"	N38°23'34"W	112.75'
C49	86.36'	155.00'	031°55'28"	N38°23'34"W	85.25'
C50	23.56'	15.00'	090°00'00"	S67°25'50"E	21.21'
C51	23.56'	15.00'	090°00'00"	S22°34'10"W	21.21'
C52	23.56'	15.00'	090°00'00"	N22°34'10"E	21.21'
C53	23.56'	15.00'	090°00'00"	N67°25'50"W	21.21'
C54	23.56'	15.00'	090°00'00"	S67°25'50"E	21.21'
C55	23.56'	15.00'	090°00'00"	S22°34'10"W	21.21'
C56	21.03'	25.00'	048°11'23"	N01°39'52"E	20.41'
C57	162.65'	50.00'	186°22'46"	S67°25'50"E	99.85'
C58	53.25'	50.00'	061°01'20"	S04°45'07"E	50.77'
C59	39.48'	50.00'	045°14'23"	S57°52'59"E	38.46'
C60	43.06'	50.00'	049°20'42"	N74°49'29"E	41.74'
C61	26.85'	50.00'	030°46'20"	N34°45'58"E	26.53'
C62	21.03'	25.00'	048°11'23"	S43°28'29"W	20.41'
C63	21.03'	25.00'	048°11'23"	N88°20'08"W	20.41'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CH. DIST.
C64	3.78'	25.00'	008°40'10"	S71°54'15"W	3.78'
C65	17.24'	25.00'	039°31'13"	N84°00'03"W	16.90'
C66	162.65'	50.00'	186°22'46"	N22°34'10"E	99.85'
C67	46.26'	50.00'	053°00'24"	N89°15'21"E	44.62'
C68	31.95'	50.00'	036°36'46"	N44°26'46"E	31.41'
C69	48.40'	50.00'	055°27'45"	N01°35'29"W	46.53'
C70	36.04'	50.00'	041°17'51"	N49°58'17"W	35.26'
C71	21.03'	25.00'	048°11'23"	S46°31'31"E	20.41'
C72	39.27'	25.00'	090°00'00"	N22°34'10"E	35.36'
C73	23.55'	25.00'	053°58'05"	N85°26'47"W	22.69'
C74	301.53'	60.00'	287°56'10"	N22°25'50"W	70.59'
C75	15.87'	60.00'	015°09'28"	S66°02'29"E	15.83'
C76	51.51'	60.00'	049°11'16"	N81°47'09"E	49.94'
C77	37.41'	60.00'	035°43'32"	N39°19'45"E	36.81'
C78	17.11'	60.00'	016°20'33"	N13°17'43"E	17.06'
C79	37.41'	60.00'	035°43'32"	N12°44'20"W	36.81'
C80	37.41'	60.00'	035°43'32"	N48°27'52"W	36.81'
C81	37.41'	60.00'	035°43'32"	N84°11'24"W	36.81'
C82	51.51'	60.00'	049°11'16"	S53°21'12"W	49.94'
C83	15.87'	60.00'	015°09'28"	S21°10'49"W	15.83'
C84	23.55'	25.00'	053°58'05"	N40°35'08"E	22.69'
C85	272.10'	60.00'	259°50'09"	N62°20'54"W	92.04'
C86	14.21'	60.00'	013°34'27"	N60°46'57"E	14.18'
C87	257.88'	60.00'	246°15'41"	N69°08'08"W	100.49'
C88	34.83'	25.00'	079°50'09"	N27°39'06"E	32.08'
C89	23.56'	15.00'	090°00'00"	S22°34'10"W	21.21'
C90	22.93'	15.00'	087°34'53"	S68°38'23"E	20.76'
C91	292.20'	535.00'	031°17'36"	N40°29'45"W	288.58'
C92	90.77'	535.00'	009°43'16"	N29°42'34"W	90.66'
C93	58.56'	535.00'	006°16'17"	N37°42'21"W	58.53'
C94	58.22'	535.00'	006°14'04"	N43°57'31"W	58.19'
C95	58.22'	535.00'	006°14'04"	N50°11'36"W	58.19'
C96	26.44'	535.00'	002°49'55"	N54°43'35"W	26.44'
C97	230.06'	360.00'	034°41'19"	N39°46'29"W	226.57'
C98	220.47'	360.00'	035°05'22"	N39°58'31"W	217.04'
C99	40.05'	25.00'	091°47'15"	N10°14'55"W	35.90'
C100	39.27'	25.00'	090°00'00"	S67°25'50"E	35.36'
C101	285.37'	485.00'	033°42'43"	N39°17'11"W	281.27'
C102	32.72'	60.00'	031°14'53"	N36°10'10"E	32.32'
C103	14.49'	25.00'	033°12'31"	N09°09'18"E	14.29'
C104	6.54'	25.00'	014°58'52"	N14°56'24"W	6.52'
C105	78.10'	155.00'	028°52'09"	N39°55'13"W	77.28'
C106	8.27'	155.00'	003°03'19"	N23°57'29"W	8.26'
C107	65.52'	300.00'	012°30'47"	S40°43'08"W	65.39'
C108	59.33'	300.00'	011°19'49"	N41°18'37"E	59.23'
C109	57.21'	300.00'	010°55'32"	N30°07'14"E	57.12'
C110	57.53'	300.00'	010°59'14"	S30°09'05"W	57.44'
C111	39.27'	25.00'	090°00'00"	S80°38'43"W	35.36'
C112	39.27'	25.00'	090°00'00"	S09°21'17"E	35.36'
C113	22.73'	15.00'	086°50'06"	S79°03'45"W	20.62'
C114	24.29'	15.00'	092°45'51"	S10°44'13"E	21.72'
C115	32.89'	785.00'	002°24'01"	S36°50'43"W	32.88'
C116	23.56'	15.00'	090°00'00"	N22°34'10"E	21.21'
C117	23.56'	15.00'	090°00'00"	S67°25'50"E	21.21'
C118	32.68'	25.00'	074°54'22"	N25°11'13"E	30.41'
C119	2.15'	25.00'	004°55'47"	N65°06'17"E	2.15'
C120	43.12'	41.00'	060°15'10"	S38°17'02"W	41.16'
C120	51.51'	60.00'	049°11'16"	N53°21'12"E	49.94'
C121	33.58'	41.00'	046°55'43"	S24°19'49"E	32.65'
C122	66.45'	715.00'	005°19'31"	S42°51'17"W	66.43'
C123	21.22'	715.00'	001°42'01"	S46°22'02"W	21.22'
C124	109.78'	715.00'	008°47'49"	S51°36'57"W	109.67'
C125	96.93'	58.31'	095°14'09"	N20°47'33"E	86.15'

THAT PART OF THE JOHN DYKES SURVEY, ABSTRACT NO. 186, IN WILLIAMSON COUNTY, TEXAS, BEING A PART OF THAT 181.663 ACRE TRACT OF LAND CONVEYED TO WEH COMMUNITIES - TEXAS LLC BY DEED RECORDED IN DOCUMENT NO. 2019027650 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (OPRWC), MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2"IRON ROD FOUND AT THE NORTHWEST CORNER OF LOT 113, BLOCK C OF HUTTOPARKE SECTION 7, ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NO. 2013003893 OPRWC, BEING AN ANGLE POINT ON THE SOUTH LINE OF SAID 181.663 ACRE TRACT, BEING ALSO THE NORTHEAST CORNER OF THAT 103.111 ACRE TRACT OF LAND CONVEYED TO HARRY RONALD HANSON BY DEED RECORDED IN DOCUMENT NO. 2006074636 OPRWC;

THENCE ALONG THE SOUTH LINE OF SAID 181.663 ACRE TRACT AND THE NORTH LINE OF SAID 103.11 ACRE TRACT, S68°08'47"W A DISTANCE OF 419.33 FEET TO A 1/2"IRON ROD SET FOR THE POINT OF BEGINNING;

THENCE ALONG THE SOUTH LINE OF SAID 181.663 ACRE TRACT AND THE NORTH LINE OF SAID 103.111 ACRE TRACT, S68°08'47"W A DISTANCE OF 1,701.57 FEET TO A 1/2"IRON ROD SET AT THE SOUTHWEST CORNER OF SAID 181.663 ACRE TRACT, BEING THE NORTHWEST CORNER OF SAID 103.111 ACRE TRACT, FROM WHICH A 1/2"IRON ROD FOUND FOR AN ANGLE POINT ON THE EAST LINE OF THAT 7.402 ACRE TRACT CONVEYED TO WILLIAMSON COUNTY, TEXAS, BEING THE EAST LINE OF PROPOSED ED SCHMIDT BOULEVARD (COUNTY ROAD 119) BEARS N79°55'45"W A DISTANCE OF 94.61 FEET;

THENCE ALONG THE WEST LINE OF SAID 181.663 ACRE TRACT, N22°26'10"W A DISTANCE OF 1,614.45 FEET TO A 1/2"IRON ROD FOUND FOR THE NORTHEAST CORNER OF THAT 101.8 ACRE TRACT (TRACT 2) CONVEYED TO NO-COUNT, LLC BY DEED RECORDED IN DOCUMENT NO. 2013060751 OPRWC, BEING THE SOUTHEAST CORNER OF THAT 57.895 ACRE TRACT OF LAND CONVEYED TO VENTANA HILLS, LTD. BY DEED RECORDED IN DOCUMENT NO. 2007068155 OPRWC, BEING ALSO THE SOUTHEAST CORNER OF THE JAMES NEILL SURVEY, ABSTRACT NO. 477;

THENCE ALONG THE WEST LINE OF SAID 181.663 ACRE TRACT AND THE EAST LINE OF SAID 57.895 ACRE TRACT, N21°06'07"W A DISTANCE OF 1,137.50 FEET TO A 3/8"IRON ROD FOUND ON THE EAST LINE OF SAID 57.895 ACRE TRACT AT THE NORTHWEST CORNER OF SAID 181.663 ACRE TRACT, BEING ALSO THE SOUTHWEST CORNER OF A 44.37 ACRE TRACT OF LAND CONVEYED TO RONALD ALBERT SMITH AND JANICE H. SMITH BY DEED RECORDED IN VOLUME 2267, PAGE 16 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS (ORWC);

THENCE ALONG THE NORTH LINE OF SAID 181.663 ACRE TRACT AND THE SOUTH LINE OF SAID 44.37 ACRE TRACT, N68°31°55"E A DISTANCE OF 574.20 FEET TO A 1/2"IRON ROD SET;

THENCE ACROSS SAID 181.663 ACRE TRACT THE FOLLOWING THIRTY-TWO (32) COURSES:

- S14°14'53"E A DISTANCE OF 564.77 FEET TO A 1/2"IRON ROD SET FOR THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT;
- SOUTHEASTERLY ALONG SAID CURVE, AN ARC LENGTH OF 591.87 FEET, HAVING A RADIUS OF 1,389.44 FEET, A CENTRAL ANGLE OF 24°24'23", AND A CHORD BEARING S26°27'05"E A DISTANCE OF 587.40 FEET TO A 1/2"IRON ROD SET FOR A POINT ON A NON-TANGENT CURVE TO THE RIGHT;
- NORTHEASTERLY ALONG SAID CURVE, AN ARC LENGTH OF 209.20 FEET, HAVING A RADIUS OF 785.00 FEET, A CENTRAL

NOTES:

1. NO BUILDING, FENCING, LANDSCAPING OR STRUCTURES ARE ALLOWED WITHIN ANY DRAINAGE OR WASTEWATER EASEMENT UNLESS EXPRESSLY PERMITTED BY THE CITY OF HUTTO.
2. BUILDING SETBACK LINES SHALL CONFORM TO UDC REQUIREMENTS.
3. A TEN (10) FOOT PUBLIC UTILITY EASEMENT (PUE) IS HEREBY DEDICATED ALONG AND ADJACENT TO ALL STREET SIDE PROPERTY LINES.
4. A FIVE (5) FOOT PUBLIC UTILITY EASEMENT (PUE) IS HEREBY DEDICATED ON EACH SIDE OF ALL SIDE LOT LINES OF SF-1 AND SF-1 CONDOMINIUM LOTS, EXCEPT LOTS 1-6, BLOCK NN..
5. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTION IS MADE TO PUBLIC WATER AND WASTEWATER UTILITIES.
6. STREET LIGHTING SHALL BE PROVIDED BY THE DEVELOPER IN CONFORMANCE WITH THE UDC REQUIREMENTS.
7. SIDEWALKS AND TREES SHALL BE PROVIDED ON BOTH SIDES OF ALL STREETS WITHIN THIS SUBDIVISION.
8. SIDEWALKS AND TREES SHALL BE PROVIDED ALONG ALL STREETS BOUNDING THIS SUBDIVISION.
9. AN ARTERIAL FENCE SHALL BE CONSTRUCTED PER UDC REQUIREMENTS.
10. WATER WILL BE AVAILABLE THROUGH JONAH S.U.D. AFTER THE APPROPRIATE WATER SYSTEM IS INSTALLED TO THIS SITE. WASTEWATER WILL BE AVAILABLE THROUGH CITY OF HUTTO AFTER THE APPROPRIATE WASTEWATER SYSTEM IS INSTALLED TO THIS SITE. JONAH S.U.D. ASSUMES NO OBLIGATIONS FOR INSTALLING ANY IMPROVEMENTS REQUIRED TO SERVE THIS SITE.
11. IN ORDER TO PROMOTE DRAINAGE AWAY FROM A STRUCTURE, THE SLAB ELEVATIONS SHALL BE BUILT AT LEAST ONE (1) FOOT ABOVE THE SURROUNDING GROUND AND SHOULD BE GRADED AWAY FROM THE STRUCTURE AT A SLOPE OF 1/2" PER FOOT FOR A DISTANCE OF AT LEAST TEN (10) FEET.
12. UTILITY PROVIDERS FOR THIS SUBDIVISION ARE: WATER JONAH S.U.D.; WASTEWATER JONAH S.U.D.; AND ELECTRIC ONCOR
13. A PORTION OF THIS TRACT IS ENCROACHED BY SPECIAL FLOOD HAZARD AREAS INUNDATED BY THE 1% ANNUAL CHANCE FLOODPLAIN AS IDENTIFIED BY THE U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY BOUNDARY MAP 481079 COMMUNITY PANEL NUMBER 48491C0510E, EFFECTIVE DATE SEPTEMBER 26, 2008, FOR WILLIAMSON COUNTY, TEXAS.
14. AMENITY, OPEN SPACE AND ALLEYS WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
15. THIS SUBDIVISION WILL BE ZONED SF-1 & B-1 PER THE PUD.
16. ALL LOTS IN THIS SUBDIVISION ARE RESTRICTED TO SINGLE FAMILY RESIDENTIAL USE, UNLESS OTHERWISE INDICTED.
17. THE MAXIMUM IMPERVIOUS COVERAGE PER RESIDENTIAL LOTS IS 55%.
18. ALL SUBDIVISION CONSTRUCTION SHALL CONFORM TO THE CITY OF HUTTO UNIFIED DEVELOPMENT CODE, CONSTRUCTION STANDARDS, AND GENERALLY ACCEPTED ENGINEERING PRACTICES.
19. ON-SITE STORMWATER DETENTION FACILITIES WILL BE PROVIDED TO REDUCE POST-DEVELOPMENT PEAK RATES OF DISCHARGE OF THE 2, 10, 25 AND 100-YEAR STORM EVENTS.
20. ALL EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR HIS OR HER ASSIGNS.
21. ALL DRAINAGE LOTS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
22. ALL LANDSCAPE & PARK LOTS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
23. LANDSCAPED MEDIANS & THE CENTER OF THE ROUND-A-BOUTS SHALL BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

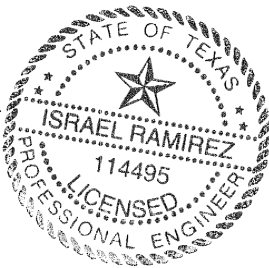
ENGINEERS CERTIFICATION

STATE OF TEXAS { KNOW ALL MEN BY THESE PRESENTS
COUNTY OF WILLIAMSON {

I, ISRAEL RAMIREZ, LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS IN COMPLIANCE WITH THE CODES AND ORDINANCES OF THE CITY OF HUTTO, TEXAS.

TO CERTIFY WHICH, WITNESS MY HAND AND SEAL AT HUTTO, WILLIAMSON COUNTY, TEXAS, THIS ____ DAY OF ____, 20__.

BY: Israel Ramirez 8.22.2019
ISRAEL RAMIREZ
LICENSED PROFESSIONAL ENGINEER NO. 114495
STATE OF TEXAS



RANDALL JONES & ASSOCIATES ENGINEERING, INC.
2900 JAZZ STREET
ROUND ROCK, TEXAS 78664
PHONE (512) 836-4793
FIRM NO. 9784

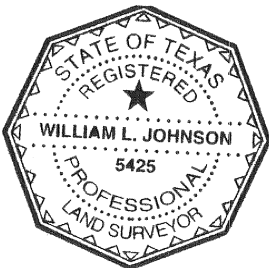
SURVEYOR'S CERTIFICATION

STATE OF TEXAS { KNOW ALL MEN BY THESE PRESENTS
COUNTY OF WILLIAMSON {

I, WILLIAM L. JOHNSON, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY AND THAT PROPERTY MARKERS AND MONUMENTS WERE PLACED UNDER MY SUPERVISION ON THE GROUND.

TO CERTIFY WHICH, WITNESS MY HAND AND SEAL AT HUTTO, WILLIAMSON COUNTY, TEXAS, THIS 22 DAY OF AUGUST, 2019.

BY: William L. Johnson
WILLIAM L. JOHNSON
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5425
STATE OF TEXAS



RJ SURVEYING & ASSOCIATES, INC.
2900 JAZZ STREET
ROUND ROCK, TEXAS 78664
PHONE (512) 836-4793
FIRM NO. 10015400

ROAD NAME AND ADDRESS ASSIGNMENTS VERIFIED THIS THE ____ DAY OF ____, 20__ A.D.

WILLIAMSON COUNTY ADDRESSING COORDINATOR

STATE OF TEXAS { KNOW ALL MEN BY THESE PRESENTS
COUNTY OF WILLIAMSON {

WE, WLH COMMUNITIES-TEXAS LLC, SOLE OWNER OF THE CERTAIN TRACT OF LAND SHOWN HEREON AND DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 2019027650 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, AND DO HEREBY STATE THAT THERE ARE NO LIEN HOLDERS OF THE CERTAIN TRACT OF LAND, AND DO HEREBY SUBDIVIDE SAID TRACT AS SHOWN HEREON, AND DO HEREBY CONSENT TO ALL PLAT NOTE REQUIREMENTS SHOWN HEREON, AND DO HEREBY DEDICATE TO THE CITY OF HUTTO THE STREETS, ALLEYS, RIGHTS-OF-WAY, EASEMENTS AND PUBLIC PLACES SHOWN HEREON FOR SUCH PUBLIC PURPOSES AS THE CITY OF HUTTO MAY DEEM APPROPRIATE. THIS SUBDIVISION IS TO BE KNOWN AS "RSI HUTTO PHASE 1".

TO CERTIFY WHICH, WITNESS BY MY HAND THIS ____ DAY OF ____, 20__.

WLH COMMUNITIES-TEXAS LLC

BY: Ryan Mattox
RYAN MATTOX, VP OF LAND DEVELOPMENT
WLH COMMUNITIES-TEXAS LLC
810 HESTERS CROSSING ROAD, SUITE 235
ROUND ROCK, TEXAS 78681

STATE OF TEXAS { KNOW ALL MEN BY THESE PRESENTS
COUNTY OF WILLIAMSON {

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RYAN MATTOX, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF ____, 20__.

BY: _____
NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME: _____

MY COMMISSION EXPIRES: _____

THIS PLAT WAS APPROVED FOR RECORDING BY THE HUTTO CITY COUNCIL ON THE ____ DAY OF ____, 20__.

DOUG GAUL, MAYOR DATE ____ LACIE HALE, CITY SECRETARY DATE ____

THIS SUBDIVISION IS LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HUTTO, THIS THE ____ DAY OF ____, 20__.

ASHBY GRUNDMAN, DIRECTOR OF DEVELOPMENT SERVICES DATE ____

FINAL PLAT OF
RSI HUTTO PHASE 1
CITY OF HUTTO, WILLIAMSON COUNTY, TEXAS

IT IS THE RESPONSIBILITY OF THE OWNER, NOT THE COUNTY, TO ASSURE COMPLIANCE WITH THE PROVISIONS OF ALL APPLICABLE STATE, FEDERAL AND LOCAL LAWS AND REGULATIONS RELATING TO THE PLATTING AND DEVELOPMENT OF THIS PROPERTY.

THE COUNTY ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF REPRESENTATIONS BY OTHER PARTIES IN THIS PLAT. FLOODPLAIN DATA, IN PARTICULAR, MAY CHANGE DEPENDING ON SUBSEQUENT DEVELOPMENT. IT IS FURTHER UNDERSTOOD THAT THE OWNERS OF THE TRACT OF LAND COVERED BY THIS PLAT MUST INSTALL AT THEIR OWN EXPENSE ALL TRAFFIC CONTROL DEVICES AND SIGNAGE THAT MAY BE REQUIRED BEFORE THE ROADS IN THE SUBDIVISION HAVE FINALLY BEEN ACCEPTED FOR MAINTENANCE BY THE COUNTY.

IN APPROVING THIS PLAT BY THE COMMISSIONERS' COURT OF WILLIAMSON COUNTY, TEXAS, IT IS UNDERSTOOD THAT THE BUILDING OF ALL STREETS, ROADS, AND OTHER PUBLIC THOROUGHFARES AND ANY BRIDGES OR CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IS THE RESPONSIBILITY OF THE OWNERS OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS' COURT OF WILLIAMSON COUNTY, TEXAS. SAID COMMISSIONERS' COURT ASSUMES NO OBLIGATION TO BUILD ANY OF THE STREETS, ROADS, OR OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT OR OF CONSTRUCTING ANY OF THE BRIDGES OR DRAINAGE IMPROVEMENTS IN CONNECTION THEREWITH. THE COUNTY WILL ASSUME NO RESPONSIBILITY FOR DRAINAGE WAYS OR EASEMENTS IN THE SUBDIVISION, OTHER THAN THOSE DRAINING OR PROTECTING THE ROAD SYSTEM AND STREETS.

STATE OF TEXAS { KNOW ALL MEN BY THESE PRESENTS
COUNTY OF WILLIAMSON {

I, BILL GRAVELL JR., COUNTY JUDGE OF WILLIAMSON COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS MAP OR PLAT, WITH FIELD NOTES HEREON, FOR A SUBDIVISION HAVING BEEN FULLY PRESENTED TO THE COMMISSIONER'S COURT OF WILLIAMSON COUNTY, TEXAS, AND BY THE SAID COURT DULY CONSIDERED, WERE ON THIS DAY APPROVED AND THAT THIS PLAT IS AUTHORIZED TO BE REGISTERED AND RECORDED IN THE PROPER RECORDS OF THE COUNTY CLERK OF WILLIAMSON COUNTY, TEXAS.

BILL GRAVELL JR., COUNTY JUDGE DATE ____
WILLIAMSON COUNTY, TEXAS

STATE OF TEXAS { KNOW ALL MEN BY THESE PRESENTS
COUNTY OF WILLIAMSON {

I, NANCY RISTER, CLERK OF THE COUNTY COURT OF SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IN WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF ____, 20__ A.D., AT ____ O'CLOCK, ____M., AND DULY RECORDED THIS THE ____ DAY OF ____, 20__ A.D., AT ____ O'CLOCK, ____M., IN THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY IN DOCUMENT NO. _____

TO CERTIFY WHICH, WITNESS MY HAND AND SEAL AT THE COUNTY COURT OF SAID COUNTY, AT MY OFFICE IN GEORGETOWN, TEXAS, THE DATE LAST SHOWN ABOVE WRITTEN.

NANCY RISTER, CLERK COUNTY COURT
OF WILLIAMSON COUNTY, TEXAS

BY: _____
DEPUTY

DATE: JULY 1, 2019

RANDALL JONES & ASSOCIATES ENGINEERING, INC.
2900 JAZZ STREET, ROUND ROCK, TEXAS, 78664
(512) 836-4793 FAX: (512) 836-4817 F-9784

RJ SURVEYING & ASSOCIATES, INC.
2900 JAZZ STREET, ROUND ROCK, TEXAS, 78664
(512) 836-4793 FAX: (512) 836-4817

F-10015400

Received 8/27/19



SHEET 5 OF 5 SHEETS

Regular City Council
AGENDA ITEM
9.D.



To:

Subject: Consideration and possible action on a resolution authorizing the City Manager to purchase four new trucks (2 for Public Works and 2 for Parks and Recreation) at an amount not to exceed \$185,000

Meeting: Regular City Council - 19 Sep 2019

Department: Community Services

Staff Contact: Tony Host

BACKGROUND INFORMATION:

This quote is for four new Ford F250 trucks (2 for Public Works and 2 for Parks and Recreation).

FINANCIAL IMPACT:

Not to exceed \$185,000

ATTACHMENTS:

[TruckBids](#)

Regular City Council
AGENDA ITEM
10.A.



To: Regular City Council
Subject: Consideration and possible action on the second reading of an ordinance making appropriations for the support of the City of Hutto Fiscal Year October 1, 2019 through September 30, 2020, and adopting the annual budget of the City of Hutto for Fiscal Year 2019-2020
Meeting: Regular City Council - 05 Sep 2019
Department: Finance
Staff Contact: Michel Sorrell

BACKGROUND INFORMATION:

The proposed Fiscal Year 2019-2020 Budget was presented on August 1, 2019. The required Public Hearing was held on August 22, 2019. Per City Charter, the City Council must adopt the budget on or before the last day of the last month of the current fiscal year.

FINANCIAL IMPACT:

The ordinance to adopt the Fiscal Year 2019-2020 Budget establishes appropriations for the 2020 Fiscal Year. The Proposed Fiscal Year 2019-2020 Budget is predicated on a tax rate of \$0.631351.

The attached Proposed Fiscal Year 2019-2020 Budget was discussed in several City Council workshops as well as the formal presentation on August 1, 2019. The budget as presented contains fund summaries, the fiscal and budgetary policy, boards and commission information, definitions and acronyms.

The Proposed Fiscal Year 2019-2020 Budget is on the City website at www.huttotx.gov along with the required publications.

RECOMMENDATION:

Staff recommends the Council approve the first reading of the ordinance. Approval must be made through a roll call vote.

ATTACHMENTS:

[Ordinance - Budget 2019- 2020](#)

[FY20 Draft Budget - Council August 1 2019 \(CLEAN & Signed\)](#)

ORDINANCE NO. _____

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF HUTTO FOR THE FISCAL YEAR OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2020 AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF HUTTO FOR THE 2020 FISCAL YEAR; PROVIDING FOR A PUBLICATION CLAUSE, SEVERABILITY CLAUSE, AND OPEN MEETING CLAUSE.

WHEREAS, the budget for the fiscal year October 1, 2019 through September 30, 2020, was duly presented to the City Council and a public hearing was ordered by the City Council and a public notice of said hearing was caused to be given by the City Council and said public hearing was held according to said notice.

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

SECTION I.

That the appropriations for the fiscal year October 1, 2019 through September 30, 2020 for the support of the general government of the City of Hutto be fixed and determined for said terms in accordance with the expenditures shown in the City's 2020 fiscal year budget, a summary of which is appended hereto as Exhibit A.

SECTION II.

That the budget, as shown in words and figures in Exhibit A, is hereby approved in all respects and adopted as the City's budget for the fiscal year October 1, 2019 through September 30, 2020.

SECTION III.

That there is hereby appropriated the amount shown in said budget the required funds to provide for an Interest and Sinking Fund for the payment of the principal and interest and the retirement of the bonded debt of said City.

SECTION IV. Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION V. Severability Clause

The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION VI. Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION VII. Open Meeting Clause

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 hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION VIII.

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** the first reading on the **5th** day of **September, 2019** at a regular called meeting of the City Council of the City of Hutto, there being a quorum present.

READ, APPROVED and **ADOPTED** on the second reading this **19th** day of **September, 2019** at a regular meeting of the City Council of the City of Hutto, there being a quorum present.

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Lacie Hale, City Secretary



Mayor
Doug Gaul

Mayor Pro-tem
Tom Hines

Council Members
Scott Rose, Place 1
Tom Hines, Place 2
Mike Snyder, Place 3
Peter Gordon, Place 4
Patti Turner, Place 5
Tanner Rose, Place 6

City Manager
Odis Jones

Mayor and City Council,

It is my honor to present to you the FY 2019-20 Budget for your consideration. This budget was carefully constructed to meet the growing needs of the Hutto community. The FY 2019-20 Budget continues Hutto's conservative financial approach, while balancing the strains associated with growth, aging infrastructure, and the desire to grow and expand programs and services to meet a higher level of citizen demands. This budget reflects the voters support for the November 2018 Bond Election, which called for improvements and expansion in streets, public safety and parks.

Driving these issues is Hutto's phenomenal growth. Hutto is in the midst the largest economic boom in its 108-year history since being incorporated in 1911. The City has added more than 2,244 homes within the last six years and expects to add more than 450 in 2019 alone. These 450 homes will add approximately 1,350 new residents who need services. This remarkable residential expansion is not expected to slow as new subdivisions are continuing to develop. While this growth results in many positives, it also brings challenges. Our roadways are becoming congested. There are increased demands on our infrastructure. Much of the infrastructure in Hutto's historic downtown has not been updated. Infrastructure in subdivisions that have sprung up in the last 10-15 years is now in need of maintenance. There are more people in need of services from Public Safety, Public Works, Library, Parks and Recreation and Streets and Drainage. New subdivisions brought on by development have increased the workload of Development Services and Public Works staff who are responsible for the upkeep of the City's infrastructure. Support service staff are also being stretched as there are more grants, projects, increased financial complexity and transparency to manage.

Hutto is at a crossroad in its development. The decisions made today will have long lasting impacts on the community and will affect future generations of Hutto residents. Choices made today on topics such as a well-balanced and diversified economy, public safety, fiscal responsibility, quality of life and services and infrastructure and growth will shape the future of Hutto. It is no wonder that the City Council identified these topics as their highest priorities. This proposed budget and work plan was shaped to enable City staff to accomplish the policy that City Council has set.

As the City begins growing and expanding infrastructure, including public safety infrastructure, it is imperative that a long-term plan, including strategies and funding sources, be developed. The City Council did just that by adopting a new Strategic Plan in May 2017 by resolution, updating the plan in June 2018, and again adopting by resolution and updated plan in March 2019. This budget, along with a recent GO Bond election, addresses the above needs by adding critical staff, equipment, and funding.

Overall, these changes help develop economic growth to diversify the tax base, bringing in additional property and sales tax revenue, easing the burden on residents, and continuing the implementation of the infrastructure master plans.

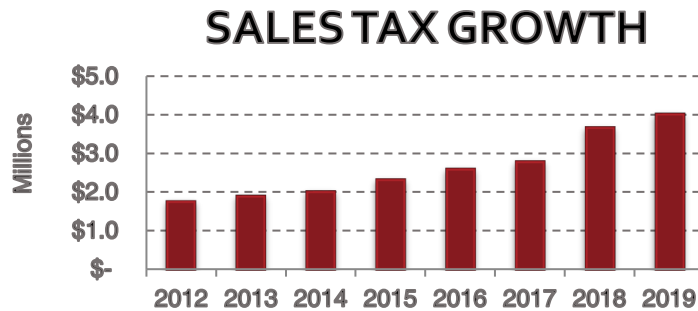
While the community continues to grow, the City has been trying to keep pace with staffing levels needed to serve the expanding population. The City of Hutto had 134.75 FTEs, or “full-time equivalents,” at the beginning of 2019, which gave Hutto a staffing ratio of 4.84 staff per 1,000 residents. This was the lowest staffing ratio of all of Hutto’s benchmark cities, with the average ratio being 7.14 per 1,000 residents. To keep up with the ever-increasing needs of the community and residents, the City added staff and resources to support the programs and services throughout the community, as well as to maintain the City’s investment in its infrastructure. During 2019 the number of FTEs rose to 162.5 and with a population of approximately 30,448, this increased the staffing ratio to 5.34 staff per 1,000 residents. The average ratio for all of the benchmark cities was 7.35. The proposed budget will continue to add employees and proposes to add nineteen (19) FTEs, including two (2) police officers, one (1) sergeant, ten (10) command staff positions (911 Dispatcher and Operators), one (1) program recreation coordinator (part-time to full-time), one (1) multimedia specialist, one (1) fleet maintenance technician, one (1) facility maintenance technician, one (1) utility crew leader, and one (1) utility technician. These, of course, will be staged throughout the year to ensure appropriate timing of cash flows are met. After next fiscal year, the City should not have any immediate needs for additional staff outside of continued normal growth.

City	Population Estimate as of 9/2018	Full Time Equivalents (FTE) Beginning of FY 2019	FTE Ratio per 1,000 Citizens
<i>Average</i>			<i>7.35</i>
Hutto	30,448	162.5	5.34
Belton	22,078	171.5	7.77
Cedar Park	79,104	484.50	6.12
Cibolo	30,225	139.28	4.61
Georgetown	63,227	710	11.23
Kyle	43,417	221	5.09
Leander*	49,234	290.65	5.90
Little Elm	44,372	266.7	6.01
Pflugerville	64,260	402	6.26
Round Rock	112,201	965	8.60
Seguin	31,218	375	12.01
Taylor	16,982	157	9.25

Note: All population and FTE numbers came from each respective city’s FY18 annual report.

*Population for this City was not listed in annual report.

Economic Outlook



Hutto is positioned for a prosperous future. Hutto's location at the intersection of US Hwy 79 and State Highway 130 makes Hutto a convenient location and easily accessible. Because of this, Hutto also benefits from growth that is occurring regionally.

The construction of the Brushy Creek Park Amphitheater, Innovation Business Park, Co-Op

Entertainment District, which houses the new City Hall, along with several new restaurants and retail outlets, and the newly announced Perfect Game has positively impacted revenue for Hutto. This positive revenue impact will only continue to increase as the City builds out. Job growth in the Austin-Hutto MSA is strong each month and unemployment is a low 2.8% as of May 2019.

The Co-Op Entertainment District:



The City of Hutto will have a mixed-use lifestyle development anchored by the Historic Commercial Downtown and the new City Hall. The Co-Op District is being developed by MA Partners from Austin. The City of Hutto and MA Partners formed a private/public partnership to bring a one-of-a-kind destination to the region. The project will be a 700,000 square foot development that is a mixed-use, walkable district planned for high-density residential, retail, entertainment, hotel amphitheater, movie theater and restaurants, along with a civic center and offices. This entire development is approximately 35 acres in size.

The development will have both a Public Improvement District (PID) and a Tax Increment Refinance Zone (TIRZ) component in the financing plan.

Proposed Development Plan includes:

- Restaurants (33,500 sq.ft. of space available)
- Retail/Office space (239,000 sq.ft. of space available)
- Banks (3,000 sq.ft. of space available)
- Multi-family units (236 units available)
- Hotels (140 units available)
- City Hall (40,000 sq.ft.)
- Entertainment (39,000 sq.ft. of space available)

This development has already attracted high-quality tenants with an emphasis on Austin brands. The following iconic Austin brands have announced as tenants in the Co-Op District:

- Flix Brewhouse (39,000 sq.ft.)
- Top Notch Hamburgers (8,000 sq.ft.)
- Southside Market and BBQ (5,000 sq.ft.)



The Project will include an initial period of construction lasting 4 years where \$208 million will be spent to construct new buildings and other real property improvements. Over a 20-year period the City will receive approximately \$23.7 million net benefits from the development. The Project is estimated to support an average of approximately \$240.8 million in new non-residential taxable property value each year over the next 20 years. Additionally, there are 210 workers directly employed by the Project, with initial anticipated earnings of approximately \$45,000 per year on average. The development is also expected to create jobs aside from construction, retail, hospitality, maintenance and others.



Perfect Game Development:

The City of Hutto will have a state-of-the-art baseball-field baseball complex that will serve as the new headquarters of Perfect Game Baseball and add to the vibrancy of the Parks System in Hutto. In addition to the park aspect of the project, this development will also be the newest mixed-used development in the community, bringing over 2,000 residential and multi-family units, over 250,000 sq.ft.. of retail and office space, over 3 new hotels, and an indoor sports and event center to the City.

The entire development is approximately 170 acres in size. The project, a partnership between Perfect Game, Sports Facility Advisory and Sports Facility Management (SFAISFM), the Developer, and the City of Hutto, is anticipated to generate more than \$800 million in private investment.

In addition to the 66 permanent jobs which come with the PG Headquarters relocation, the development will support the creation of thousands of jobs ranging from construction, retail, hospitality, maintenance and more.

Master Plan Amenities include:

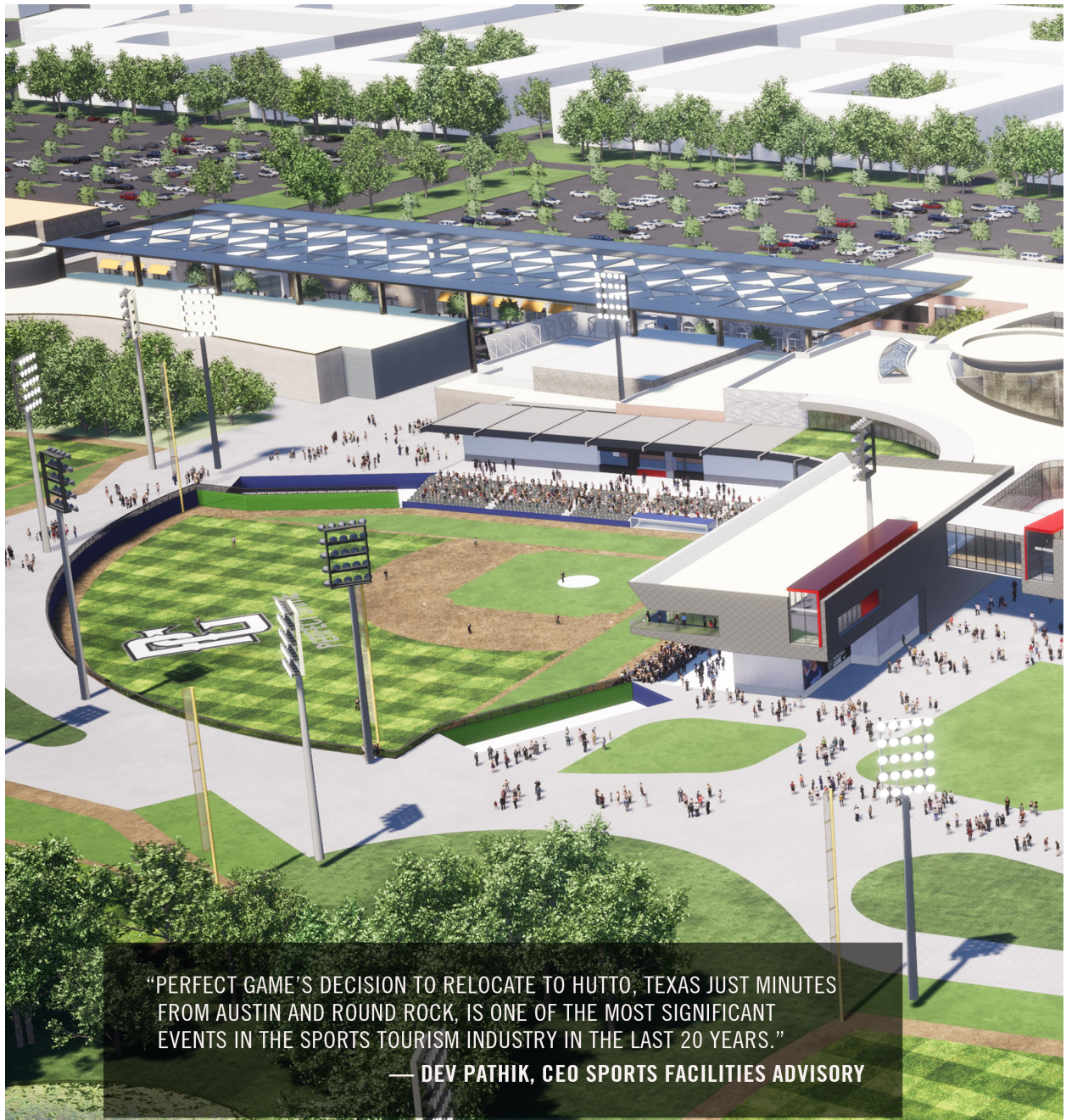
- Perfect Game Headquarters (~61,600 sq.ft..)
- Perfect Game Hall of Fame
- Sports-Field Complex
 - 2 Championship Stadiums
- Indoor Sports Facility / Event Center (~150,000 sq.ft..)
- Batting Cage Pavilion
- Green Space / Plaza
- Entrance Water Feature
- Surface Parking ~3,000 spaces
- Sports Medicine Research Facility (~48,000 sq.ft..)
- Sports Technology Research (~13,000 sq.ft..)
- Training Facility + Dorms (with Sports Tech)
- Event Center Hotel (Full Services with ~200 keys)
- Additional Hotel Pads
 - 2-4 hotels (200-600 keys)
- Residential / Multi-family Units
 - ~100 Townhome Units
 - ~1,930 Multi-family Units
- Office Space (~134,000 sq.ft..)
- Retail (~250,000 sq.ft..)
- Restaurants

The development will be completed in phases, with the first phase scheduled to be completed by Memorial Day 2021. The Perfect Game aspect of the development is anticipated to bring over 517,000 non-local visitors in the first year and over 630,000 visitors by the fifth year. These non-local visitors will generate over 138,000 room nights within the first year and over 169,000 room nights annually by the fifth year. Annually, the economic impact of the Perfect Game development from direct spending is estimated to be over \$200 million.

The economic impacts mentioned above does NOT consider any activity happening at the indoor sports facility / event center, but rather only considers the programming set forth for the Perfect Game development. We would anticipate the annual number of unique visitors, annual room nights, and annual economic impact from direct spending to increase.

The development will have both a Pubic Improvement District (PID) and a Tax Incremental Refinance zone (TIRZ) component in the financing plan.





The economic indicators in Hutto point towards a vibrant local economy. The phenomenal residential growth, as well as the new commercial growth, is occurring at its fastest rate in Hutto's history. Sales tax collections continue to do well with all of the new development. As of June 2019, collections were 16.7% over the prior year. Sales tax collections are conservatively projected to rise 15% in FY 2019-20. The development of more homes and more retail will continue to spur the sales tax growth, which has consistently climbed over the last two years at a 21% average growth.

Home values have also experienced steady increases in appraised values which are confirmed by strong sales numbers and a low inventory. Average home values in Hutto have steadily risen from \$164,745 in FY 2014-15 to \$183,267 in FY 2015-16, \$215,813 in FY 2016-17, \$244,990 in FY 2017-18 and are now \$260,515 (as per www.movoto.com)

The City Council met in 2017 to implement a new Strategic Guide and Execution Plan. The plan is reviewed and updated annually. Below are excerpts from the Strategic Guide:

VALUES

RESPONSIBLE

We expect those acting on behalf of the organization to consistently show responsibility. Being responsible entails being trustworthy to do what is in the best interest of the community and the City organization and being accountable for our own individual actions.

SAFE

We expect those acting on behalf of the organization to consistently have a high regard for the safety of all involved, including our residents, visitors, volunteers, employees, and their property. The value of safety includes actions taken to promote the safety of the public (i.e., police services, fire services, emergency medical services and the like) as well as design of our infrastructure, operational policies, and the working conditions provided to our employees. Recognizing that some elements of the work of the City of Hutto come with a level of inherent danger, our goal is to mitigate that danger to the extent reasonable.

AUTHENTIC

We expect those acting on behalf of the organization to act with authenticity. Hutto is a unique community with a particular history, culture and character, and being authentic entails being genuine in both words and deeds to both the individual character and the character of the community as a whole.

PROGRESSIVE

We expect those acting on behalf of the City of Hutto to seek creative solutions to problems. Being progressive entails making use of new or different methods, opportunities, and ideas with the intention of advancing the practice or outcome farther and faster than it would under the status quo.

Vision Statement

Hutto, Texas is a family-friendly community that provides superior public safety, outstanding fiscal responsibility, diversified economy, and an exceptional quality of life.

STRATEGIC FOCUS AREAS

Strategic Focus Areas directly support the Vision and Values. These are the broad areas that the City is intentionally placing an intense focus upon. Below are the five Strategic Focus Areas of the City of Hutto.



OBJECTIVES

Objectives within this plan are the primary areas that the City is intending to noticeably make changes to in the relative short term in furtherance of its Vision. Objectives are more specific and direct than Strategic Focus Areas, but in most cases are not discreet, achievable goals in and of themselves. Objectives are designed so that if the organization makes significant progress towards the Objectives, it will have made significant progress towards achieving the Vision.

Generate a strategic path forward for enhancing the public safety apparatus, including police, fire, and emergency medical services.

Create an aggressive, progressive economic development strategy for the community.

Create an "open for business" culture throughout the organization.

Maintain a positive and inspired workforce

Enhance mobility within the City

Implement a quality city-wide customer service program.

Enhance the overall governance of the community.

Construct and maintain infrastructure at the desired levels of service.

Ensure responsible fiscal stewardship through transparency and reporting.

Maintain an environment and quality of life that encompasses a safe, friendly, and entertaining atmosphere for all ages.

FY 2019-20 BUDGET CALENDAR

DATE	DESCRIPTION
July 11, 2019	Special City Council Work Session (Thursday) – Budget Overview, Council's Budget Goals & Objectives, Tax Rate Scenarios, and Proposed FY 20 Budget Overview
July 25, 2019	Deadline for Williamson County Appraisal District to Certify Tax Roll
August 1, 2019	Regular City Council Meeting – Budget Presentation with CIP (Overview), Record Vote on Tax Publication
August 15, 2019	Regular City Council Meeting – 1 st Public Hearing on Setting Tax Rate
August 22, 2019	Special Called City Council Meeting – Budget Public Hearing; 2 nd Public Hearing on Setting of Tax Rate – (Must take action even if it is to table the budget)
September 5, 2019	Regular City Council Meeting – 1 st Reading of Ordinance approving the budget; 1 st Reading of Ordinance Levying and Ratifying Ad Valorem Taxes; 1 st Reading of Ordinance approving the EDC budget
September 19, 2019	Regular City Council Meeting – 2 nd Reading of Ordinance approving the budget; 2 nd Reading of Ordinance Levying and Ratifying Ad Valorem Taxes; 2 nd Reading of Ordinance approving the EDC budget
October 1, 2019	Budget New Year Begins

Budget Process

The City of Hutto uses a priority-based budgeting process.

The City of Hutto annually budgets operating revenues and expenditures by two types of funds: Governmental Funds and Proprietary Funds. The City uses a total of fourteen separately and independently budgeted funds to carry out the day-to-day operations of

the City. A fund is generally defined as a fiscal and accounting entity that has its own self-balancing set of accounts recording cash and other financial resources, as well as any liabilities or residual equities or balances. Normally funds are segregated for the purpose of carrying out specific activities, or attaining certain objectives in accordance with special regulations, restrictions or limitations.

Governmental funds are used for tax supported general government activities and include the General Fund, General Debt Service Fund, Special Revenue Funds, General Capital Projects Fund, and the Streets, Drainage and Grounds Maintenance Fund. Proprietary funds (funds that operate more like a business enterprise) include the Utility Fund, Impact Fee Fund, Utility CIP Fund, and Utility Debt Service Fund.

Each fund is budgeted separately and includes its own financial statement. The Hutto Economic Development Corporation (HEDC) is the City's 4B Economic Development Corporation. The HEDC budget is developed by HEDC staff and board members. The HEDC budget is adopted by both the seven-member board and the City Council. The HEDC budget is not included in this proposed budget. The financial information for the HEDC is included in the annual financial report for the City.

Gather Information

The City Council is consulted throughout the year. Their response and feedback are considered during budget review and analysis of budget requests. The Council annually adopts budget priorities. Following the Council elections, the City Council holds a retreat to discuss the budget priorities and strategic issues important to Hutto's future. The budget priorities are incorporated where possible in the adopted budget. The budget priorities for the upcoming fiscal year are addressed in the opening pages of this document and in the Budget Transmittal Letter section as well as the updated Strategic Plan and Execution Guide adopted May 2017 and updated March 2019.

Update Strategic Plans

Each year staff reviews and updates strategic plans used to properly plan for the City's growth. The City Council adopted a new Strategic Plan and Execution Guide in May 2017 and updated it in June 2018 and March 2019. This document connects short-term initiatives with long-term strategic priorities identified by the City Council. Adjustments are made as needed based on service demands and assessments. Future budget requests are guided by goals and priorities identified in the strategic plans. Costs for capital improvements are updated with the help of the City Engineer. Fiscal forecast projections and estimates are updated based on trend analysis, expected growth due to residential and commercial expansion, and other anticipated factors.



Revenue Projections

Revenue projections for the new fiscal year begin mid-year of the current fiscal year. Projections are based upon consultations with state and local agencies, trend analysis, anticipated changes in the local and regional economy, and discussions with directly associated staff. Although beginning earlier, revenue projections occur concurrently with departmental budget development, and extends until the budget is adopted based upon the receipt of new information.

Budget Development

The budget is prepared to promote fiscal responsibility and ensure superb service delivery to Hutto citizens. In preparing the budget, departments are asked to review existing programs, make cuts where appropriate, and calculate the resources needed to provide the current or base level service in the next fiscal year. These base budgets do not include any new programs, but costs may fluctuate from year to year due to inflation and other market conditions. After establishing base budget requests, departments are asked to factor in budget enhancements to the budget requests based on the budget priorities adopted by the City Council. Budget enhancements are costs related to new or expanded programs, including new personnel, supplies, and equipment.

During the budget development stage, the City Manager and Finance Department work with department and division managers to analyze requests, provide advice and lend assistance. Program goals, objectives, and measures are evaluated during the budget development to determine the effectiveness and efficiency of program activities to determine appropriate levels of funding. Staff work sessions are held to discuss goals and performance indicators, as are one-on-one consultations for the development of cost estimates. As the City encourages a participatory style of leadership, input is gathered from each employee, the leadership team, and appropriate employee committees during the budget development process.

The budget is drafted in accordance with the City's Charter, state law, and also the City's Fiscal and Budgetary Policy. The Fiscal and Budgetary Policy provides additional guidelines in regard to Financial Planning, the Budget Preparation Process, Revenue and Expenditure Management, Staffing, Economic Development, Intergovernmental Relations, Capital-Asset Management, Financial Reporting, and Debt Management. The Fiscal and Budgetary Policy is included in this budget document before the Glossary.

Budget Workshops and Public Hearings

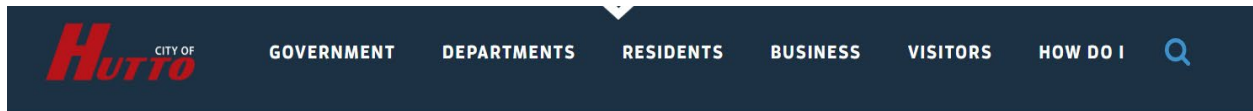
Budget work sessions are held with the City Council in open meetings to review and discuss the proposed budget. Citizen input is gathered through public hearings.

Budget Adoption and Maintenance

Budget adoption occurs in September after City Council deliberations and public hearings. The City Council may take action to modify the proposed budget per its discretion. The City Council also adopts a tax rate to support the adopted funding levels.

An adopted budget is compiled and published during the first months of the new fiscal year. Budget maintenance is a year-round activity for department and division directors, the City Manager, and the Finance Department. Mid-year program evaluations use performance measures to identify poorly performing programs so that adjustments may be made accordingly. Control mechanisms include the submission of monthly financials and budget to actual reports to City Council, monthly review of expenditures by the City Manager and Finance Department, and authorization to purchase from the City's Finance Department. The City Manager may move appropriations from account to account; however, budget amendments resulting in a decrease or increase of total appropriations must be approved by ordinance by the City Council.

FY 2019-20 BUDGET OVERVIEW



Budget Overview

The proposed FY 2019-20 Budget for the City (not including EDC) totals \$32,888,290 in operating expenses, approximately \$46,077,541 for new capital projects, (of which \$39,978,000 are paid for by bond proceeds), and \$11,512,526 for debt services associated with past and ongoing capital projects. Operating revenues for the budget totals \$38,459,079. The ongoing operating expenses plus the associated debt service payments and cash-funded capital projects exceed the proposed ongoing revenues of the City in the current fiscal year, making the proposed FY 2019-20 Budget, much like the past few years, a year which will decrease our overall fund balance; however, it will remain above our reserve requirements. This is to be expected during years of growth as the City situates itself for this growth by spending excess reserves to hire additional staff and build out the additional infrastructure that will be needed to drive the growth, as well as procure lucrative economic development agreements to ensure a steady supply of local jobs as a vibrant local community develops.

Budget Priorities

The City Council began working on a new Strategic Plan in the first quarter of 2017. There were several retreats with City Council and City Staff, as well as meetings with Boards and Commissions, and informal and formal public meetings to obtain insight and feedback from many stakeholders to develop the new Strategic Plan & Execution Guide, which was also then updated in June of 2018, and in March of 2019. The proposed FY 2019-20 Budget is intended to align with the Strategic Plan & Execution Guide.

General Fund

The General Fund is the largest fund of the City and accounts for the general service and operations. The General Fund is where services such as Police, Development Services, Public Works, Parks and Rec, and Administration are budgeted. The majority of the City's employees are funded out of the General Fund.

The General Fund revenue budget totals \$18.2 million, which is an increase over the prior year's adopted budget of \$15.3 million. General Fund expense budget totals \$20.1 million, which is an increase over the

	FY2017-18	FY2018-19	Proposed FY2019-20 (Rollback)	Change
O&M Rate	\$0.416482	\$0.389301	\$0.397768	\$0.008
Debt Rate	\$0.098689	\$0.12587	\$0.233583	\$0.107
Total Tax Rate	\$0.515171	\$0.515171	\$0.631351	\$0.116

prior year's adopted budget of \$15.6 million. The General Fund budget is proposed ad valorem rollback rate of \$0.631351 per \$100 of valuation. The rollback tax rate, is the highest rate that the City may propose without risk of an election petition. The

current rollback rate is 8% for FY 2019-20 budget planning purposes. These rules will change for the budget process in FY 2020-21.

The proposed rate includes the debt service increase (I&S) from GO Bond funded projects. In November 2018, voters overwhelmingly approved Proposition A, Proposition B, and Proposition C. The major projects included streets and drainage, parks, and public safety, totaling \$125 million.

The proposed ad valorem tax rate will produce additional revenue to cover the increase in public safety, public works, and an increased level of service demanded by citizens, as well as new debt service from the 2019 GO Bond election. As commercial and multi-use development, along with residential growth, continues to happen along the trend of the past year, the City's tax base is expected to continue to grow and diversify, eventually easing the burden on Hutto residents.

General Fund Personnel Enhancements for FY 2019-20 include: two (2) additional patrol police officers, one (1) sergeant, ten (10) command staff (911 operators), all proposed to come on the last quarter of the year; one (1) social media intern to assist with the increase in social media demands, one (1) additional fleet technician to accommodate the growing vehicle and equipment needs of the City, one (1) additional building technician to address janitorial and maintenance needs for the City facilities, and a 3% merit, which aligns with the Council adopted Strategic Plan, and a cost of living increase.

General Fund Equipment and Other Enhancements for FY 2019-20 include information technology and software upgrades, necessary vehicles and equipment for public safety, facility and fleet, and other city departments.

Utility Fund

The Utility Fund is the second major operating fund of the City. It accounts for the City's water and wastewater system. Utility Fund budgeted operational revenues total \$11.5 million. A utility rate study was conducted in 2017. Wastewater rates were increased by 25% in FY18. The rate increase was needed in order to maintain utility fund reserve requirements, invest in new infrastructure to allow expansion of the tax base, and meet debt service obligations for utility projects. Additionally there is a transfer in of \$1.5 million in impact fees, as well as a transfer from the Solid Waste Fund for \$450,000, that will be utilized to service the debt payments, and natural attrition which is realized through the year.

Utility Fund budgeted operational expenses are proposed to total \$6.6 million, with an additional \$7 million to be spent on debt service requirements through a transfer out to the debt service fund. The majority of expenses in the Utility Fund are for contractual obligations, such as water purchase agreements and the wastewater treatment plant management agreement, payroll, maintenance and supplies. The City contracts for water with Manville Water Supply and the City of Taylor. The City contracts operation and maintenance of the wastewater treatment plants with the Brazos River Authority. As the City continues to grow, not only with more residential units, but with the addition of commercial, light industrial, and multi-use projects, the utility infrastructure will require some additions and some upgrades to handle the increased demands. Currently, it is anticipated that FY 2019-20 will require an additional \$5.5 million in capital improvement projects.

Utility Fund Personnel Enhancements for FY 2019-20 include an additional utility technician and a utility crew leader, as well as necessary equipment and vehicles for the new positions.

Streets and Drainage Construction Fund

The Streets and Drainage Construction Fund was formed in fiscal year 2018, which provides in-house streets and drainage improvements and construction at a more reasonable cost than outsourcing the service. The program will elevate the quality of Hutto's streets and create long term savings for the City. The program is funded through certain bond issues, as well as a Council approved drainage fee.

Streets and Drainage Construction Fund budgeted expenses total \$4.1 million, which is a increase over the prior year of \$618,418. Most of the large, one-time equipment purchases were made in FY 2018-2019, but equipment will be purchased as necessary and personnel will be added as projects come on.

The major streets and drainage projects for FY 2019-2020 include the extension and widening of Live Oak Street to Taylor through Old Town eventually connecting to the Perfect Game site and the Cottonwood Creek Drainage project.

Capital Projects

The FY 2019-20 Budget capital project budget includes approximately \$46.1 million for capital projects: \$40.6 million in tax supported projects, and \$5.5 million in utility supported projects in the Capital Improvements Plan. The projects, and their funding source, are included in the table below.

Fund	Project	Cost	Funding Sources
General CIP	Fritz Park Improvements	\$100,000	Bonds
	Pavement Management	\$500,000	Bonds
	Limmer Loop Improvements Agreement	\$100,000	Cash
	CR II9 Extension Payment	\$250,000	Cash
	Streets & Drainage Projects – 2019 GO Bonds	\$26,500,000	Bonds
	Park Improvements (Multiple)	\$283,000	Bonds/Grants
	Cottonwood Trail	\$2,725,000	Bonds
	Outdoor Gym Fitness Center/With Shade	\$120,000	Bonds
	Land Acquisition	\$6,000,000	Bonds
	Justice Center for Public Safety	\$4,000,000	Bonds
Utility CIP	Waterline Improvements from Shiloh	\$1,003,410	Bonds
	Glennwood Lift Station Decommission	\$847,690	Bonds
	Lakeside Estates Abandon LS	\$249,000	Cash
	Carmel Crossings Wastewater Interceptor	\$181,851	Cash
	Municipal Service WW Extension	\$1,000,000	Bonds
	Pump Upgrade Shiloh & Frameswitch	\$2,217,590	Bonds

Conclusion

The Budget document establishes the direction and focus for the upcoming year as it connects resources to the priorities identified by the City Council and the adopted strategic plan.

FY 2019-20 will be a tight budget year as we continue to experience growth. This budget will have an emphasis on Public Safety, Streets and Drainage, and Park Improvement.

In November 2018 the voters turned out in record numbers to approve Proposition A, Streets & Drainage at \$70 million, Proposition B, a Justice Center for Public Safety at \$5 million, and Proposition C, Parks Improvements at \$50 million.

It is the City Manager's responsibility to fulfill and complete the objectives identified in this budget. This budget identifies resources and strategies that are in place to ensure the success of the organization, not just for this fiscal year, but for many years in the future.

Lastly, I would like to thank the City Council and the City staff, for their consideration of the Proposed FY 2019-20 Annual Budget.

Sincerely,

Odis Jones,
City Manager

GENERAL FUND SUMMARY

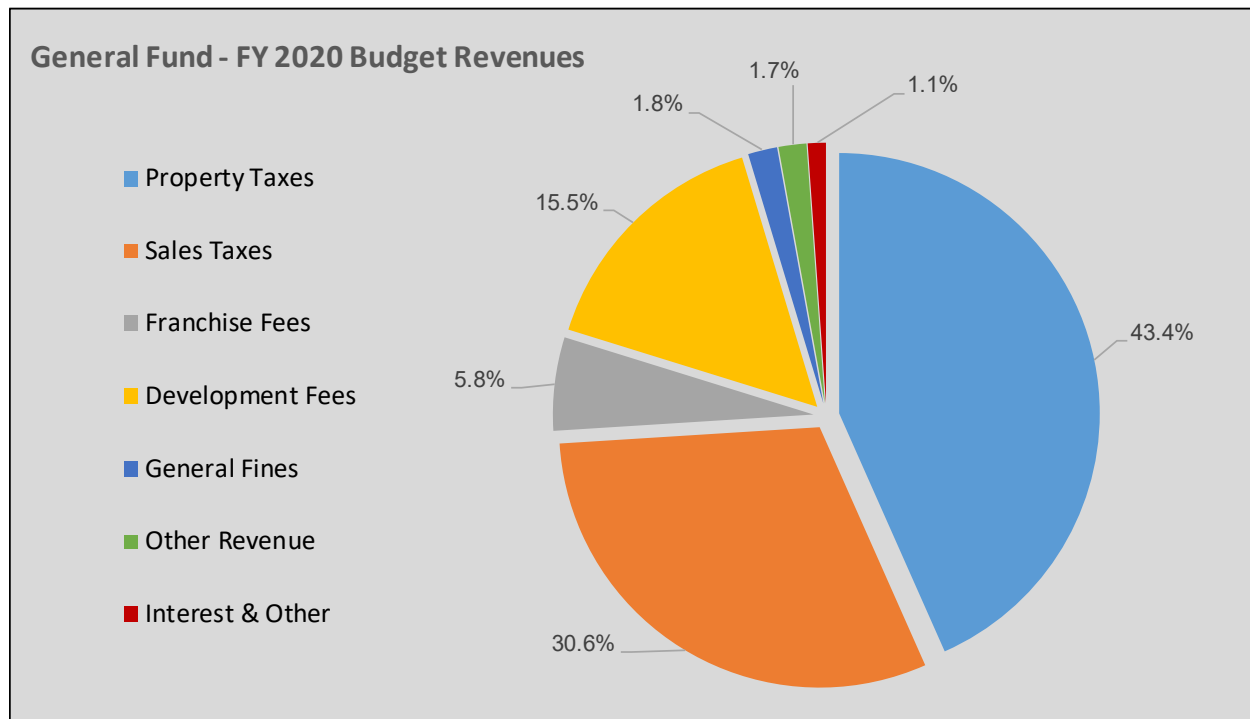
	FY 2018 Actual	FY 2019 Current Budget	FY 2020 Base	FY 2020 Enhancements	Fy 2020 Budget
Revenues					
Property Taxes	7,038,195	7,161,489	7,871,045	-	7,871,045
Sales Taxes	3,680,409	4,838,905	5,561,432	-	5,561,432
Franchise Fees	931,156	981,768	1,051,697	-	1,051,697
Building & Development	1,632,165	2,281,685	2,822,159	-	2,822,159
Fines	262,894	312,977	328,903	-	328,903
Other Revenue	217,711	241,773	313,526	-	313,526
Interest & Other	748,289	149,829	203,294	-	203,294
Total - Revenues	14,510,819	15,968,427	18,152,056	-	18,152,056
Expenses					
City Administration	2,665,049	3,772,960	4,571,357	48,000	4,619,357
Communications	1,561,185	1,791,065	2,254,760	167,944	2,422,704
Financial Services	1,043,934	1,694,844	1,673,005	-	1,673,005
Business & Development Services	1,168,701	1,412,205	1,050,403	-	1,050,403
Engineering & Public Works	711,411	1,010,997	1,796,175	-	1,796,175
Community Services	937,363	1,632,296	1,998,996	306,417	2,305,413
Police	4,870,416	5,714,007	5,833,872	448,075	6,281,947
Total - Expenses	12,958,058	17,028,374	19,178,568	970,436	20,149,004
Other Financing Sources					
Transfer In	191,377	460,576	1,381,220	-	1,381,220
Transfer Out	-	(71,700)	(47,500)	-	(47,500)
Total - Other Financing Sources	191,377	388,876	1,333,720	-	1,333,720
NET CHANGE IN FUND BALANCE	1,744,138	(671,072)	307,208	(970,436)	(663,228)
Beginning Fund Balance	3,621,137	5,365,275	4,694,203	-	4,694,203
Ending Fund Balance	5,365,275	4,694,203	5,001,411	-	4,030,975
Contingency Reserves	2,591,612	3,405,675	3,835,714	-	4,029,801
Unreserved Ending Fund Balance	2,773,663	1,288,528	1,165,697		1,174
Reserves %	20.0%	20.0%	20.0%	-	20.0%

Fund Description

The General Fund is the general operating fund, and is the largest fund of the City as it includes all traditional government services such as public safety, street and drainage maintenance, parks and recreation, library services, and general administration. The General Fund uses tax revenue, fees, fines, and other revenues to fund these services. It functions as a governmental fund, which is accounted for by using a modified accrual basis of accounting.

Revenues

General Fund revenues are budgeted to total \$18,152,056, an increase of 13.7% from FY 2018-19 Amended Budget. Property taxes make up the bulk of the revenues, followed by sales tax. A diverse revenue base is essential for maintaining a sound financial system. Increased commercial and residential development is slated for the upcoming year and beyond. This new development will reduce the City's reliance on residential property tax revenue as more sales tax is collected and the tax base continues to diversify.



Property Tax is based on the proposed rollback ad valorem tax rate of \$0.631351 per \$100 of valuation. The split between the two portions of the tax rate includes both Maintenance & Operation (M&O) and debt service (I&S). The I&S rate is increasing due to the November 2018 GO Bond election, which passed with overwhelmingly high voter turnout. All three propositions were successful, including streets and drainage, parks, and public safety. The FY 2019-20 Proposed Budget is predicated on the rollback rate of \$0.631351, with the breakdown of: Operations & Maintenance - \$0.397768 + Interest & Sinking - \$0.233583. The effective tax rate, which is the rate required to levy the same amount of taxes on the same properties as the year before, is \$0.483486 per \$100 valuation.

Home values have also experienced steady increases in appraised values which are confirmed by strong sales numbers and a low inventory. Average home values in Hutto have steadily risen from

\$164,745 in FY15 to \$183,267 in FY16, \$215,813 in FY17, \$244,990 in FY18 and are now \$260,515 (as per www.movoto.com), an increase of 6.3 % over the prior year. According to the Williamson County Central Appraisal District the taxable value of the average home in 2018 was \$207,346.63 and in 2019 is \$216,888.45, an increase of 4.6% over the prior year. Property Tax makes up the largest percentage of General Fund revenues at 43.4%. A total of \$7,871,045 is budgeted for collection, which is a 9.9% increase over the FY19 Projected Year-End Actuals. The increase is due to an overall increase in appraised value, approximately \$107 million in new property added to the tax rolls, as well as the decision to apply the rollback rate in the Proposed 2019-20 Budget.

Sales tax is the second largest revenue source for the General Fund, accounting for 30.6% of revenues. Sales tax is budgeted at \$5,561,432, a 14.9% increase over the prior FY 2018-19 Current Budget. Sales tax collections have remained strong as a result of continued residential growth and new commercial growth.

Franchise fees totaling \$1,051,697 are fees collected from private utilities such as electricity, gas, and telecommunications located in the public right-of-way. The fee is generally based on a percentage of a company's gross revenues collected within the City's limits. Franchise fees are expected to increase 7.1% over prior FY 2018-19 Current Budget, due to customer growth.

Development fees are budgeted to total \$2,822,159. Development fees account for 14.5% of revenues. FY20 is estimated to increase by 23.7% over the FY 2018-19 Current Budget.

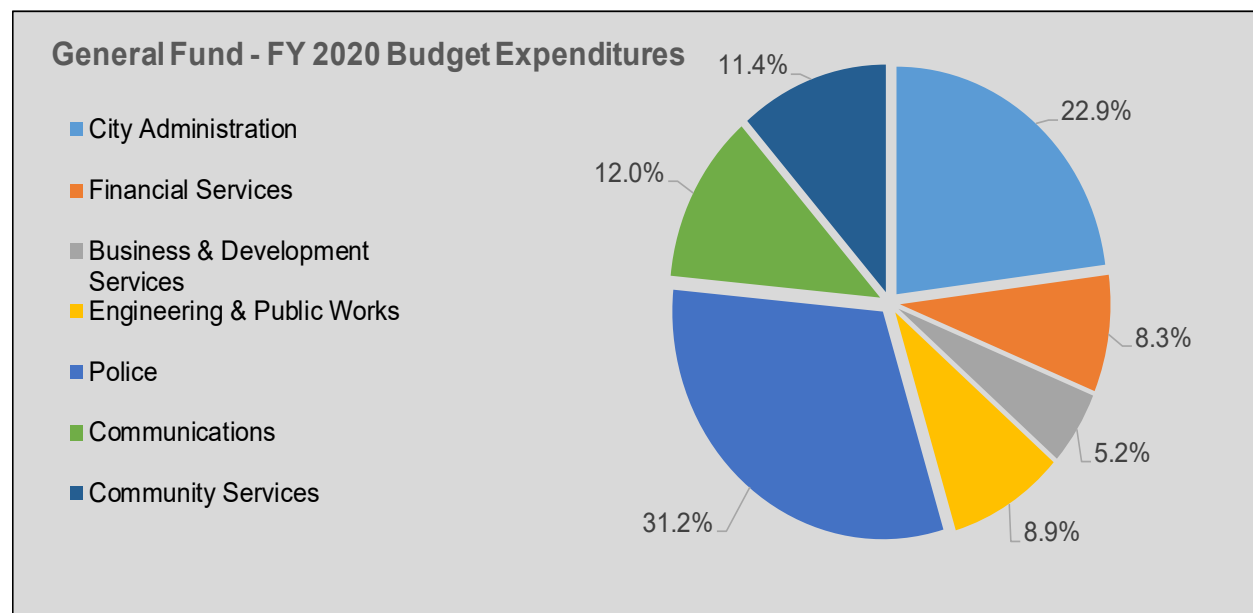
General Fines are budgeted to total \$328,903. General fines are collected through municipal court. Citations are issued by the police department and settlement of those citations is done through the court.

Other revenue includes interest, miscellaneous fees and taxes, donations, grants, and other minor revenue sources. Other revenue is budgeted to total \$516,820 in FY 2019-20.

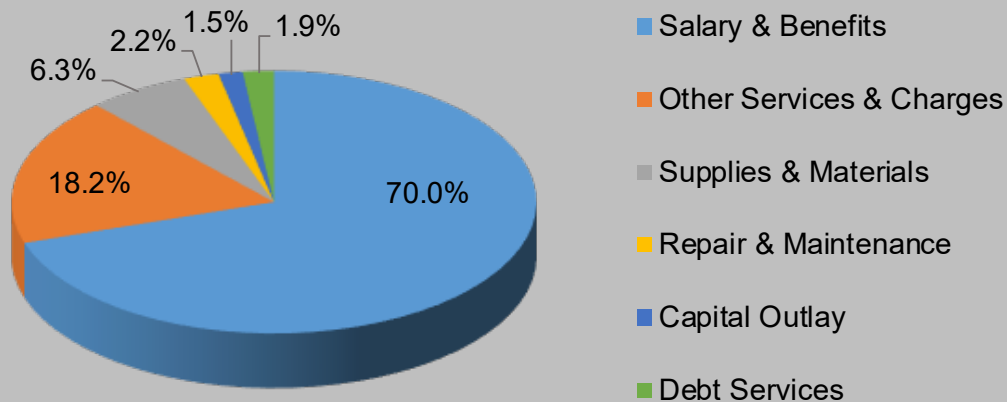
Transfers account for the salary savings, or attrition, that occur throughout the fiscal year.

Expenses

General Fund expenses include costs related to general government operations such, as administration, police, planning and development services, code enforcement, inspections, library services, parks and recreation, and a portion of streets and drainage for maintenance related expenditures. A portion of Streets and Drainage is in a separate fund paid for with a bond issuance for construction related projects. General fund expenses, outside of transfers, total \$20,149,004 which is an increase of 18.3% over the Projected Year-End 2018-19. Police, with the majority of employees, makes up the largest percentage of General Fund expenses at 31.2%, with a total budget of approximately \$6.3 million. Administration (22.9%), Communications (12.0%) and Community Services (11.4%) make up the next largest percentages.



General Fund - FY 2020 Budget Expenditures



Salaries and benefits make up the majority of General Fund expenses at 70.0% of the budget. All Hutto employees, (except for the Utility and Streets and Drainage Fund employees), are paid from the General Fund. This category includes salaries, insurance, and retirement expenses.

Enhancements include new or expanded programs or services, equipment, and personnel.

Budget Variances

This section explains differences between the FY 2018-19 Projected Year-End Actuals and the FY 2019-20 Budget. Expenses are broken into five categories.

	FY 2019 Current	FY 2020 Base	FY 2020 Enhancements	FY 2020 Budget	% Change Projected
Salary & Benefits	11,662,309	13,609,214	485,782	14,094,996	20.9%
Other Services & Charges	3,649,757	3,531,102	140,999	3,672,101	0.6%
Supplies & Materials	932,248	1,110,925	149,655	1,260,580	35.2%
Repair & Maintenance	238,200	435,700	-	435,700	82.9%
Capital Outlay	160,133	105,900	194,000	299,900	87.3%
Debt Services	385,727	385,727	-	385,727	0.0%
Total - Expenses	17,028,374	19,178,568	970,436	20,149,004	18.3%
Transfers Out	(71,700)	(47,500)	-	(47,500)	-33.8%

SALARIES & BENEFITS will increase about \$2.4 million over the FY 2018-19 Projected Year-End Budget. The largest portion of the increase stems from those who were hired in the prior year now having a full year salary plus benefits. However, there are several newly created positions in the general fund as detailed below.

Newly created positions for FY 2019-20 include one Sergeant, two Traffic Officer positions to meet the minimum staffing requirements and provide increased traffic presence for the Hutto Police Department. These positions will come on in the last quarter of the FY 2019-20 budget. There is also the addition of ten communication staff (911 operators) to man the newly created Justice Center. These positions too will come on the last quarter of the fiscal year. The Justice Center was approved as Proposition C in the 2019 GO Bond Election. The total for the new positions, including salary and benefits, equipment, and vehicles is approximately \$485,782.

A social media intern position is budgeted for FY 2019-20 at the total cost of \$57,945, including salary and benefits. This position will be utilized to assist with the different social media avenues and the different means that citizens communicate.

There is also an additional fleet maintenance technician position to assist with the growing needs of the City with vehicles and equipment. Estimated cost, including salary and benefits, vehicles, and equipment is \$99,027.

Included in the budget is another facility maintenance technician. With the new City Hall completed and the renovation of the Police Department, an additional facility technician is needed. The City currently has a commercial cleaning service. The Police Department however, requires a position that can pass higher than usual security measures in order to enter the facility. The total for this position including salary and benefits, equipment and a vehicle is \$99,027.

SUPPLIES & MATERIALS will increase by 35.2%, or \$328,332, over the PY FY 2018-19 Projected Year-End Actuals. The increase is due to the growth of the City and the increasing needs for certain supplies and materials such as new computers and other such items.

REPAIRS & MAINTENANCE costs will see an increase of over FY 2018-19 Projected Year-End Actuals of \$197,500. Overall building and repair maintenance costs for the entire City will increase due to the new buildings, however, the increase is small given the additions to the City are new and will require less in repairs than some older buildings.

OTHER SERVICES & CHARGES make up the second largest expense of the general fund. FY 2019-20 will reflect an increase of 0.6% over FY 2018-19 Projected Year-End Actuals.

CAPITAL OUTLAY costs will see an increase of 87.3%, or \$194,000, over FY 2018-19 Projected Year-End Actuals. The majority of the capital outlay costs is the purchase of five (5) new vehicles. These vehicles will be for public safety, fleet, and facility.

TRANSFERS include a \$47,500 transfer to General Capital Improvements Fund.

GENERAL DEBT SERVICE FUND

	FY 2018 Actual	FY 2019 Current Budget	FY 2019 Projected	FY 2020 Budget
Revenues				
Property Taxes	1,667,662	2,329,857	2,329,857	4,610,628
Interest and Other	9,678	2,500	2,500	2,500
Total - Revenues	1,677,340	2,332,357	2,332,357	4,613,128
Expenses				
Debt Service				
Principal Reduction	1,037,399	1,136,341	1,136,341	2,002,312
Interest	1,166,231	1,193,516	1,193,516	2,861,930
Paying Agent Fees	4,232	2,500	2,500	2,500
Total - Expenses	2,207,862	2,332,357	2,332,357	4,866,743
Other Financing Sources				
Transfer In	638,248	-	-	-
Transfer Out	1,152	-	-	-
Total - Other Financing Sources	639,401	-	-	-
NET CHANGE IN FUND BALANCE	108,879	-	-	(253,615)
Beginning Fund Balance	218,657	327,536	327,536	327,536
Ending Fund Balance	327,536	327,536	327,536	73,921

Fund Description

The General Debt Service fund tracks revenue from the ad valorem property tax levy for the payment of debt issued for general governmental functions, such as streets, parks, and facilities.

Revenues

Revenues are comprised of property tax collections based on the interest and sinking portion of the City's tax rate. The FY 2019-20 tax rate will be \$.233583 per \$100 valuation. This rate will generate \$4,610,628 in property tax revenue. The I&S rate is calculated based on annual debt service requirements.

Expenses

Expenditures include principal and interest payments for the bond obligations. The increase includes the additional issuance of the 2019 GO Bonds.

Budget Variances

Increases in future taxable values will offset debt service payments in future years as well as increases to the City's I&S rate when necessary.

GENERAL CAPITAL REPLACEMENT FUND

	2017-18 Actual	2018-19 Current Budget	2018-19 Projected	2019-20 Budget
Revenues				
Sale of Assets	-	-	-	-
Interest and Other	-	-	-	-
Total - Revenues	-	-	-	-
Expenses				
YMCA Building Repair & Maint.	12,837	20,000	20,000	20,000
Machinery and Equipment	-	-	-	-
Total - Expenses	12,837	20,000	20,000	20,000
Other Financing Sources				
Transfer In	15,000	20,000	20,000	-
Transfer Out	-	(318,000)	(318,000)	-
Total - Other Financing Sources	15,000	(298,000)	(298,000)	-
NET CHANGE IN FUND BALANCE	2,163	(318,000)	(318,000)	(20,000)
Beginning Fund Balance	481,198	483,361	483,361	165,361
Ending Fund Balance	483,361	165,361	165,361	145,361

Fund Description

The Capital Replacement Fund was created in Fiscal Year 2010 to begin setting aside funds to replace aging equipment and worn capital assets, including vehicles and equipment. The Fleet Manager hired in FY 2018-19 is creating a replacement schedule for vehicles and equipment. This schedule will be used to determine purchasing needs in the future.

Revenues

Revenues represent transfers in from the General Fund. The City will continue to set aside money for the YMCA Building Repair and Maintenance expenses per the agreement.

Expenses

The only allocated expenses are related to the YMCA Building Repair and Maintenance. The entire amount is budgeted to give the staff the flexibility to use the funds as needed.

Budget Variances

Transfers from the General Fund will start to increase again in the future based on the replacement schedule put in place.

GENERAL CAPITAL IMPROVEMENTS FUND

	2017-18 Actual	2018-19 Current Budget	2018-19 Projected	2019-20 Budget
Revenues				
Interest & Other	157,337	35,000	138,000	100,000
Bond Interest	-	-	-	-
Grant Revenue	664,792	147,975	-	750,000
Park Land Fees	-	13,250	13,250	-
Bond Proceeds	7,777,422	16,550,000	23,915,000	37,278,000
Bond Premium	1,116,082	-	1,436,230	-
Other Financing Sources	-	-	585,000	-
Total - Revenues	9,715,633	16,746,225	26,087,480	38,128,000
Expenses				
Fritz Park Improvements				
Construction	53,122	-	-	100,000
FM 1660 N Sidewalks				
Construction	8,306	-	-	-
East Street Reconstruction				
Construction	723,854	112,111	112,111	-
Pavement Management				
Construction	709,515	-	-	500,000
Limmer Loop Improvements				
Construction	100,000	-	100,000	100,000
Justice Center for Public Safety				
Construction	-	200,000	200,000	4,000,000
TAP Project Limmer Loop Sidewalk				
Construction	394,644	859,116	1,135,793	-
CR 119 (Ed Schmidt) Extension				
Construction	500,000	250,000	250,000	250,000
Innovation Business Park				
Planning, Design, Professional Svcs.	-	122,308	15,186	-
Construction	2,004,150	1,981,767	1,981,767	-
Co-Op				
Construction	5,799,865	3,425,000	3,425,000	-
Public Works Pole Barn				
Public Works Pole Barn	-	95,000	95,000	-
Drainage Master Plan				
Planning, Design, Professional Svcs.	150,393	-	-	-
Pollard Park/Brushy Creek - Amphitheater				
Planning, Design & Professional Svcs.	10,058	-	253,000	-
Park at Brushy Creek	3,695,795	-	2,405,530	-
Planning, Design, Professional Svcs. & Construction	-	2,656,725	-	-

	FY 2018 Actual	FY 2019 Current Budget	FY 2019 Projected	FY 2020 Budget
<i>(Expenses Continued)</i>				
Drainage Projects - 2019 GO Bond				
Drainage Projects - 2019 GO Bond	-	420,000	4,400,000	-
Streets/Roads Projects - 2019 GO Bond				
Streets/Roads Projects - 2019 GO Bond	-	956,616	6,500,000	26,500,000
Parks 2019 G.O. Bonds				
CR 79 PARK	-	6,500,000	200,000	-
Multiple City Parks Improvements	-	-	-	283,000
Cottonwood Trail	-	-	-	2,725,000
Outdoor Gym Fitness Center/With Shade	-	-	-	120,000
Land Acquisition	-	-	-	6,000,000
Other Services and Charges				
Land	-	7,000	7,000	-
Animal Shelter Expansion	236,857	-	-	-
Bond Issuance Cost	213,355	-	-	-
Total - Expenses	14,599,915	17,585,643	25,585,716	40,578,000
Other Financing Sources				
Transfer In	2,043,000	-	200,000	47,500
Transfer Out	-	(1,020,000)	(1,020,000)	-
Total - Other Financing Sources	2,043,000	(1,020,000)	(820,000)	47,500
NET CHANGE IN FUND BALANCE	(2,841,281)	(1,859,418)	(318,236)	(2,402,500)
Beginning Fund Balance	3,276,042	4,262,075	2,402,657	2,402,657
Ending Fund Balance	434,761	2,402,657	2,084,420	157

Fund Description

The General CIP Fund is a minor governmental fund used by the City to account for the City's general capital improvement projects, including streets, facilities, and park improvement projects. Projects are funded through a combination of transfers in from the General Fund, interest, and bonds.

Revenues

Revenues include Bond Proceeds of \$37,278,000, grant revenue from Texas Parks and Wildlife for parks projects. Other revenues include interest, bond interest, and parkland fees.

Expenses

Ongoing expenses in the amount of \$100,000 for Limmer Loop Rehabilitation will continue to be cash funded from the General Fund until June 2023. These payments are made via an interlocal agreement with the County which is providing the construction.

Other projects include Fritz Park, Limmer Loop Improvements, Justice Center for Public Safety, approved by voters in November 2018 as Proposition C, CRII9 Extension, Streets and Parks 2019 GO Bond projects, Proposition A and B.

Other project balances remaining at the end of the fiscal year are re-appropriated and transferred into the new budget through a budget amendment.

Budget Variances

Fund balance for this fund will fluctuate depending on the timing of projects and bond issuances.

STREETS, DRAINAGE & GROUNDS CONSTRUCTION FUND

	2018-19 Projected	2019-20 Base	2019-20 Enhancements	2019-20 Budget	% Change Projected
Salary & Benefits	1,087,656	1,379,593	-	1,379,593	26.8%
Supplies & Materials	75,832	75,832	-	204,900	170.2%
Repair & Maintenance	291,000	291,000	-	570,000	95.9%
Contractual Services	261,400	261,400	-	150,000	-42.6%
Other/Misc. Expenses	145,250	145,250	-	159,000	9.5%
Capital Outlay	1,312,000	1,312,000	-	1,620,000	23.5%
Debt Services	-	-	-	-	0.0%
Total - Expenses	3,173,138	3,465,075	-	4,083,493	28.7%

Fund Description

The Streets, Drainage and Grounds Construction Fund was a newly created fund for FY 2017-18. The Streets, Drainage and Grounds Construction Fund is a capital improvement fund used by the City to account for the City's capital improvement of streets and drainage specifically. This fund and related projects are funded through bonds. Each year the City Council will determine which streets will be reconditioned.

Revenues

This is a fund created to address street and drainage construction and rehabilitation. Revenues come from a \$4 drainage fee charged to all sewer customers as well as a transfer of bond money.

Expenses

Expenses include personnel and materials needed to fund the repair for streets and for drainage areas. The specialty type of work required for the construction and rehabilitation of streets and drainage requires someone with expertise in the field and special supplies that are costly.

Budget Variances

Fund balance for this fund will fluctuate depending on the timing of projects and bond issuances.

SOLID WASTE FUND

	2017-18 Actual	2018-19 Budget	2018-19 Current Budget	2018-19 Projected	2019-20 Budget
Revenues					
Solid Waste Franchise	32,499	32,500	32,500	32,500	32,500
Late Fees	25,878	30,300	30,300	30,300	31,000
Solid Waste User Fees	1,441,693	1,380,138	1,380,138	1,380,138	1,421,542
Total - Revenues	1,500,070	1,442,938	1,442,938	1,442,938	1,485,042
Expenses					
Waste Management	1,276,248	1,326,281	1,326,281	1,326,281	1,366,069
Bad Debt	-	7,500	7,500	-	7,500
Total - Expenses	1,276,248	1,333,781	1,333,781	1,326,281	1,373,569
Other Financing Sources					
Transfer In	-	-	-	-	-
Transfer Out	(90,000)	(445,000)	(609,554)	(569,554)	(540,000)
Total - Other Financing Sources	(90,000)	(445,000)	(609,554)	(569,554)	(540,000)
NET CHANGE IN FUND BALANCE	133,822	(335,843)	(500,397)	(452,897)	(428,527)
Beginning Fund Balance	257,335	453,658	453,658	453,658	431,228
Ending Fund Balance	391,158	117,815	(46,739)	761	2,700

Fund Description

The Solid Waste Fund was created to account for the City's solid waste services. All expenses associated with the City's garbage and recycling services are included in the fund.

Revenues

Revenues for the fund are per the negotiated contract for curbside and recycling services. In addition, the City charges a franchise fee to refuse collection companies that offer commercial services to businesses in Hutto. All commercial services were taken over by Al Clawson Disposal, Inc. as of July 2017.

Expenses

In December 2015 the City entered into contract with Al Clawson Disposal, Inc. to be the sole provider for Residential and Commercial garbage services. By shifting services to a single provider, the City is able to reduce costs for residential and most commercial customers. The contract helps the City reach its strategic goal of 100% recycling.

Budget Variances

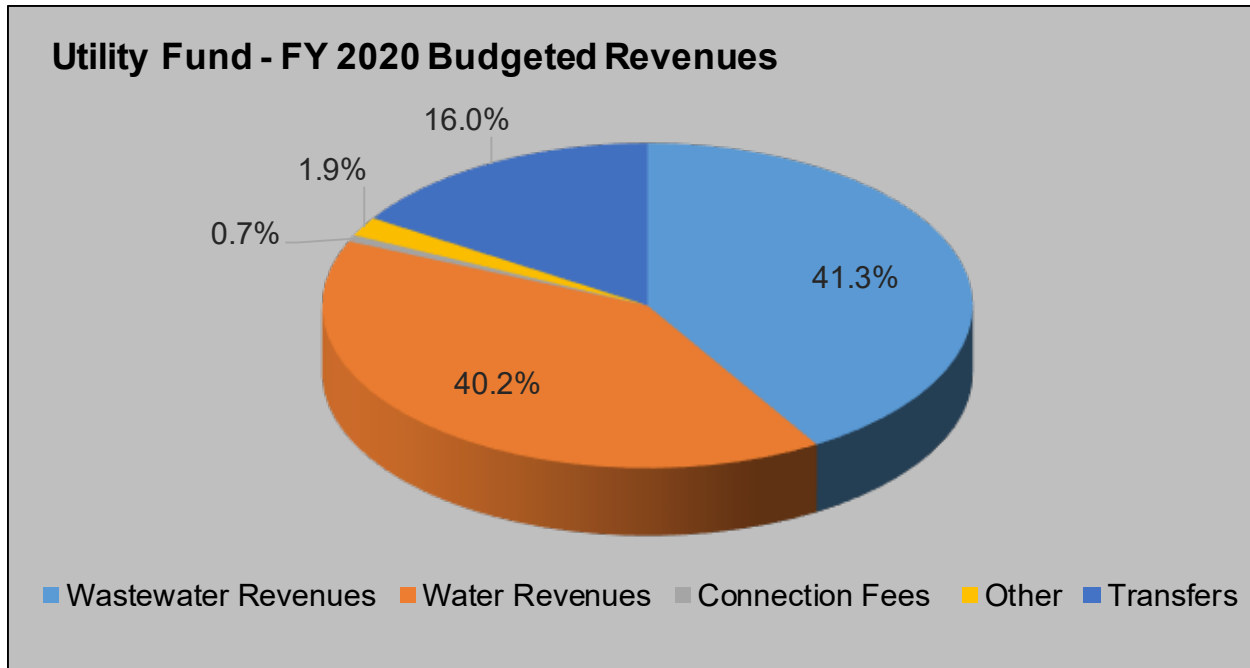
A transfer out to the Utility Fund of \$450,000 is budgeted. The Solid Waste Fund is considered a proprietary fund similar to the Utility Fund.

UTILITY FUND

	FY 2018 Actual	FY 2020 Base	FY 2020 Enhancements	FY 2020 Budget
Revenues				
Water	5,027,665	5,493,378	-	5,493,378
Wastewater	4,990,424	5,647,581	-	5,647,581
Connection Fees	187,300	90,000	-	90,000
Non-Operating Revenue	669,535	260,240	-	260,240
Bond Proceeds	-	-	-	-
Total - Revenues	10,874,924	11,491,199	-	11,491,199
Expenses				
City Administration	-	-	-	-
Information Technology	10,277	8,250	-	7,750
Financial Services				
Utility Billing	836,112	888,170	-	864,170
Public Works & Engineering				
Water & Wastewater	4,495,189	4,133,596	203,076	4,336,671
Heart of Texas	528,769	1,353,600	-	1,353,600
Subtotal - Public Works & Engineering	5,023,958	5,487,196	203,076	5,690,271
Total - Expenses w/o Nondepartmental	5,870,347	6,383,616	203,076	6,562,191
Nondepartmental	39,640	66,283	-	84,283
Total - Expenses	5,909,987	6,449,899	203,076	6,646,474
Transfers (Sources)				
Transfer In	5,680,504	2,184,513	-	2,184,513
Transfer Out	(6,910,008)	(7,032,000)	-	(7,032,000)
Subtotal - Transfers (Sources)	(1,229,504)	(4,847,487)	-	(4,847,487)
NET CHANGE IN WORKING CAPITAL	3,735,433	193,813	(203,076)	(2,762)
Beginning Working Capital	2,489,115	3,794,023		3,794,023
Contingency Reserves (20% Expenses)	1,174,069	1,276,723		1,312,438
Ending Available Working Capital	5,050,478	2,711,114		2,478,823

Fund Description

The Utility Fund accounts for the City's Water and Wastewater Enterprise. It functions as a proprietary fund which operates more like a business. The budget for the Utility Fund, however, uses a modified accrual basis of accounting. Reserves for the Utility Fund are maintained at 20% of the operating budget per the Fiscal and Budgetary Policy.



Revenues

Utility operational revenues total \$11.5 million, which is 6.5% above the FY 2018-19 Projected Year-End Actuals. The increase is a result of customer growth due to new home, business, and commercial construction, as well as a 25% increase in the wastewater rates that was implemented in March 1, 2018. The current housing boom will add new water and wastewater customers to the City's utility system, though a portion of new homes will be serviced by Jonah SUD and Manville WSC as they are outside of the City's water service area. The new Innovation Business Park, Co-Op Entertainment District, and Perfect Game will also increase the consumption of both water and wastewater, adding another revenue component. The number of accounts is expected to grow at approximately 11% for both water and wastewater during the next year.

Water revenues make up the 2nd largest majority of the Utility Fund operating revenue, totaling \$5,493,378. Water revenue is revenue collection for the provision of water to utility customers. This is an increase of 14.5% over the FY 2018-19 Projected Year-End Actuals and is due to anticipated customer growth and average use.

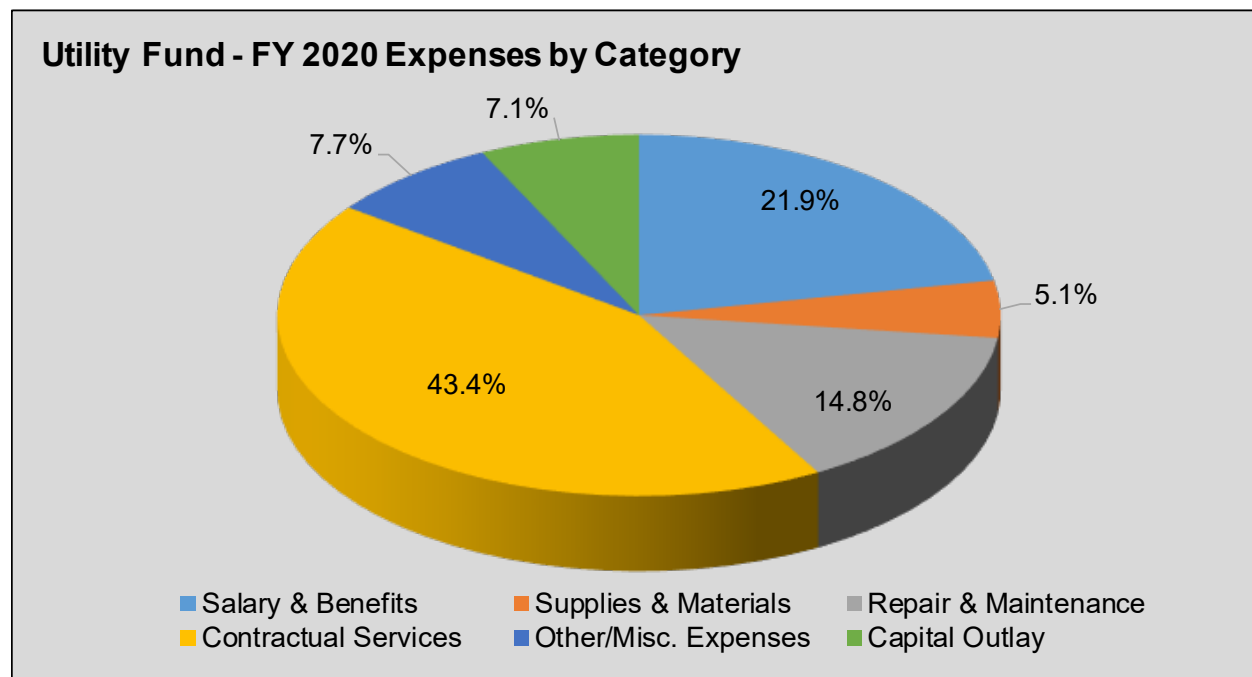
Wastewater revenues are the largest share of the Utility Fund revenue and are budgeted to total \$5,647,581, a 4.5% increase over FY 2018-19 Projected Year-End Actuals. The City implemented a rate increase of 25% in March 2018. The City has more wastewater connections than water connections because water may be provided by Manville Water Supply or Jonah SUD, depending on service location. The City also acts as a wholesale wastewater provider to customers located in Jonah's service area north of Limmer Loop.

Impact Fees (shown as "Transfers In") help cover new growth's impact on the utility system. Impact fees are collected in the Impact Fee Fund and are transferred to the Utility Fund to help offset debt service payments. Impact fees help shift the financial burden of constructing new infrastructure for new growth from existing customers to the new growth that is prompting the infrastructure improvements. Collections are expected to total \$1,500,000 based on new construction trends, anticipated growth and rate model. In addition, there is a transfer in of \$450,000 from the Solid Waste Fund.

Connection fees represent the cost of connecting new customers to the City's utility system. The fee is calculated based on the cost of the meter and the end point, in addition to time and equipment needed to set the meter. Connection fees are conservatively budgeted at \$90,000. Connection fees are only collected when the City of Hutto provides service to the home. Water connection fees would not be collected for homes that are constructed in the Jonah SUD or Manville WSC service areas.

Other revenue is made up of interest, miscellaneous income, and account administrative and late fees, and totals \$260,240.

The number of City water customers has grown an average of 4.58% over the past five years. The number of total accounts is expected to grow by 6.7% in FY 2019-20 as a result of the new commercial and residential customers. The City continues to provide wholesale wastewater service to the approximately 1,030 wastewater customers north of Limmer Loop. This number continues to grow as both the Hutto Highlands and Hutto Park subdivisions continue to expand and grow.



Expenses

Utility Fund expenses are the costs associated with the provision of water and wastewater services to the Hutto customers. The Utility Fund includes thirteen full-time water and wastewater employees as well as two meter technicians, and five customer service personnel. The FY 2019-20 Utility Fund Operating Budget totals \$6,646,474. There is an additional transfer to the debt service fund of \$7,032,000 which is offset by a transfer in from the Impact Fee Fund of \$1,500,000. The transfer from the Impact Fee Fund will fluctuate based on the growth of the City.

Water and wastewater services, totaling \$5.7 million, make up the largest bulk of operating expenses because of water supply, wastewater management agreements, and increased personnel. The FY 2019-20 Water and Wastewater Service budget will increase by 4.6% from the FY 2018-19 Projected Year-End Actuals due to growth of the City. Enhancements include an additional crew leader and utility technician, and a 3% merit/market increase. All enhancements included in the utility fund are for increased productivity, investment in infrastructure, and staff needed to carry out the Council Strategic Plan. The majority of the Utility Fund's budget is appropriated towards Other Services and Charges

because of its water supply contracts and the contract with Brazos River Authority to operate the wastewater treatment plant. The City currently purchases treated water from the City of Taylor and City of Mannville, with the City of Mannville contract ending at the end of this year.

Budget Variances

This section explains the difference between the FY19 Budget and the FY18 Projected Year-End Actual amounts.

	2018-19 Projected	2019-20 Base	2019-20 Enhancements	2019-20 Budget	% Change Projected
Salary & Benefits	1,311,279	1,303,508	153,076	1,456,583	11.1%
Supplies & Materials	354,825	354,825	-	338,825	-4.5%
Repair & Maintenance	980,400	980,400	-	980,400	0.0%
Contractual Services	2,995,154	2,884,949	-	2,884,449	-3.7%
Other/Misc Expenses	501,333	501,333	-	511,333	2.0%
Capital Outlay	424,884	424,884	50,000	474,884	11.8%
Total - Expenses	6,567,875	6,449,899	203,076	6,646,474	16.6%
Transfers Out	(7,501,242)	(7,032,000)	-	(7,032,000)	-6.3%

SALARIES AND BENEFITS will increase 11.1% or about \$145,304 over the FY 2018-19 Projected Year-End Actuals. The increase includes an average 3% merit increase, as well as the addition of one Utility Crewman and one Utility Technician to maintain the City's infrastructure due to all the growth.

SUPPLIES AND MATERIALS are budgeted at \$338,825, which is a decrease of 4.5% over FY 2018-19 Projected Year-End Actuals. The decrease is due to the purchase of meters in the year to be available for inventory reducing the current year's need to order.

REPAIRS AND MAINTENANCE costs will stay flat at \$980,400 over the FY 2018-19 Projected Year-End Actuals. As the city continues to expand, the need for more repair and maintenance will be necessary. The addition of the upcoming capital improvement projects will see this category increase as they come online.

CONTRACTUAL SERVICES make up the majority of Utility expenses. Included in this section are the water supply contracts with the City of Taylor, and Manville (which was renegotiated at the beginning of FY 2018-19), as well as the wastewater treatment agreement with Brazos River Authority. The decrease of 3.7% is due to the renegotiation of the Manville contract. The renegotiated contract allows for a lower price per thousand gallons and the ability to take more water if necessary without a surcharge.

CAPITAL OUTLAY is costs related to new capital costs such as vehicles, facilities, and equipment. This number fluctuates annually depending on capital needs. The number is increasing 11.8% over FY 2018-19 Projected Year End Actuals. This increase is due to the purchase of two vehicles for the two new positions.

TRANSFERS OUT is decreasing 6.3% over the FY 2018-19 Projected Year-End Actuals. There is a transfer of \$7,032,000 to the debt service fund.

UTILITY DEBT SERVICE FUND

	2017-18 Actual	2018-19 Current Budget	2018-19 Projected	2019-20 Budget
Revenues				
Interest and Other	2,950	2,500	2,500	2,500
Total - Revenues	2,950	2,500	2,500	2,500
Expenses				
Principal Reduction	2,430,750	2,600,934	2,600,934	2,469,694
Interest	1,756,887	4,702,732	4,702,732	4,621,089
Paying Agent Fees	5,000	5,000	5,000	5,000
Total - Expenses	4,192,637	7,308,666	7,308,666	7,095,783
Other Financing Sources				
Transfer In	6,616,164	7,308,666	7,308,666	7,032,000
Transfer Out	-	-	-	-
Total - Other Financing Sources	6,616,164	7,308,666	7,308,666	7,032,000
NET CHANGE IN FUND BALANCE	2,500	2,500	2,500	(61,283)
Beginning Fund Balance	29,764	59,578	59,578	62,078
Ending Fund Balance	59,578	62,078	62,078	795

Fund Description

The Utility Debt Service Fund tracks the revenue set aside for the retirement of certificates of obligation issued for utility improvements. The fund also tracks the payment of principal and interest for outstanding bond obligations. Utility Debt Service is paid using revenues generated by the provision of water and sewer service. The approximate amount needed to pay principal and interest related to the City's indebtedness is transferred in from the Utility Fund.

Revenues

Revenues are transferred in from the Utility Fund totaling \$7,032,000, which is a decrease from the FY 2018-19 Budget. A portion of the debt service is paid using impact fees that are used for debt service payments for eligible capital projects. Debt service requirements are paid using water and wastewater user fees and other collected revenue.

Expenses

Debt service payments are generally made in February and August of each year. Expenses include principal reduction \$2,469,694 and interest \$4,621,089 on existing obligations. The decrease in overall expenses for the proposed budget year FY 2019-20 over FY 2018-19 is due to some of the older obligations being paid down.

Budget Variances

Only the annual debt service requirement is transferred to the Utility Debt Service Fund each year. The Debt Analysis Section provides more information regarding the City's outstanding and proposed debt issuances.

UTILITY CAPITAL REPLACEMENT FUND

	2017-18 Actual	2018-19 Current Budget	2018-19 Projected	2019-20 Budget
Revenues				
Sale of Assets	-	-	-	-
Interest and Other	-	-	-	-
Total - Revenues	-	-	-	-
Expenses				
Vehicles	-	-	-	-
Machinery and Equipment	-	-	-	-
Total - Expenses	-	-	-	-
Other Financing Sources				
Transfer In	50,000	50,000	50,000	-
Transfer Out	(45,833)	-	-	-
Total - Other Financing Sources	4,167	50,000	50,000	-
NET CHANGE IN FUND BALANCE	4,167	50,000	50,000	-
Beginning Fund Balance	350,000	354,167	354,167	404,167
Ending Fund Balance	354,167	404,167	404,167	404,167

Fund Description

The Capital Replacement Fund was created to track the cost of replacing aged and worn capital assets including vehicles and equipment and begin setting aside funds to replace aging equipment. The recently hired Fleet Manager is creating a replacement schedule for vehicles and equipment.

Revenues

No transfer is budgeted for FY 2019-20 to the Utility Capital Replacement fund. Once a replacement schedule is implemented transfers will resume.

Expenses

Expenses will include replacement equipment and machinery used by the City's utility system. The City plans to build up the fund balance to be used to replace aging and worn capital assets.

Budget Variances

This fund was created in Fiscal Year 2010. Fund balance is expected to increase over the next few years as the City sets aside funds to replace aging assets.

IMPACT FEES FUND

	2017-18 Actual	2018-19 Current Budget	2018-19 Projected	2019-20 Budget
Revenues				
Water Impact Fees	379,046	782,496	450,000	782,500
Wastewater Impact Fees	453,844	722,304	550,000	717,500
Total - Revenues	832,890	1,504,800	1,000,000	1,500,000
Expenses				
Capital Improvements				
Water	-	-	-	-
Wastewater	-	-	-	-
Debt Service	-	-	-	-
Total - Expenses	-	-	-	-
Other Financing Sources				
Transfer In	-	-	-	-
Transfer Out	-	(1,504,800)	(1,000,000)	(1,500,000)
Total - Other Financing Sources	-	(1,504,800)	(1,000,000)	(1,500,000)
NET CHANGE IN FUND BALANCE	832,890	-	-	-
Beginning Fund Balance	-	-	-	-
Ending Fund Balance	832,890	-	-	-

Fund Description

The Impact Fees Fund is used to manage the collection and use of impact fees for the City's Water and Wastewater Capital Improvement Projects. The City began collecting impact fees in the fall of 2006. The Impact Fee Study was last conducted in 2013. The City transfers collected impact fees to the Utility Fund to help pay for debt service related to capital projects. Any fund balance left at the end of the year is due to the timing of collections.

Revenues

Revenues are calculated based on anticipated development of subdivisions and commercial sites. Impact fees are assessed at the time a property is platted and paid at the time the building permit is issued. Impact fee collections are expected to increase in line with the increase in new growth currently occurring in Hutto. The City currently assesses the following impact fees:

For lots platted prior to February 2013:

*Water - \$3,625 per service unit equivalent
unit equivalent*

Wastewater - \$2,128 per service unit equivalent

For lots platted after February

Water - \$4,363 per service

*Wastewater - \$1,068 per service unit
equivalent*

Expenses

Eligible impact fee collections will be transferred to the Utility Fund to support eligible debt service payments.

Budget Variances

The Impact Fee Fund was created in 2008 to appropriately account for revenues and expenses related to impact fees under Chapter 395 of the Texas Water Code. Collected impact fees are transferred to the Utility Fund for eligible expenses.

COURT FEES FUND

	2017-18 Actual	2018-19 Current Budget	2018-19 Projected	2019-20 Budget
Revenues				
Court Technology Fees	6,232	7,000	7,000	3,500
Court Security Fees	4,674	5,100	5,100	5,100
Court Training Fees	353	500	500	500
Total - Revenues	11,258	12,600	12,600	9,100
Expenses				
Court Technology	12,515	13,000	13,000	-
Court Security	11,340	19,750	19,750	250
Court Training	-	500	-	-
Total - Expenses	23,855	33,250	32,750	250
Other Financing Sources				
Transfer In	-	-	-	-
Transfer Out	-	-	-	-
Total - Other Financing Sources	-	-	-	-
NET CHANGE IN FUND BALANCE	(12,597)	(20,650)	(20,150)	8,850
Beginning Fund Balance	26,947	2,704	2,704	(8,800)
Ending Fund Balance	14,350	(17,946)	(17,446)	50

Fund Description

The Court Fees special revenue fund tracks fees that are allowed to be collected on certain Class C Misdemeanors in Municipal Court. These fees must only be used for specific purposes outlined in the law, including Court Security, Technology, and Training.

Revenues

Court fees are special Municipal Court revenues collected in accordance with state law to enhance Court security, technology, and training. A total of \$9,100 has been budgeted for FY2019-20.

Expenses

The special revenues may only be used for expenses related to Court technology, security, and training. Only \$250 is budgeted as the funds were depleted in the previous year for the warrant officer.

Budget Variances

The Court Fee Funds summary includes Court Technology, Security, and Training Funds. Fund balance will fluctuate depending on the timing of projects.

HOTEL TAX FUND

	2017-18 Actual	2018-19 Actual	2018-19 Projected	2019-20 Budget
Revenues				
Hotel Occupancy Tax	118,921	139,577	250,000	250,000
Miscellaneous Income	-	-	-	-
Total - Revenues	118,921	139,577	250,000	250,000
Expenses				
Historical Restoration & Museums	-	-	-	-
Convention & Visitor's Bureau (10-15%)	-	-	5,000	5,000
Promotion of the Arts (>15%)	3,665	-	-	-
Advertising	77,000	-	-	-
Sporting Event Promotion	131,250	-	-	-
Sports Facility Rehabilitation	-	-	-	-
Signage	-	-	-	-
Total - Expenses	211,915	-	5,000	5,000
Other Financing Sources				
Transfer In	-	-	-	-
Transfer Out	-	-	(250,000)	(250,000)
Total - Other Financing Sources	-	-	(250,000)	(250,000)
NET CHANGE IN FUND BALANCE	(92,994)	139,577	(5,000)	(5,000)
Beginning Fund Balance	168,805	75,811	75,811	70,811
Ending Fund Balance	75,811	215,388	70,811	65,811

Fund Description

The Hotel Occupancy Tax Fund was created in 2008 to better manage revenue and expenses related to the Hotel Occupancy Tax collected by the City of Hutto. State law stipulates special restrictions for the expenditure of Hotel Occupancy Tax revenue. The City Council adopted a Hotel Tax Use Policy in 2009 defining how hotel tax revenues may be used. The Policy stipulates that funds may be used for any of the following functions so long as the action aids in bringing overnight tourists to Hutto:

- Convention and Visitor's Bureau functions - 15%
- Promotion of the Arts - 15%
- Historical Restoration and Museums - No limit
- Sporting Event Promotion - No limit
- Enhancement of Existing Sports Facilities - No limit
- Signage (directional signage for tourists) - No limit

Revenues

Revenues represent the 7% Hotel Occupancy Tax allowed by state law. The City's first major hotel opened in 2008. A second hotel opened in 2015, increasing the City's hotel tax collections.

Expenses

The City implemented a Hotel Tax Use Policy in 2009 to outline how hotel/motel tax revenues may be used in accordance with state law. In 2014 the Hotel Tax Use Policy was amended to allow for businesses intending to promote the City of Hutto to visitors through a public project or event to also apply for funding. The application process has been revised to have applicants apply during a designated time annually rather than throughout the year, allowing for improved budgetary planning and further clarification to applicants. The application packet has also been modified to include a cover letter, overview, checklist, application revisions, a copy of Chapter 35I of the Texas Tax Code, and a lodging directory. Funding is at the discretion of the City Council. The Downtown and Tourism Manager oversees the use of the funds in accordance with state law and city policy.

\$5,000 is spent on Convention and Visitor's Bureau. The fund supports expenses incurred on an annual webpage for Hutto on www.TourTexas.com, which allows the City to receive visitor leads and mail brochures when requested. The Economic & Convention department utilizes the additional funding for printing brochures, online banner ads on Tour Texas, as well as other placed ads (such as in the Houston House & Home), to market events such as Christmas Fair/Old Town Christmas Weekend and the Home & Garden Show. In the FY 2018-19 Projected Year-End Budget and FY 2019-20 Budget (through a transfer to a special events special revenue fund), the City has committed \$250,000 to promote the KOKE FEST. The first festival was held in August 2017 and brought more than 5,000 attendees to the City. The City and KOKE FM committed to a seven-year agreement to continue the festival and it will continue for six more years. The first year was held at the Gin Co-Op, and beginning in FY 2018-19, it was held and will continue to be held at the Park at Brushy Creek, which houses a 10,000-seat amphitheater and other amenities.



Budget Variances

Actual expenses will be based on applications from community organizations for use of the funds.

PEG FUND

	2017-18 Actual	2018-19 Amended	2018-19 Projected	2019-20 Budget
Revenues				
PEG Capital Fees	48,933	37,595	37,595	38,723
Total - Revenues	48,933	37,595	37,595	38,723
Expenses				
Technology Equipment and Supplies	36,228	52,350	44,888	75,000
Professional Services	-	12,000	4,219	25,500
Communication Services	-	-	-	-
Total - Expenses	36,228	64,350	49,107	100,500
NET CHANGE IN FUND BALANCE	12,705	(26,755)	(11,512)	(61,777)
Beginning Fund Balance	81,790	113,089	113,089	101,577
Ending Fund Balance	94,495	86,334	101,577	39,800

Fund Description

The Public Education, and Government Channel Fund (PEG Fund) accounts for cable franchise fee payments used for the provision of a public educational, and governmental access channel in accordance with state law.

Revenues

The City of Hutto, through a state franchise agreement, receives franchise fees equal to 1% of gross cable provider revenues to support certain expenses in providing a public access channel. The estimated FY 2019-20 revenue of \$38,723 is a conservative estimate in growth based on historical revenue.

Expenses

Use of PEG revenues is regulated by state law. In short, the franchise fee may only be used to pay capital costs associated with operating a public access channel. With the construction of the new City Hall and larger City Council Chambers an increase in expenses was seen in both FY 2018-19 and again in FY 2019-20 to equip the Chambers for public broadcasting.

Budget Variances

The PEG Fund was created through a budget amendment in FY2014 to account for revenues and expenses in accordance with the state franchise agreement.

RED LIGHT CAMERA FUND

	2017-18 Actual	2018-19 Actual	2018-19 Projected	2019-20 Budget
Revenues				
Red Light Cameras	5,498	4,736	-	10,000
Grant Revenue	-	-	-	-
Total - Revenues	5,498	4,736	-	10,000
Expenses				
Attorney Services	2,235	702	4,000	4,000
Other Contracted Services	3,843	-	6,000	6,000
Pay to ATS	-	-	-	-
Other Supplies and Materials	-	-	-	-
Remittance to State	-	-	-	-
Total - Expenses	6,079	702	10,000	10,000
Other Financing Sources				
Transfer In	-	-	-	-
Transfer Out	-	-	-	-
Total - Other Financing Sources	-	-	-	-
NET CHANGE IN FUND BALANCE	(581)	4,034	(10,000)	-
Beginning Fund Balance	95,947	95,370	95,370	85,370
Ending Fund Balance	95,370	99,400	85,370	85,370

Fund Description

The Red-Light Camera Fund tracked revenues and expenses associated with the City's former red-light cameras. The City no longer uses the red-light cameras due to a determination that red-light camera usage was not legal.

Revenues

The City of Hutto occasionally received a payment from an older ticket issued.

Expenses

There are still some attorney service fees coming through this fund for defending the red light camera lawsuits.

SPECIAL EVENTS FUND

	2017-18 Actual	2018-19 Current Budget	2018-19 Projected	2019-20 Budget
Revenues				
Special Event Revenue	-	250,000	250,000	250,000
Total - Revenues	-	250,000	250,000	250,000
Expenses				
Promotion of the Arts	-	500,000	500,000	500,000
Total - Expenses	-	500,000	500,000	500,000
Other Financing Sources				
Transfer In	-	250,000	250,000	250,000
Transfer Out	-	-	-	-
Total - Other Financing Sources	-	250,000	250,000	250,000
NET CHANGE IN FUND BALANCE	-	-	-	-
Beginning Fund Balance	-	-	-	-
Ending Fund Balance	-	-	-	-

Fund Description

The Special Events Fund is a special revenue fund used to account for the large events that are to be revenue generators at the new amphitheater that is being constructed at The Park at Brushy Creek. These events should be self-sustaining, and, as such, this fund will be used to track each event in order to determine profitability in regard to cash flows for each of the events.

Revenues

Revenues will consist of ticket sales, parking fees, fees charged to vendors and others to sell goods at the events as well as all other types of revenue associated with events such as concerts. Additionally, a portion of the hotel occupancy tax funds will be transferred over in the amount of \$250,000 to fund the KOKE Festival each year, which includes entertainment, advertising, and sporting events.

Expenses

Expenses will be comprised of the necessary costs associated with concerts and other events, including talent acquisition, staging needs, staffing, policing, etc.

PARK IMPROVEMENT FUND

	2017-18 Actual	2018-19 Current Budget	2018-19 Projected	2019-20 Budget
Revenues				
Interest	6,210	1,200	1,200	2,500
Park Land Fees	192,724	200,000	200,000	200,000
Total - Revenues	198,933	201,200	201,200	202,500
Expenses				
Park Improvements & Structures	-	30,000	30,000	-
Parks Master Plan	47,909	-	-	-
Total - Expenses	47,909	30,000	30,000	-
Other Financing Sources				
Transfer In	-	-	-	-
Transfer Out	-	(200,000)	(200,000)	-
Total - Other Financing Sources	-	(200,000)	(200,000)	-
NET CHANGE IN FUND BALANCE	151,024	(28,800)	(28,800)	202,500
Beginning Fund Balance	315,792	466,816	466,816	438,016
Ending Fund Balance	466,816	438,016	438,016	640,516

Fund Description

The Park Improvement Fund is used to account for funds received and expended for purchase of land, improvements, and construction of parks and recreational facilities.

Revenues

Revenues will consist of parkland fees received by developers in lieu of creating parks in their developments.

Expenses

Expenses will be comprised of the necessary costs associated with purchase of the land, improvements, and construction of parks and recreational facilities.

THE LANDING PID #5

	2017-18 Actual	2018-19 Budget	2018-19 Current Budget	2018-19 Projected	2019-20 Budget
Revenues					
Interest	535	-	-	720	-
Miscellaneous Revenue	75,000	-	-	-	-
Total - Revenues	75,535	-	-	720	-
Expenses					
Attorney Services	-	-	-	2,009	-
Miscellaneous Expense	-	-	-	72,991	-
Professional Services	-	-	-	-	-
Total - Expenses	-	-	-	75,000	-
NET CHANGE IN FUND BALANCE					
	75,535	-	-	(74,280)	-
Beginning Fund Balance	-	75,535	75,535	75,535	1,255
Ending Fund Balance	75,535	75,535	75,535	1,255	1,255

Fund Description

The Landing PID #5 is used to account for funds received and expended for the administration of the Public Improvement District #5.

Revenues

Revenues will consist of developer receipts.

Expenses

Expenses will be comprised of the necessary costs such as attorney, professional fees and miscellaneous related expenses.

CROSS CREEK/MERITAGE PID #2

	2017-18 Actual	2018-19 Current Budget	2018-19 Projected	2019-20 Budget
Revenues				
Interest	356	-	900	-
PID Creation Revenue	50,000	-	55,000	-
Total - Revenues	50,356	-	55,900	-
Expenses				
Attorney Services	-	-	33,874	-
Miscellaneous Expense	-	-	-	-
PID Expense	-	-	50,000	-
Total - Expenses	-	-	83,874	-
NET CHANGE IN FUND BALANCE				
	50,356	-	(27,974)	-
Beginning Fund Balance				
	-	50,356	75,535	47,561
Ending Fund Balance				
	50,356	50,356	47,561	47,561

Fund Description

The Cross Creek/Meritage PID #2 is used to account for funds received and expended for the administration of the Public Improvement District #2.

Revenues

Revenues will consist of developer receipts.

Expenses

Expenses will be comprised of the necessary costs such as attorney, professional fees and miscellaneous related expenses.

THE CO-OP PID #I

	2017-18 Actual	2018-19 Budget	2018-19 Current Budget	2018-19 Projected	2019-20 Budget
Revenues					
Interest	-	-	-	-	-
Miscellaneous Revenue	94,770	-	-	86,720	-
Total - Revenues	94,770	-	-	86,720	-
Expenses					
Attorney Services	113,326	-	-	83,805	-
Miscellaneous Expense	-	-	-	-	-
PID Expense	-	-	-	10,000	-
Total - Expenses	113,326	-	-	93,805	-
NET CHANGE IN FUND BALANCE					
	(18,556)	-	-	(7,085)	-
Beginning Fund Balance					
	-	(18,556)	(18,556)	(18,556)	(25,641)
Ending Fund Balance					
	(18,556)	(18,556)	(18,556)	(25,641)	(25,641)

Fund Description

The Co-Op PID #I is used to account for funds received and expended for the administration of the Public Improvement District #I.

Revenues

Revenues will consist of developer receipts.

Expenses

Expenses will be comprised of the necessary costs such as attorney, professional fees and miscellaneous related expenses.

MUSTANG CREEK/PACKSADDLE PID #3

	2017-18 Actual	2018-19 Current Budget	2018-19 Projected	2019-20 Budget
Revenues				
Interest	-	-	-	-
Miscellaneous Revenue	-	-	75,000	-
Total - Revenues	-	-	75,000	-
Expenses				
Attorney Services	-	-	-	-
Miscellaneous Expense	-	-	-	-
PID Expense	-	-	-	-
Total - Expenses	-	-	-	-
NET CHANGE IN FUND BALANCE				
	-	-	75,000	-
Beginning Fund Balance				
	-	-	-	75,000
Ending Fund Balance				
	-	-	75,000	75,000

Fund Description

The Mustang Creek/Packsaddle PID #3 is used to account for funds received and expended for the administration of the Public Improvement District #3.

Revenues

Revenues will consist of developer receipts.

Expenses

Expenses will be comprised of the necessary costs such as attorney, professional fees and miscellaneous related expenses.

315/RSI/COTTON CREEK PID #4

	2017-18 Actual	2018-19 Current Budget	2018-19 Projected	2019-20 Budget
Revenues				
Interest	-	-	935	-
Miscellaneous Revenue	-	-	25,000	-
Total - Revenues	-	-	25,935	-
Expenses				
Attorney Services	-	-	1,078	-
Miscellaneous Expense	-	-	-	-
PID Expense	-	-	-	-
Total - Expenses	-	-	1,078	-
NET CHANGE IN FUND BALANCE				
	-	-	24,857	-
Beginning Fund Balance	-	-	-	24,857
Ending Fund Balance	-	-	24,857	24,857

Fund Description

The 315/RSI/COTTON CREEK PID #4 is used to account for funds received and expended for the administration of the Public Improvement District #4.

Revenues

Revenues will consist of developer receipts.

Expenses

Expenses will be comprised of the necessary costs such as attorney, professional fees and miscellaneous related expenses.

SPORTS HEALTH DISTRICT PID #6

	2017-18 Actual	2018-19 Current Budget	2018-19 Projected	2019-20 Budget
Revenues				
Interest	-	-	-	-
Miscellaneous Revenue	-	-	30,000	-
Total - Revenues	-	-	30,000	-
Expenses				
Attorney Services	-	-	24,525	-
Professional Services	-	-	2,900	-
PID Expense	-	-	-	-
Total - Expenses	-	-	27,425	-
NET CHANGE IN FUND BALANCE				
	-	-	2,576	-
Beginning Fund Balance				
	-	-	-	2,576
Ending Fund Balance				
	-	-	2,576	2,576

Fund Description

The Sports Health District PID #6 is used to account for funds received and expended for the administration of the Public Improvement District #6.

Revenues

Revenues will consist of developer receipts.

Expenses

Expenses will be comprised of the necessary costs such as attorney, professional fees and miscellaneous related expenses.

Enhancements

The FY 2019-20 Budget General Fund enhancements for personnel, equipment and vehicles is \$970,437. During the budget process departments turn in a base budget for the fiscal year, along with enhancement requests. Enhancements are considered items that would be above and beyond a base, or flat budget.

Fiscal Year 2019-2020 Summary - Enhancement Requests					
	Description of Request	Net Cost/(Income)		# FTEs	
		Requested	Approved	Requested	Approved
Human Resources					
	Compensation Study	75,000	48,000	-	-
Subtotal - Human Resources		75,000	48,000	-	-
Communications					
	Full-time Multimedia Specialist Intern	44,945	44,945	1.0	1.0
	Social Media Software	7,000	8,000	-	-
	Training & Development	5,000	5,000	-	-
Subtotal - Communications		56,945	57,945	1.0	1.0
Information Technology					
	Staff Growth - Increased IT Demand	73,171	60,000	-	-
	Planning: Disaster Recovery / Business Continuity / ITMP	49,999	50,000	-	-
Subtotal - Information Technology		123,170	110,000	-	-
Public Safety					
	One Sergeant and Two Traffic Officers (Positions will start last quarter of FY20)	279,544	78,917	3.0	3.0
	Clothing & Uniforms	15,000	15,000	-	-
	Technology Equipment	30,000	30,000	-	-
	Communication Equipment	15,000	25,655	-	-
	Patrol Equipment	16,000	16,000	-	-
	Three Patrol Vehicles	84,000	84,000	-	-
	Ten Communication Staff for Justice Center (Will start last quarter of FY20)	755,084	198,503	10.0	10.0
Subtotal - Public Safety		1,194,628	448,075	13.0	13.0
Parks					
	Removable Fence	1,500	1,500	-	-
	iPAD minis	1,500	1,500	-	-
	Vehicle	25,000	30,000	-	-
Subtotal - Parks		28,000	33,000	-	-
Recreation					
	Recreation Attendent	45,363	45,363	1.0	1.0
	Vehicles	100,000	30,000	-	-
Subtotal - Recreation		145,363	75,363	1.0	1.0
Fleet & Fleet Maintenance					
	Mechanic, Truck & Tools	99,027	99,027	1.0	1.0
Subtotal - Fleet & Fleet Maintenance		99,027	99,027	1.0	1.0
Facility & Facility Maintenance					
	Personnel, Machinery & Equipment	99,027	99,027	1.0	1.0
TOTAL		1,821,160	970,437	17.0	17.0

The FY 2019-20 Budget Utility Fund enhancements for personnel, equipment and vehicles is \$203,075. During the budget process departments turn in a base budget for the fiscal year, along with enhancement requests. Enhancements are considered items that would be above and beyond a base, or flat budget.

Fiscal Year 2019-2020 Summary - Enhancement Requests					
	Description of Request	Net Cost/(Income)		# FTEs	
		Requested	Approved	Requested	Approved
Public Works					
	Personnel - W&WW Utility Technicians	115,204	67,640	2.0	1.0
	Personnel - W&WW Utility Crewmen	200,491	85,435	4.0	1.0
	Equipment - W&WW Utility Crew Trucks	60,000	50,000	-	-
	Public Works	375,695	203,075	6.0	2.0
Resources Needed - Personnel, Equipment & Vehicles		375,695	203,075	6.0	2.0

FISCAL AND BUDGETARY POLICY

Amended March 21, 2019

OVERVIEW AND STATEMENT OF PURPOSE

The City of Hutto has an important responsibility to its citizens and customers to carefully account for public funds, to manage City finances wisely and to plan for the adequate funding of services desired by the public. The Fiscal and Budgetary Policy, as outlined below, is adopted by the City Council annually and considered the basis for financial management, planning and budget preparation. The policy guides both the City of Hutto and its component unit, the Hutto Economic Development Corporation.

The broad purpose of the Fiscal and Budgetary Policy is to enable the City to achieve and maintain a long-term stable and positive financial condition, and provide guidelines for the day-to-day planning and operations of the City's financial affairs. The City's financial management, as directed by this Policy, is based upon the foundation of integrity, prudent stewardship, planning, accountability and full disclosure.

The scope of this policy generally spans areas of financial planning, operating and capital budgeting, revenue management, expenditure control, asset management, pay philosophy, accounting and financial reporting, debt management and reserves. This is done in order to:

- A. Demonstrate to the citizens of Hutto, the City's bond holders, other creditors and the bond rating agencies that the City is committed to a strong fiscal operation;
- B. Provide a common vision for financial goals and strategies for current and future policy-makers and staff;
- C. Fairly present and fully disclose the financial position of the City in conformity to Generally Accepted Accounting Principles (GAAP); and
- D. Demonstrate compliance with finance-related legal and contractual practices in accordance with the Texas Local Government Code, bond covenants and other legal mandates.

FINANCIAL PLAN

Budgeting is an essential element of the financial planning, control and evaluation process of municipal government. Multi-year budgeting provides a means to identify the impact of implementing new programs and projects on future budgets. The Financial Plan is the City's long-range operations and capital plan. The plan includes all of the operating departments of the General Fund and Utility Fund as well as the Capital Improvement Funds of the City. The plan is reviewed and updated annually.

- A. Capital Improvements Program – The Capital Improvements Plan (CIP) outlines the major utility infrastructure, streets and drainage, facilities, parks and other improvements needed to serve the citizens, renovate and rehabilitate existing infrastructure and facilities, meet growth related needs and comply with state and federal regulations.
 - I. Preparation – The City Engineer, with the support of the Financial Services, coordinates the annual update and adoption of the multi-year CIP as a part of the annual budget process. In accordance with the City Charter (Charter, section 12.04), the CIP will be delivered to and reviewed by the Planning and Zoning Commission whose recommendation(s) will be presented to City Council. The CIP includes all costs associated with the design, rights of way, acquisition and construction of a project, as well as the estimated operating and maintenance costs, which impacts future operating budgets. The following guidelines will be utilized in developing the CIP:
 - Needed capital improvements and major maintenance projects are identified through life cycle system models, repair and maintenance records, and growth demands.
 - A team approach will be used to prioritize CIP projects, whereby City staff from all operational areas provide input and ideas relating to each project and its effect on operations.

- Citizen involvement and participation will be solicited in formulating the capital budget through website solicitation.
 - Review the existing City Master Plans to ensure capital improvement projects support the City's long-range goals.
2. Financing Programs – Where applicable, impact fees, assessments, pro-rata charges or other fees should be used to fund capital projects which have a primary benefit to specific, identifiable property owners. Short-term financing options, such as Capital Leasing, may also be considered. Long-term debt financing may also be explored to acquire major assets with an expected life equal to or exceeding the average life of the debt issue. Factors related to the issuance of debt will include the following:
- Legal constraints on debt capacity and financing alternatives,
 - Essentiality of the proposed capital improvement and the economic cost of delay,
 - Willingness and financial ability to pay for the capital improvement,
 - Determination of the ability to fund through a pay-as-you-go system,
 - Assess current interest rate environment for borrowing and investment, as well as other market conditions, and reserve requirements,
 - Financial condition of the City,
 - The types, availability and stability of revenues to be pledged for repayment of the debt,
 - Type of debt to be issued, and
 - The nature and asset life of the capital projects
3. Control – All capital project expenditures must be appropriated in the capital budget. The Chief Financial Officer or City Manager must certify the availability of resources before any right of way easement is negotiated or before any capital project contract is presented to the Council for approval.
4. Reporting – Periodic financial reports will be prepared to enable the Department Directors to manage their capital budgets and to enable Financial Services to monitor and control the budget as authorized. Capital project status reports will be provided to Council on a frequent basis.
- B. Operations Plan – The plan will include estimated operating expenses, the cost of new programs being contemplated, and staffing needs for the period.
- C. Revenues and Financing Plan – Financial Services will develop conservative, multi-year revenue forecasts based upon current and known future revenue streams. The Plan will illustrate the impact of the Capital and Operations Plans on the property tax rate, utility rates and other fees. Sensitivity analyses may be used in order to react to low-medium-high growth environments that would allow for more aggressive investment in infrastructure and conversely time to react to economic slowdown.
- D. Performance Measures – Department Directors will develop program performance measures to evaluate the impact of new programs and growth on the departments. Existing programs will also be evaluated as a part of the multi-year planning process and annual budget process to determine whether certain programs should continue to be funded. International City Managers' Association (ICMA) Insights program participation will be utilized to establish, track and compare performance measures.

ANNUAL OPERATING BUDGET

Budgeting is an essential element of the financial planning, control and evaluation process of municipal government. The "operating budget" is the City's annual financial operating plan. The annual budget includes all of the operating departments of the general fund, proprietary funds, debt service funds, special revenue funds and capital improvement funds of the City.

- A. Planning – The budget process will include City Council participation in the identification of major policy issues. The budget process will be an extension of the strategic planning process for the City and will allow for citizen input.
- B. Preparation – The Charter (Section 8.02) requires "On or before the 15th day of August each fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message." The City Council shall adopt the budget on or before the last day of the last month of the current fiscal year.
 - I. Proposed Budget – A proposed budget shall be prepared by the City Manager and delivered to the City Council per the City Charter.
 - a. In accordance with the Charter (Section 8.04), the budget shall provide a complete financial plan for the ensuing fiscal year, in a form the City Manager or Council deems desirable, and the budget shall include goals and objectives, a capital budget, enterprise funds and appropriations.
 - b. In accordance with the Charter (Section 8.05), the City will publish in a newspaper of general circulation in the City and on the City website, a general summary of the budget, as well as the date, time and location the budget will be available for public inspection. At a minimum, the publication notice must be provided at least two weeks prior to availability.
 - c. A copy of the proposed budget will be filed with the City Secretary upon submission to the City Council, which must be at least 30 days prior to the Council's vote.
 - 2. Adoption – City Council will hold a public hearing, and subsequently adopt by Ordinance the final budget. The budget will be effective for the fiscal year beginning October 1st.
 - 3. Standards for Publication – The City will utilize the criteria outlined in the Government Finance Officers Association (GFOA) Distinguished Budget Program for the presentation of the budget document. The budget document will be submitted annually to the GFOA for evaluation and consideration for the Distinguished Budget Presentation Award.
 - 4. Budget Calendar – The timeline for budget adoption is guided by City Charter and state Truth in Taxation laws. The deadline for the chief appraiser to certify appraisal rolls to taxing units is July 25. After certification, City Council must discuss the tax rate, and if the maximum rate under consideration will exceed the rollback rate or effective tax rate, they must take a record vote and schedule a public hearing. If required, a Notice of Public Hearing on Tax Increase must be published at least 7 days prior to the first public hearing. If required, the second public hearing must be no earlier than 3 days after the first public hearing and is also when the tax rate adoption meeting will be scheduled and announced (must be 3-14 days from the date of the second hearing). Notice of Tax Revenue Increase must be published before the meeting to adopt tax rate (at least seven days, if available). The meeting to adopt tax rate must be held 3-14 days after the second public hearing, and the tax rate must be adopted before September 30th.
- C. Revenue Estimates – In order to maintain a stable level of services, the City shall use a conservative, objective and analytical approach when preparing revenue estimates. The process shall include the analysis of probable economic changes and their impacts on revenues, historical collection rates and trends in revenues. This approach should reduce the likelihood of actual revenues falling short of budget estimates during the year, which could otherwise result in mid-year service reductions.
- D. Balanced Budget – The goal of the City is to balance the operating budget with current revenues, whereby, current revenues match and fund on-going expenditures/expenses. Excess balances in the

operating funds from previous years may be used for non-recurring expenditures/expenses or for capital expenditures.

- E. Reporting – Summary financial reports will be presented to the City Council monthly at a regular City Council meeting. These reports will be in a format appropriate to enable the City Council to understand the overall budget and financial status.
- F. Control and Accountability – Each Department Director, appointed by the City Manager, will be responsible for the administration of his/her departmental budget. This includes accomplishing the Goals and Objectives adopted as part of the budget and monitoring each department budget for compliance with spending limitations. Department Directors may request a transfer of funds within a department budget. All transfers of appropriation or budget amendments require either City Council or City Manager approval as outlined in Section V.C. Further expenditure control guidance is located in Section V of this policy.
- G. Budget Amendments – The *Charter (Section 8.07)* provides a method to amend appropriations. The City Council may authorize:
 - 1. Supplemental Appropriations – If the City Manager certifies that revenues are available in excess of those estimated in the budget, an amendment ordinance may be prepared for City Council approval.
 - 2. Emergency Appropriations – To meet public emergency affecting life, health, property, or the public peace, or to avoid a material cost or public expense, the City Council may adopt an emergency appropriation.
 - 3. Reduction of Appropriations – If at any time during the fiscal year it appears probable that expected revenues will be insufficient to finance expenditures for which appropriations have been authorized, the City Council may adopt an ordinance to reduce appropriations.
- H. Contingency Appropriations – The budget may include contingency appropriations within designated operating department budgets. These funds are used to offset anticipated but amount unknown expenditures, unexpected maintenance or other unanticipated expenses that might occur during the year, including insurance deductibles, unexpected legal expenses, and equipment repairs.
- I. Outside Agency Funding – The City Council may fund a number of outside agencies and organizations that provide core services for the citizens of Hutto. The amount of funding received by each agency depends upon Council direction and the availability of funds. The City Council may designate up to 0.75% of the estimated General Fund revenues during the budget process.
 - 1. Funding Process – A standardized process for application, review, monitoring, and reporting will be provided by the City. All agencies are required to submit applications for funding to the City during the budget process. Applications will include the following:
 - a. Information about the organization including organization's purpose, charter, board of directors, etc.
 - b. Copy of organization's financial policies
 - c. Copy of prior year's tax filing demonstrating non-profit status
 - d. Copy of prior year's audit or financial review for organizations whose operating budget exceeds \$100,000 annually
 - e. If applicable, a list and description of what prior year City funding was used for and program measures that indicate the increased success of the program due to the funding
 - 2. Funding of non-profit agencies through public funds require enhanced guidelines for spending and operations which shall include:
 - a. Funding will typically be used for specific programs, rather than for general operating costs, and demonstrates the program's sustainability beyond a three-year funding period.

- b. The City shall have the ability to review financial reports to monitor how public funds are utilized by an organization.
 - c. Other items may be addressed by the City Council as specified in each organization's Outside Agency Funding Agreement.
- 3. The Williamson County Crisis Center (Hope Alliance), Williamson County Children's Advocacy Center and the Williamson County and Cities Health District will be considered a budgeted line-item. All other outside agencies and organizations will go through the Outside Agency Funding process.
- 4. The City Council will review requests from other agencies and award based upon available funding. Applications will be evaluated on the following criteria:
 - a. Number of Hutto citizens served by the organization;
 - b. Type of service provided and whether other organizations in the community provide the service;
 - c. Availability of other funding sources for the organization;
 - d. Demonstration of ability to adhere to the guidelines outlined by this policy; and
 - e. The City Council prefers to allocate funding based upon the following guideline:
 - Education – 10%
 - Quality of Life – 30%
 - Social Services – 60%
 - Public Health and Safety – The City Council may provide additional funding above the designated 0.75% to support governmental organizations that provide public health and safety services to the Hutto Community. (For example, membership in the Williamson County and Cities Health District)

All funded agencies shall be required to submit quarterly reports with performance data unless otherwise specified.

- J. Periodic Program Reviews – The City Manager and Department Directors will periodically review programs for efficiency and effectiveness. Programs not meeting efficiency and/or effectiveness objectives shall be brought up to required standards or be subject to reduction or elimination.
- K. Budget Contingency Plan – The City will take immediate corrective action at any time during the fiscal year if an operating deficit is projected at year end. General guidelines for managing revenue shortfalls resulting from factors such as local and economic downturns that affect the City's revenue streams are:
 - I. Immediate Action – Once a budgetary shortfall is projected, the City Manager will take the necessary actions to offset any revenue shortfall with a reduction in current expenses. The City Manager may:
 - a. Freeze all new hire and vacant positions except those deemed to be a necessity
 - b. Review all planned capital expenditures
 - c. Delay all "non-essential" spending or equipment replacement purchases
 - 2. Further Action – If the above actions are insufficient to offset the revenue deficit and the shortfall continues to increase, the City Manager will further reduce operating expenses to balance the variance. The City Manager may ask Department Directors for recommendations on reductions of service levels in order to reduce expenditures to balance the budget. Any resulting service level reductions, including workforce reductions, will be addressed by the City Council.

REVENUE MANAGEMENT

- A. Optimum Characteristics – The City will strive for the following optimum characteristics in its revenue system:
 - I. Revenue Adequacy – The City should require there be a balance in the revenue system; i.e., the revenue base will have the characteristics of fairness and neutrality as it applies to cost of service, willingness to pay, and ability to pay.

2. Realistic and Conservative Estimates - Revenues will be estimated realistically, and conservatively, taking into account the volatile nature of various revenue streams.
 3. Administration - The benefits of a revenue source should exceed the cost of levying and collecting that revenue. Where appropriate, the City will use the administrative processes of State, Federal or County collection agencies in order to reduce administrative costs.
 4. Diversification and Stability - A diversified revenue system with a stable source of income shall be maintained. Diversification of revenue sources is intended to mitigate instabilities in revenue sources due to factors such as economic and weather variations.
- B. Other Considerations - The following considerations and issues will guide the City in its revenue policies concerning specific sources of funds:
1. Non-Recurring Revenues - One-time or non-recurring revenues shall not be used to finance current ongoing operations. Non-recurring revenues shall be used only for non-recurring expenditures.
 2. Property Tax Revenues - All real and business personal property located within the City will be estimated at a collection rate of 98% of the taxable value for any given year based on the current appraisal supplied by the Williamson County Appraisal District.
 3. Investment Income - Earnings from investments will be distributed to the funds in accordance with the equity balance of the fund from which the invested monies were provided.
 4. User-Based Fees and Service Charges - For services associated with a user fee or charge, the direct and/or indirect costs of that service will be offset by a fee where possible. The City will review fees and charges at least every two to three years to ensure that fees provide adequate coverage for the cost of services. The City Council will determine how much of the cost of a service should be recovered by fees and charges.
 5. Utility Fund Rates - The City will review and adopt utility rates as needed to generate revenues required to fully cover operating expenses, meet the legal requirements of all applicable bond covenants and provide for an adequate level of working capital.
- Additionally, enterprise activity rates will include transfers to and receive credits from other funds as follows:
6. Administrative Cost Recovery - Administrative costs shall be charged to all funds for services of general overhead, such as administration, financial services, customer billing, legal and other costs as appropriate. These charges will be determined through an indirect cost allocation following accepted practices and procedures.
 7. Revenue Monitoring - Revenues as they are received will be regularly compared to budgeted revenues, variances will be investigated and if material will be included in the quarterly report to the City Council.
- C. Funding Alternatives
1. Grants - The City shall seek to obtain grants which are consistent with the City's current and future priorities and objectives. The City Council must authorize acceptance of any grant funding. Potential grants will be examined for any matching requirements and the source of those requirements identified. Grant applications will be reviewed by Financial Services to ascertain funding sources, outcomes and other relevant information before the information is presented to the City Council. The City shall recover indirect costs to the maximum allowable by the funding source and may waive or reduce indirect costs if doing so will significantly increase the effectiveness of the grant. Grant-funded programs and associated positions will be terminated as directed by the City Council when grant funds are no longer available, unless alternate funding is identified.

2. Leases - The City may authorize the use of lease financing for certain operating equipment when it is determined that the cost benefit of such an arrangement is advantageous to the City. The accounting treatment of leases will change in 2020. The policy will be updated at that time.
 3. Impact Fees - The City will impose impact fees as allowable under state law for both water and wastewater services. These fees will be calculated in accordance with statute and reviewed at least every two to three years. All fees collected will fund projects identified within the Fee study and as required by state laws.
- D. Liabilities and Receivables - Procedures will be followed to maximize discounts and reduce penalties offered by creditors. Current liabilities will be paid within 30 days of receiving the goods or services or invoice. Accounts Receivable procedures will target collection for a maximum of 30 days of service. Receivables aging past 120 days will be sent to a collection agency. The Chief Financial Officer is authorized to write-off non-collectible accounts that are delinquent for more than 180 days, provided proper delinquency procedures have been followed, and include this information in the annual report to the City Council.

EXPENDITURE POLICIES

- A. Appropriations - The point of budget control is at the department level budget for all funds. The Department Directors shall manage budgets to ensure that appropriations are not exceeded. Budgets are approved by the Council within a departmental or program budget category (personnel costs, supplies, maintenance, operations/maintenance and capital).
- B. Central Control - No recognized or significant salary or capital budgetary savings in any Department shall be spent by the Department Director without prior authorization from the City Manager. Budget savings realized in this manner can be transferred by the City Manager, without further Council action.
- C. Budget Transfers - The *Charter (Section)* provides that the City Manager may transfer balances within departments and programs. A Department Director may request a transfer between line items, or categories of items through the City Manager. Financial Services will make the adjustment upon approval from the City Manager.
- D. Purchasing - All City purchases of goods or services will be made in accordance with the City's current Procurement Policy and with State law. In accordance with Texas Local Government Code, Subchapter B, Sections 252.021 and 252.043, the City shall make award to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality. Council may delegate authority to a designated representative in determining the appropriate method of purchase. State law requires any purchase of goods or materials over \$50,000 be formally bid or procured through an approved cooperative. The City's Procurement Policy follows State Law by requiring multiple quotes for most purchases over \$3,000. The City's Procurement Policy requires all contracts greater than \$50,000 annually be approved by the City Council. The following shows a summary of approval requirements for purchases.
 1. Local Preference - In accordance with Chapter 271.9051 of the Local Government Code, the City Council may choose to enter into a contract for construction services in an amount of less than \$100,000 or a contract for other purchases in an amount of less than \$500,000 with the lowest bidder, or the bidder whose principal place of business is in the municipality if the governing body determines that the local bidder offers the best combination of contract price and additional economic development opportunities, provided that this bid is within 5% of the lowest bid price received from the lowest bidder whose business is not within the City limits. The determination that the local bidder offers the City the best combination of contract price and additional local economic development opportunities will be made in writing.
 2. Interlocal Cooperation in Delivery of Services - In order to promote the effective and efficient delivery of services, the City shall work with other local jurisdictions to share on an

equitable basis the cost of services, to share facilities and to develop joint programs to improve service to its citizens.

3. Conflict of Interest – The City will comply with all conflict of interest requirements as mandated by the Texas Government Code and Local Government Code.
- E. Prompt Payment – All invoices approved for payment by the proper City authorities shall be paid within thirty (30) calendar days of receipt of goods or services or invoice date, whichever is later in accordance with State law. The City will take advantage of all purchase discounts, when possible.

PAY PHILOSOPHY

The City's goal as an employer is to attract and retain quality employees who provide exemplary public service to our community in an effective and efficient manner.

- A. Adequate Staffing – Staffing levels will be adequate for the operations and programs of the City to be conducted efficiently and effectively. In order to provide continuing services to a growing population, as well as add new services, staffing levels will be evaluated by the City Manager regularly to determine workloads. Workload allocation alternatives, such as contract labor and contracted services, will be explored before adding additional staff.
- B. Market Adjustments – The City shall utilize salary survey data, as well as compensation data from other benchmark cities, as a reference for making market-based adjustments. Market-based adjustments are based upon the job duties and job descriptions of the position, not on performance of the employee within the position. Benchmark cities are identified by the City Council based on parameters such as population, proximity to Hutto, growth rate, and tax base. The cities selected are: Belton, Cedar Park, Cibolo, Georgetown, Kyle, Leander, Little Elm, Pflugerville, Round Rock, Schertz, Seguin and Taylor.
- C. Merit Adjustments – The City utilizes a merit-based pay and step-pay plan as a part of the overall compensation system. Council may fund merit increases annually during the budget process to aid in retaining and rewarding quality employees for productivity and job performance. These merit-based adjustments are recommended by the employee's immediate supervisor and reviewed by both the Department Director and the City Manager. Employees may receive a merit increase upon approval of the City Manager based upon performance, or when other situations warrant this type of increase, such as a reclassification due to additional job duties.

CAPITAL MAINTENANCE AND REPLACEMENT

The City shall maintain a Capital Replacement Fund to provide financial resources to replace aging fleet and equipment. Only fleet and equipment included on the City's Fixed Assets inventory will be included on the replacement schedule. Funding will be set aside each year through the annual budget process to fund the future replacement of fleet and equipment.

ACCOUNTING, AUDITING AND FINANCIAL REPORTING

- A. Accounting – The City is responsible for the recording and reporting of its financial affairs, both internally and externally. The City's Chief Financial Officer is responsible for establishing the structure for the City's Chart of Accounts and for assuring that procedures are in place to properly record financial transactions and report the City's financial position.
- B. Audit of Accounts – In accordance with the *Charter Section 8.14*, an independent audit of the City accounts will be performed annually. The auditor is retained by and is accountable directly to the City Council.
- C. External Reporting – Upon completion and acceptance of the annual audit by the City's auditors, the City shall prepare a written Comprehensive Annual Financial Report (CAFR) which shall be presented to the City Council within 180 calendar days of the City's fiscal year end. The CAFR shall be prepared in accordance with GAAP and shall be presented annually to the GFOA for evaluation and consideration for the Certificate of Achievement in Financial Reporting. If City staffing limitations

preclude such timely reporting, the Chief Financial Officer will inform the City Council of the delay and the reasons therefore.

RISK AND ASSET MANAGEMENT

- A. Risk Management - The City will utilize programs to prevent and/or reduce the financial impact to the City due to claims and losses. Transfer of liability for claims through transfer to other entities through insurance and/or by contract will be utilized where appropriate. Prevention of loss through the safety program and the employee health program will be employed.
- B. Investments - The City Council has formally approved a separate Investment Policy for the City of Hutto that meets the requirements of the Public Funds Investment Act (PFIA), Section 2256 of the Texas Government Code. This policy is reviewed annually by the City Council and applies to all financial assets held by the City.
- C. Cash Management - The City shall maintain a comprehensive cash management program to include the effective collection of all accounts receivable, the prompt deposit of receipts to the City's depository, the payment of obligations, and the prudent investment of idle funds in accordance with this policy.

X. DEBT MANAGEMENT

The City of Hutto recognizes the primary purpose of capital facilities is to support provision of services and mobility to its residents. Using debt financing to meet the capital needs of the community must be evaluated according to efficiency and equity. Efficiency must be evaluated to determine the highest rate of return for a given investment of resources. Equity is resolved by determining who should pay for the cost of capital improvements. In meeting demand for additional services, the City will strive to balance the needs between debt financing and "pay as you go" methods. The City realizes that failure to meet the demands of growth may inhibit its continued economic viability, but also realizes that too much debt may have detrimental effects on the City's long-range financial condition.

The City will issue debt only for the purpose of acquiring or constructing capital assets, including equipment, for the general benefit of its citizens and to allow it to fulfill its various purposes as a city.

- A. Usage of Debt - Long-term debt financing will be considered for multi-year capital improvements of which future citizens will benefit. Alternatives for financing will be explored prior to debt issuance and include, but not limited to:

- Grants
- Use of Reserve Funds
- Use of Current Revenues
- Contributions from developers and others
- Leases
- Impact Fees

When the City utilizes long-term financing, it will ensure that the debt is soundly financed by conservatively-projected revenue sources. The financing period will not exceed the useful life of the improvement and the cost benefit of the improvement, including interest costs, will be positive to the community.

- B. Types of Debt -

- I. General Obligation Bonds (GO) - General obligation bonds must be authorized by a vote of the citizens of Hutto. They are used only to fund capital assets of the general government and will not be used to fund operating needs of the City. The full faith and credit of the City as well as the City's ad valorem taxing authority back general obligation bonds. Conditions for issuance of general obligation debt include:

- When the project will have a significant impact on the tax rate;
- When the project may be discretionary or nonessential even though it is routine in nature; or

- When the project falls outside the normal bounds of projects the City has typically done.
2. Certificates of Obligation, Contract Obligations (CO) – Certificates of obligation or contract obligations may be used to fund capital requirements that are not otherwise covered either by general obligation or revenue bonds. Debt service for CO bonds may be either from general revenues (tax-supported) or supported by a specific revenue stream(s) or a combination of both. Typically, the City may issue CO bonds when the following conditions are met:
 - When the proposed debt will have minimal impact on future effective property tax rates;
 - When the projects to be funded are within the normal bounds of city capital requirements, such as for roads, parks, various infrastructure and City facilities; and
 - When the average life of the obligation does not exceed the useful life of the asset(s) to be funded by the issue; or
 - When the project or capital item is determined to be nondiscretionary or essential to the City.

Certificates of obligation will be used with prudent care and judgment by the City Council. Every effort will be made to ensure public participation in decisions relating to debt financing.

3. Self-supporting General Obligation Debt – Refers to general obligation debt including CO bonds issued for a specific purpose and repaid through dedicated revenues other than ad valorem taxes. The annual debt requirements are not included in the property tax calculation. The Utility Fund issues this type of debt.
 4. Internal Borrowing between City funds – The City can authorize use of existing long-term reserves as “loans” between funds. The borrowing fund will repay the loan at a rate consistent with current market conditions. The loan will be repaid within ten (10) years. The loan will be considered an investment of working capital reserves by the lending fund.
 5. Short-term Borrowing – The City may authorize the issuance of Public Property Finance Contractual Obligations (PPFCOs) or Limited Tax Notes (Notes) which are short-term obligations for the acquisition of personal public property, such as equipment. PPFCOs and Notes are payable from either ad valorem taxes or another dedicated revenue stream. Each issuance will be assessed to ensure cost effectiveness and the repayment schedule will not exceed the useful life of the asset. Multiple equipment acquisitions can and should be grouped in a single PPFCO or Note issue in order to develop economies of scale. Notes are limited to a 7-year term.
 6. Revenue Bonds – Revenue bonds may be issued to provide for the capital needs of any activities where the capital requirements are necessary for the continuation or expansion of a service. The improved activity shall produce a revenue stream to fund the debt service requirements. The average life of the obligation should not exceed the useful life of the asset(s) to be funded by the bond issue and will generally be limited to no more than twenty (20) years.
- C. Method of Sale – The City will use a competitive bidding process in the sale of bonds unless conditions in the bond market or the nature of the issue warrant a negotiated sale. In such situations, the City will publicly present the reasons for the negotiated sale. The City will rely on the recommendation of a financial advisor and Chief Financial Officer in the selection of the underwriter or direct purchaser.
 - D. Disclosure – Full disclosure of operating costs along with capital costs will be made to the bond rating agencies and other users of financial information. The City staff, with assistance of the financial advisor and bond counsel, will prepare the necessary materials for presentation to the rating agencies and will aid in the production of the Preliminary Official Statements. The City will take responsibility for the accuracy of all financial information released.
 - E. Federal Requirements – The City will maintain procedures to comply with arbitrage rebate and other Federal requirements.

- F. Debt Structuring – The City will issue bonds with maturity not to exceed the useful life of the asset acquired. The structure should approximate overall level debt service and tax rate or revenue source stability unless operational matters dictate otherwise. Market factors, such as the effects of tax-exempt designations, the cost of early redemption options and the like, will be given consideration during the structuring of long-term debt instruments.
- G. Debt Coverage Ratio – Refers to the number of times the current combined debt service requirements or payments would be covered by the current operating revenues net of on-going operating expenses of the City's Utility. The City will maintain a minimum debt service coverage ratio of 1.0 times for these utilities as a whole.
- H. Reimbursement Resolutions – The City may utilize reimbursement resolutions for debt financings as a tool to manage its debt issues, due to arbitrage requirements and project timing. In so doing, the City uses its capital reserve "cash" to delay bond issues until such time when issuance is favorable and beneficial to the City.

XI. FINANCIAL CONDITIONS, RESERVES, AND STABILITY RATIOS

The City of Hutto will maintain budgeted minimum reserves in the ending working capital/fund balances to provide a secure, healthy financial base for the City in the event of a natural disaster or other emergency, allow stability of City operations should revenues fall short of budgeted projections and provide available resources to implement budgeted expenditures without regard to actual timing of cash flows into the City.

- A. Operating Reserves – In accordance with the Charter Section 8.04, the City is mandated to maintain a 10% reserve. Per the Fiscal and Budgetary policy, the City will maintain emergency reserves at a minimum of 20% of net budgeted operating expenditures. Net budgeted operating expenditure is defined as total budgeted expenditures less interfund transfers and charges, general debt service (tax supported), direct cost for purchased power and payments from third party grant funds.
 - 1. General Fund – The unobligated fund balance in the General Fund should equal at least 20%.
 - 2. Utility Fund – Working capital reserves in these funds should be 20%.

Reserve requirements will be calculated as part of the annual budget process and any additional required funds to be added to the reserve balances will be appropriated within the budget. Funds in excess of the minimum reserves may be expended for City purposes at the will of the City Council once it has been determined that use of the excess will not endanger reserve requirements in future years.

- B. Capital Project Funds – Every effort will be made for all monies within the Capital Project Funds to be expended within thirty-six (36) months of receipt. The fund balance will be invested, and income generated will offset increases in construction costs or other costs associated with the project. Capital project funds are intended to be expended totally, with any unexpected excess to be transferred to the Debt Service fund to service project-related debt service.
- C. Debt Service Funds for Ad Valorem Tax Obligations – This fund holds receipts from ad valorem property taxes levied to pay debt service on outstanding ad valorem tax obligations. Due to the nature of the source of funds, monies held within this fund are stable. Balances are maintained in this fund to ensure that debt service payments may be made in a timely manner and to comply with ordinances authorizing such outstanding debt obligations.
- D. Investment of Reserve Funds – The reserve funds will be invested in accordance with the City's investment policy.
- E. Sales Tax Excess – Due to the volatile nature of sales tax revenue, collections over and above the estimated sales tax revenue amount should be used to fund non-recurring expenses, such as (but not limited to) equipment purchases, capital improvement projects, or transfers to the capital replacement fund.

HUTTO BOARDS & COMMISSIONS

Hutto Economic Development Corporation. Voters approved the creation of the 4A Hutto Economic Development Board in May 1996. The Board makes recommendations to the Council on the use of a 1/2 cent 4A Sales Tax to support economic development. Board members are appointed by the Council. All corporate powers are under the authority of the Board of Directors. The Board shall consist of seven (7) persons, with terms of each director seat being for three (3) years.

Historic Preservation Commission. The Historic Preservation Commission makes recommendations to the Council in regard to designation of historic sites or districts within the City. Members are appointed by the Council. Five (5) members are appointed for staggered terms of two (2) years. A member of City staff, appointed by Council, shall serve as an ex-officio member and as secretary to the Commission and act as the Local Preservation Officer.

Parks Advisory Board. The Parks Advisory Board makes recommendations to the Council in regard to park and recreational developments. Members are appointed by the Council. The Board shall consist of seven (7) members.

Library Advisory Board. The Library Advisory Board makes recommendations to the Council in regard to the City's Library operations.

Planning & Zoning Commission. The Planning and Zoning Commission makes recommendations to the Council in regard to zoning changes as well as the growth and development of the City. The Planning and Zoning Commission also annually makes recommendations to the City Council regarding the City's Five-Year Capital Improvements Plan. Members are appointed by Council. Seven (7) members serve on the Commission.

Zoning Board of Adjustments. The Board hears and decides appeals in regard to complaints made towards a City Administrative Officer, Department or Board. The Board also acts on applications submitted for variance or special exception to City zoning regulations. Five (5) members are appointed by the Council.

Hutto Ethics Commission. The Hutto Ethics Commission was created in 2007 to render advice and opinions on potential conflicts of interest or violations at the request of a City official. The Commission consists of five (5) members appointed by the City Council to staggered terms of two (2) years, all of whom shall reside in the City. All vacancies filled for the unexpired term and all members shall hold office until successor is appointed by the Council.

Building and Standards Commission. The Hutto Building and Standards Commission was created in 2015 to hear appeals and render decisions upon rulings by the building official when requests for modification or a variation have been made and denied. The commission will also serve as the fire code board of appeals.

GLOSSARY

This document contains specialized and technical terminology that is unique to public finance and budgeting. To assist the reader, a budget glossary follows:

ACCRUAL BASIS. The basis of accounting under which transactions are recognized when they occur, regardless of the timing of related cash flows.

ACCRUED EXPENSES. Expenses incurred but not due until a later date.

AD VALOREM TAXES. (Current) All property, real personal, mixed tangible, intangible, annexations, additions, and improvements to property located within the taxing unit's jurisdiction that are subject to taxation on January 1 of the current fiscal year. Following the final passage of the appropriations ordinance, the City Council sets the tax rate and levy for the current fiscal year beginning October 1 and continuing through the following September 30.

AD VALOREM TAXES. (Delinquent) All taxes are due on receipt of bill and are delinquent if not paid before February 1st of the fiscal year in which it is imposed.

AD VALOREM TAXES. (Penalty and Interest) A delinquent tax incurs a penalty of six (6%) percent of the amount of the tax for the first calendar month it is delinquent, plus one (1%) percent for each additional month of portion of the month the tax remains unpaid prior to July 1 of the year in which it becomes delinquent.

APPROPRIATION. A legal authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes.

ASSESSED VALUATION. A value that is established for real or personal property for use as a basis for levying property taxes. (Note: Property values are established by the Williamson County Appraisal District.)

ASSET. Resources owned or held which have monetary value.

AUDIT. A comprehensive review of the manner in which the government's resources were actually utilized. A certified public accountant issues an opinion over the presentation of financial statements, tests the controls over the safekeeping of assets and makes recommendations for improvements where necessary.

BASE BUDGET. The on-going expense for personnel, operating services and the replacement of supplies and equipment to maintain service levels. The base budget does not include new programs or projects, which are approved on an individual basis.

BOND. A written promise to pay a sum of money on a specific date at a specified interest rate. The interest payments and the repayment of the principal are detailed in a bond ordinance. The most common types of bonds are general obligation and revenue bonds. These are most frequently used for construction of large capital projects (such as buildings, streets, and water and sewer improvements).

BUDGET. A financial plan of projected resources and proposed expenditures for a given period.

BUDGET CALENDAR. The schedule of key dates or milestones that the City follows in the preparation, adoption, and administration of the budget.

BUDGET CATEGORY. A group of expenses related by function. The City uses five budget categories including: Salaries and Benefits, Supplies and Materials, Repair and Maintenance, Other Services and Charges, and Capital Outlay.

BUDGET CONTINGENCY PLAN. The Fiscal and Budgetary Policy outlines operating procedures for managing revenue shortfalls resulting from factors such as local and economic downturns.

BUDGETED FUNDS. Funds that are planned for certain uses but have not been formally or legally authorized by the legislative body. The budget document that is submitted for Council approval is composed of budgeted funds.

CAPITAL EXPENDITURES. Outflows of spend-able resources for the acquisitions of long-term assets.

CAPITAL IMPROVEMENTS PLAN. A five-year planning document that outlines the capital projects within the next five years and includes information regarding funding, project description and scheduling, and status. The City Council annually adopts a CIP as part of the budget process.

CAPITAL OUTLAYS. Expenditures that result in the acquisition of or addition to fixed assets.

CASH BASIS. A basis of accounting under which transactions are recognized only when cash changes "hands".

CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN). The jurisdictional boundary of the City's water and/or wastewater service area.

CERTIFICATES OF OBLIGATION. See definition of bond.

CHARRETTE. A facilitated planning retreat process that brings together multiple parties to create initial ideas and designs for projects.

CONTINGENCY. A budgetary appropriation reserve set aside for emergencies or unforeseen expenditures not budgeted.

CONTINGENCY RESERVES. A portion of the budgeted ending fund balance or working capital that is not available for appropriation. The intent of the reserves is to provide flexibility, should actual revenues fall short of budgeted revenues and to provide adequate resources to implement budgeted expenditures without regard to the actual cash flow of the fund.

COST ACCOUNTING. That method of accounting that provides for assembling and recording of all the elements of cost incurred to accomplish a purpose, to carry on an activity or operations, or to complete a unit of work or a specific job.

CURRENT TAXES. Taxes that are levied and due within the current year.

DEBT SERVICES. Principal and interest obligations for bonds and other debt instruments according to a pre-determined payment schedule.

DEFICIT. (1) The excess of the liabilities of a fund over its assets. (2) The excess of expenditures over revenues during an accounting period; or, in the case of proprietary funds, the excess of expense over income during an accounting period.

DELINQUENT TAXES. Taxes that remain unpaid on and after the date on which a penalty for non-payment is assessed.

DEPARTMENT. An administrative segment of the City consisting of multiple divisions that is organized by function and service provided.

DEPRECIATION. The process of estimating and recording the lost usefulness, expired useful life or diminution of service from fixed asset that cannot or will not be restored by repair and will be replaced. The cost of the fixed asset's lost usefulness is the depreciation, or the reserve cost, in order to replace the item at the end of its useful life.

DIVISION. A separately budgeted segment of a department.

EFFECTIVE TAX RATE. The effective tax rate is the tax rate required to produce the same amount of taxes for the current year as the previous year. The rate is calculated by subtracting taxes on property lost this year from

the prior year's taxes total. This number is divided by the current value of property taxed in the prior year. Multiplying this number by 100 will produce the effective tax rate.

ENCUMBRANCES. Commitments related to unperformed (executory) contracts for goods or services.

ENHANCEMENTS. Newly requested budgeted amounts that will result in a new or expanded level of service over the previous year.

ETJ. The Extra-Territorial Jurisdiction is the contiguous area just beyond the city limits where a city may apply its development standards and regulations. A city's ETJ is determined by population.

ESD #3. Williamson County Emergency Services District #3 provide fire protection services to the Hutto area. The entity is independent of the City and levies a maximum ad valorem tax of \$0.1 per \$100 of property valuation. The organization is also referred to as "Hutto Fire and Rescue." The City has an interlocal agreement with the organization for services provided to the Hutto citizens

EXPENDITURE. This term refers to the outflow of funds paid or to be paid for an asset obtained or goods and services obtained regardless of when the expense is actually paid. This term applies to all funds. Note: An encumbrance is not an expenditure. An encumbrance reserves funds to be expended when goods or services are received.

EXPENSES. Charges incurred (whether paid immediately or unpaid) for operation, maintenance, interest and other charges.

FISCAL YEAR. The time period designated by the City signifying the beginning and ending period for recording financial transactions. The City of Hutto has specified October 1 to September 30 as its fiscal year.

FIXED ASSETS. Assets of a long-term character which are intended to continue to be held or used, such as land, building, and improvements other than buildings, machinery and equipment.

FRANCHISE FEE. This is a charge paid by businesses for the use of City streets and public right of way and is in lieu of all other municipal charges, fees, street rentals, pipe taxes or rentals, easement or other like franchise taxes, inspections fees, and/or charges of every kind except Ad Valorem and special assessment taxes for public improvements.

FULL-TIME EQUIVALENT. The numeric breakdown of city positions. A regular full-time employee (40 hours per week) equals one (1.0) full-time equivalent. Part-time positions are calculated as 0.5 full-time equivalents, and seasonal staff positions are considered 0.25 full-time equivalents.

FUND. An accounting entity that has a set of self-balancing accounts and that records all financial transactions for specific activities or government functions. Eight commonly used funds in public accounting are: general fund, special revenue funds, debt service funds, capital project funds, enterprise funds, trust and agency funds, internal service funds, and special assessment funds.

FUND BALANCE. Fund balance is the excess of assets over liabilities and is therefore also known as surplus funds.

GENERAL FUND. The fund used to account for all financial resources except those required to be accounted for in another fund.

GENERAL OBLIGATION BONDS. Bonds that finance a variety of public projects such as streets, building, and improvements. These bonds are backed by the full faith and credit of the issuing government.

GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP). Uniform minimum standards of and guidelines to financial accounting and reporting. These principles govern the form and content of the basic financial statements of an entity; encompass the conventions, rules, and procedures necessary to define accepted

accounting practice at a particular time; include not only broad guidelines of general application, but also detailed practices and procedures; and, provide a standard by which to measure financial presentations.

GOVERNMENTAL FUNDS. Funds, within a governmental accounting system, that support general tax supported governmental activities.

GRANTS. Contributions or gifts of cash or other assets from another government to be used or expended for a specific purpose, activity, or facility.

GROWTH GUIDANCE PLAN. The Growth Guidance Plan includes a statement of strategic priorities/policies adopted by the City Council that are intended to guide the growth and development of the City until 2030.

HOTEL/MOTEL TAX. Pursuant to State law, a tax is levied upon the cost of occupancy of any room or space furnished by any hotel/motel. The current rate of taxation is 13% (7% of which is paid to the City and budgeted for limited uses and 6% of which is collected by the State).

IMPACT FEES. Fees assessed to developers to help defray a portion of the costs that naturally result from increased development. By Texas law, these fees must be used for capital acquisition or debt service relating to capital projects.

INTERFUND TRANSFERS. Amounts transferred from one fund to another.

INTERNAL SERVICE FUND. A fund to account for any service that services other funds in the government.

INVESTMENTS. Securities and real estate held for the generation of revenue in the form of interest, dividends, rentals, or lease payments. The term does not include fixed assets used in governmental operations.

LEVY. (Verb) To impose taxes, special assessments, or special charges for the support of governmental activities. (Noun) The total amount of taxes, special assessments, or special charges imposed by a government.

LONG-TERM DEBT. Debt with a maturity of more than one year after the date of issuance.

MODIFIED ACCRUAL BASIS. The accrual basis of accounting adapted to the governmental fund type spending measurement focus. Under this basis, revenues are recognized when they become both "measurable" and "available to finance expenditures within the current period". Expenditures are recognized when the related fund liability is incurred except for: (1) inventories of materials and supplies which may be considered expenditures either when purchased or when used; (2) prepaid insurance and similar items which need not be reported; (3) accumulated unpaid vacation, sick pay, and other employee benefit amounts which need not be recognized in the current period, but for which larger-than-normal amounts which need not be recognized in the current period, but for which larger-than-normal accumulations must be disclosed in the notes to the financial statements; (4) interest on special assessment indebtedness which may be recorded when due rather than accrued, if approximately offset by interest earning on special assessment levies; and (5) principal and interest on long-term debt which are generally recognized when due.

OPERATING BUDGET. A plan of current year expenditures and the proposed means of financial acquisition, spending, and service delivery activities of government are controlled.

OPERATING TRANSFERS. All interfund transfers other than residual equity transfers.

ORDINANCE. A formal legislative enactment by the governing board of a municipality. If an ordinance is not in conflict with any higher form of law, such as a state statute or constitutional provision, it has the full force and effect of law within the boundaries of the municipality to which it applies. The difference between an ordinance and a resolution is that the latter is less formal and has a lower legal "status". Ordinarily, statutes or characters will specify or imply those legislative actions that must be by ordinance and those which may be by resolution. Revenue raising measures such as these required for imposition of taxes, special assessments and service charges, universally require ordinances.

PERFORMANCE MEASURES. Performance measures are specific quantitative and qualitative indicators that report on the progress of activities and goals. Measures include inputs (the resources required to complete objectives), outputs (the number of units produced), efficiency measures (the number of units produced per input), and outcome measures (the end result of the objective).

PROGRAM DESCRIPTION. A description of the nature of service delivery provided at a particular level of funding.

PROGRAM GOALS. Goals identify the end result the department/division desires to achieve with its activities, but goals are often ongoing and may not be achieved in one year.

PROPERTY TAX. Property taxes are levied on both real and personal property according to the property's valuation and the tax rate.

PROPRIETARY FUND. Funds, within a governmental accounting system, that operate like business entities. These funds are characterized as either enterprise or internal service funds.

RESERVE. A portion of fund restricted for a specific purpose and is, therefore, not available or recommended for general appropriation.

RETAINED EARNINGS. An equity account reflecting the accumulated earnings of an enterprise or internal service fund.

REVENUE BONDS. Bonds for which principal and interest are payable exclusively from earnings from an Enterprise Fund. In addition to a pledge of revenues, such bonds sometimes contain a mortgage on the Enterprise Fund's property.

REVENUES. (1) Increases in governmental fund type net current assets from other than expenditure refunds and residual equity transfers. Under NCGA Statement I, general long-term debt proceeds and operating transfers in are classified as "other financing sources" rather than revenues. (2) Increases in proprietary fund type net total assets from other than expense refunds, capital contributions, and residual equity transfers. Under NCGA Statement I, operating transfers in are classified separately from revenues.

SALES TAX. A general "sales tax" is levied on all persons and businesses selling merchandise in the City limits on a retail basis. The current sales tax rate for the City is 8.25% (with only 1.5% rebated to the City from the State).

SERVICE CHARGES. Service charges are allocated to all Enterprise Fund activities (e.g., water/sewer) for indirect management and administrative support provided by General Fund departments.

SURPLUS. The excess of the assets or resources of a fund over its liabilities or obligations.

TAXES. Compulsory charges levied by a government for the purpose of financing services performed for the common benefit of the public. This term does not include specific charges made against particular persons or property for current or permanent benefits such as special assessments (neither does the term include charges for services rendered only to those paying such charges as, for example, sewer service charges).

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ). The Texas Commission on Environmental Quality monitors the City's utility system for safety and compliance with state law.

TEA 2I. The Transportation Equity Act 2I provided grant funding to the City for the Cottonwood Trail Phase II project.

TEXAS WATER DEVELOPMENT BOARD (TWDB). The City of Hutto is seeking low-interest funding for the Brushy Creek Wastewater Interceptor capital project from the Texas Water Development Board's Clean Water Program.

UNENCUMBERED BALANCE. The amount of an appropriation that is neither expended nor encumbered. It is essentially the amount of money still available for future purchases.

WORKLOAD MEASURES. Workload measures reflect major activities of the division/department in terms of quantity of work accomplished. They should be able to be tracked with a reasonable amount of time and effort.

UNIFIED DEVELOPMENT CODE (UDC). The Unified Development Code is a comprehensive document that outlines all development related codes and ordinances for the City.

ACRONYMS & ABBREVIATIONS

APA. American Planning Association.

AP. Accounts Payable.

AR. Accounts Receivable.

ARRA. American Recovery and Reinvestment Act.

AWWA. American Waterworks Association.

BRA. Brazos River Authority.

CAFR. Comprehensive Annual Financial Report.

CAMPO. Capitol Area Metropolitan Planning Organization.

CAPCOG. Capitol Area Council of Governments.

CCN. Certificate of Convenience and Necessity (water and wastewater).

CDBG. Community Development Block Grant.

CIP. Capital Improvements Plan.

CMO. City Manager's Office Division.

CO BOND. Certificates of Obligation Bond.

COLA. Cost of Living Adjustment.

CTLS. Central Texas Library System

CWSRF. Clean Water State Revolving Fund.

EECBG. Energy Efficiency & Conservation Block Grant.

EIS. Executive Information Systems.

ESD#3. Emergency Services District Number 3.

ETR. The Effective Tax Rate.

ETJ. The Extra-Territorial Jurisdiction.

EWCHC. Eastern Williamson County Higher Education Center.

FTE. Full-time Equivalent.

FY. Fiscal Year.

GO BOND. General Obligation Bond.

GAAP. Generally Accepted Accounting Principles.

GASB. Governmental Accounting Standards Board.

GFOA. Government Finance Officers Association.

GGP. Growth Guidance Plan.

GIS. Geographic Information System.

GPD. Gallons per day.

GPS. Global Positioning System.

HEDC. Hutto Economic Development Corporation.

HISD. Hutto Independent School District.

HOT. Heart of Texas Water Supply.

HPC. Historic Preservation Commission.

HR. Human Resources.

I&S. Interest and Sinking.

ICMA. International City Managers Association.

IT. Information Technology.

ISF. Internal Service Fund

Jonah SUD. Jonah Service Utility District

KHB. Keep Hutto Beautiful Commission.

LCRA. Lower Colorado Rivera Authority.

LS. Lift Station.

MGD. Million gallons per day.

MOU. Memorandum of Understanding.

O&M. Operations and Maintenance.

ODP. Organizational Development Plan.

P&Z. Planning and Zoning Commission.

PAFR. Popular Annual Financial Report.

PID. Public Improvement District

PO. Purchase Order.

PY. Prior Fiscal Year

RFP. Request for Proposal.

RFQ. Request for Qualifications.

SCADA. Supervisory Control and Data Acquisition.

SECO. State Energy Conservation Office.

TCEQ. Texas Commission on Environmental Quality.

TEA 2I. The Transportation Equity Act for the 21st Century.

TIF/TRZ. Tax Increment Financing or Tax Re-investment Zone.

TLETS. Texas Law Enforcement Telecommunication System.

TML. Texas Municipal League.

TMLIRP. Texas Municipal League Intergovernmental Risk Pool.

TMRS. Texas Municipal Retirement System.

TSLA. Texas State Library Association.

TWC. Texas Workforce Commission.

TWDB. Texas Water Development Board.

TXDOT. Texas Department of Transportation.

UB. Utility Billing.

UCR. Uniform Crime Report.

UDC. Unified Development Code.

WCCAC. Williamson County Children's Advocacy Center.

WCCHD. Williamson County and Cities Health District.

WILCO. Williamson County.

WWTP. Wastewater Treatment Plant.

YAC. Youth Advisory Commission.

Regular City Council
AGENDA ITEM
10.B.



To: Regular City Council
Subject: Consideration and possible action on the second reading of an ordinance levying Ad Valorem taxes for the use and support of the municipal government for the City of Hutto for the Tax Year 2019.
Meeting: Regular City Council - 19 Sep 2019
Department: Finance
Staff Contact: Michel Sorrell

BACKGROUND INFORMATION:

The impact of the tax rate was discussed as part of the budget presentations. The proposed tax rate of \$0.631351 per \$100 valuation is also the rollback rate. The proposed tax rate is 30.6% higher than the effective tax rate of \$0.483486. The City Council hosted two public hearings on the proposed ad valorem rate.

The proposed rate is divided as follows to meet the debt service requirements of the City:

Maintenance and Operations of the general government (General Fund), a rate of \$0.397768 on each \$100 valuation of property; debt service on bonds sold for the support of general government, a rate of \$0.233583 on each \$100 valuation of property.

The State requires certain language be used in the motion to adopt the tax rate. The motion to adopt the recommended tax rate is as follows:

"I move that the property tax rate be increased by the adoption of the tax rate of \$0.631351, which is effectively a 30.6% increase in the tax rate:

FINANCIAL IMPACT:

The budget for the General Fund and Interest and Sinking Fund (Debt Service) are predicated on the above stated rates.

ATTACHMENTS:

[Ordinance Levying Ad Valorem Taxes for use 2019-2020](#)

ORDINANCE NO.

AN ORDINANCE LEVYING AD VALOREM TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT FOR THE CITY OF HUTTO FOR THE TAX YEAR 2019; PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSE; AND, PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID; AND PROVIDING FOR A PUBLICATION CLAUSE, SEVERABILITY CLAUSE, AND REPEALING CLAUSE.

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

SECTION I.

That there is hereby levied and there shall be collected for the use and support of the Municipal Government of the City of Hutto, upon all property, real personal and mixed, within the corporate limits of said City subject to taxation a tax of \$0.631351 on each \$100.00 valuation of property, said tax being levied and apportioned to the specific purpose herein set forth.

1. For the Maintenance and Operations of the general government (General Fund), a rate of \$0.397768 on each \$100.00 valuation of property and
2. For debt service on bond sold for the support of general government, a rate of \$0.233583 on each \$100.00 valuation of property.

SECTION II.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 2.17% AND WILL INCREASE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 BY APPROXIMATELY \$8.47.

SECTION III.

That the Taxes levied under this ordinance shall be due October 1, 2019, and if not paid on or before January 31, 2020, shall become delinquent.

SECTION IV.

All Taxes shall become a lien upon the property against which assessed, and the City Tax Assessor and Collector of the City of Hutto is hereby authorized and empowered to enforce the collection of such Taxes according to the Constitution and Laws of the State of Texas and ordinances of the City of Hutto and shall, by virtue of the tax rolls, fix and establish a lien by levying upon such property whether real or personal, for the payment of said taxes, penalty and interest, and the interest and penalty collected from such delinquent taxes shall be apportioned to the General Fund of the City of Hutto. All delinquent taxes shall bear interest from the date of delinquency at the rate as prescribed by State Law.

SECTION V. Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION VI. Severability Clause

The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION VII. Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION VIII. Open Meeting Clause

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 hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended. .

SECTION IX.

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** on **first reading** on this the **5th** day of **September, 2019**, at a regular called meeting of the City Council of the City of Hutto, there being a quorum present, by a record vote:

AYES:

NAYS:

READ, APPROVED and **ADOPTED** on **second reading** this **19th** day of **September, 2019** at a regular meeting of the City Council of the City of Hutto, there being a quorum present, by a record vote and approved by the Mayor on the date set out above.

AYES:

NAYS:

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Lacie Hall, City Secretary

Regular City Council
AGENDA ITEM
10.C.



To: Regular City Council
Subject: Consideration and possible action on the second reading of an ordinance ratifying an Ad Valorem tax increase for the 2019-2020 Fiscal Year for the use and support of the municipal government for the City of Hutto for the Tax Year 2019. (Michel Sorrell)
Meeting: Regular City Council - 19 Sep 2019
Department: Finance
Staff Contact: Michel Sorrell

BACKGROUND INFORMATION:

House Bill 3195 was adopted by the Texas Legislature during the 2007 legislative session. It requires a separate vote of the governing body to ratify the property tax increase in addition to and separate from the vote to adopt the budget or vote to set the tax rate required by Chapter 27, Tax Code, or other law.

If the proposed rate of \$0.631351 per \$100 valuation is adopted, this budget will raise more total property taxes than last year's budget by \$648,255, or 8.99%, and of that amount \$427,252 is tax revenue to be raised from new property added to the tax roll this year.

FINANCIAL IMPACT:

The budget for the General Fund and Interest and Sinking Fund (Debt Service) is predicated on the proposed tax rate of \$0.631351 per \$100 valuation.

RECOMMENDATION:

Staff recommends the Council approve the first reading of the ordinance.

ATTACHMENTS:

[Ordinance Ratifying the Property Tax Increase for FY 20](#)

ORDINANCE NO.

AN ORDINANCE RATIFYING A PROPERTY TAX INCREASE FOR THE FISCAL YEAR 2020 FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT FOR THE CITY OF HUTTO; AND PROVIDING FOR A PUBLICATION CLAUSE, SEVERABILITY CLAUSE, AND REPEALING CLAUSE.

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

SECTION I.

That this budget will raise more total property taxes than last year's budget by \$648,255 or 8.99%, and of that amount \$427,252 is tax revenue to be raised from new property added to the tax roll this year based on an ad valorem rate of \$0.631351 on each \$100.00 valuation of property.

SECTION II.

That the 2019 taxable value on the 2019 certified appraisal roll totals \$2,083,509,882 compared to \$1,848,642,234 in 2018.

SECTION III.

That the proposed Fiscal Year 2020 Budget and tax levy shall be adopted in separate ordinances and will become effective October 1, 2019, and end September 30, 2020.

SECTION IV. Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION V. Severability Clause

The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION VI. Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION VII. Open Meeting Clause

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 hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION VIII.

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** the **first reading** on the **5th** day of **September 2019**, at a regular meeting of the City Council of the City of Hutto, there being a quorum present, by ____ "Ayes" and ____ "Nays".

READ, APPROVED and **ADOPTED** on the **second reading** this **19th** day of **September 201**, at a regular meeting of the City Council of the City of Hutto, there being a quorum present, by ____ "Ayes" and ____ "Nays", and approved by the Mayor on the date set out above.

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Lacie Hale, City Secretary

Regular City Council
AGENDA ITEM
10.D



To: Regular City Council
Subject: Consideration and possible action on the second reading of an ordinance concerning the adoption of the Hutto Economic Development Corporation - Type B Fiscal Year 2019-2020 Budget. (Michel Sorrell)
Meeting: Regular City Council - 19 Sep 2019
Department: Finance
Staff Contact: Michel Sorrell

BACKGROUND INFORMATION:

The Hutto Economic Development Corporation - Type B by-laws require the Hutto Economic Development Corporation - Type B budget to be approved by City Council before the budget will become effective. The by-laws also require that the budget be adopted at least sixty (60) days prior to the beginning of the next fiscal year. The Hutto Economic Development Corporation - Type B fiscal year is the same as the City, which starts October 1 and ends September 30.

FINANCIAL IMPACT:

The State Comptroller's office remits the 1/2 cent Type B economic development sales tax to the City. The funds are then allocated to the Hutto Economic Development Corporation - Type B account monthly.

The FY 2019-2020 Budget totals \$1,267,710 in expenditures. This includes salary and benefits, administrative and professional fees, incentive programs and debt service.

Currently the Hutto Economic Development Corporation - Type A is still in existence because the entity issued bonds for the purchase of land. The Type A does not collect the voter elected sales tax. In order for the Type A to pay the debt service for the bond issuance the Type B must pay the Type A those funds. Debt service for FY 2020 is \$544,994, including principal and interest.

The City Council is asked to approve the budget of the Hutto Economic Development Corporation - Type B to comply with Section 501.073 of the Texas Local Government Code which states:

Sec. 501.073 SUPERVISION BY AUTHORIZING UNIT. (a) The corporation's authorizing unit will approve all programs and expenditures of a corporation and annually review any financial statements of the corporation.

RECOMMENDATION:

The Hutto Economic Development Corporation Board of Directors recommended approval of the proposed budget at their meeting on August 5, 2019.

Staff recommends approval of the ordinance.

ATTACHMENTS:

[FY 2019-20 Budget Ordinance HEDC Type B](#)
[EDC Type B Budget FY 2019-2020](#)

ORDINANCE NO. _____

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE HUTTO ECONOMIC DEVELOPMENT CORPORATION TYPE B FOR THE FISCAL YEAR OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2020 AND ADOPTING THE ANNUAL BUDGET OF THE HUTTO ECONOMIC DEVELOPMENT CORPORATION TYPE B FOR THE 2019-20 FISCAL YEAR; PROVIDING FOR A PUBLICATION CLAUSE, SEVERABILITY CLAUSE, AND OPEN MEETING CLAUSE.

WHEREAS, the Hutto Economic Development Corporation Type B budget for the fiscal year October 1, 2019 through September 30, 2020, was duly presented to the City Council.

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

SECTION I.

That the appropriations for the fiscal year October 1, 2019 through September 30, 2020 for the support of the Hutto Economic Development Corporation Type B be fixed and determined for said terms in accordance with the expenditures shown in the Hutto Economic Development Corporation Type B's 2020 fiscal year budget, a summary of which is appended hereto as Exhibit A.

SECTION II.

That the budget, as shown in words and figures in **Exhibit A**, is hereby approved in all respects and adopted as the City's budget for the fiscal year October 1, 2019 through September 30, 2020.

SECTION III. Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION IV. Severability Clause

The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION V. Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION VI. Open Meeting Clause

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 hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION VII.

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** the first reading of the ordinance on the **5th** day of **September, 2019,**

READ, APPROVED, and ADOPTED on the second reading of the ordinance on the **19th** day of **September, 2019/**

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Lacie Hale, City Secretary

EDC Type B (CDC) Budget for FY 2019-2020

	<u>Proposed</u>
Revenue	
Sales Tax	1,367,325
Interest & Other	12,500
	<u>1,379,825</u>
<u>EXPENSES</u>	
Personnel & Benefits	132,837
Community Relations	-
Administrative Costs	1,000
Business Program Administrative Costs	18,000
Postage	250
Marketing	30,000
Professional Expenses	
Audit	3,600
Legal	5,000
Reimbursement for External Staffing	80,029
Appraisal Services	
Training/Conferences	15,000
Membership Dues	12,000
Other	-
<u>INCENTIVE PROGRAMS</u>	
Williamson County Higher Education Payment	125,000
Co-op District (<i>funds to be paid to PID Bonds</i>)	
<i>Flix</i>	
<i>Southside BBQ</i>	
<i>Others</i>	
AEND	25,000
JRS	25,000
Projects/Incentives	100,000
Small Business Incentive Program	150,000
Total Expenditures	<u>722,716</u>
Revenues over expenditures	657,109
<u>OTHER FINANCING SOURCES AND USES</u>	
Bond Revenues	
Debt Service Payment	<u>(544,994)</u>
Total Other Financing Sources (Uses)	<u>(544,994)</u>
Net Income	112,115
Beginning Fund Balance	743,148
Ending Fund Balance	855,263

Regular City Council
**AGENDA ITEM
10.E.**



To: City Council
Subject: Consideration of a public hearing and possible action on the second and final reading of an ordinance regarding the proposed annexation of Covered Bridge, 49.95 acres, more or less, of land, and to establish base zoning as SF-1 (Single Family Residential), located on CR 138. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

A Municipal Service Plan (MSP) has been drafted per the Council's directive from their regularly scheduled meeting on August 15, 2019.

Upon completion of the second and final reading of the annexation ordinance the annexation process is complete. An annexation ordinance requires a second reading prior to final approval.

RECOMMENDATION:

Staff recommends that the Council approve the second and final reading of the ordinance.

ATTACHMENTS:

[CoveredBridge\(49.95ac\)Annex-PHNotice\(News\)2nd
\(Ord\)CoveredBridgeAnnex-49.95ac\(Ord\)Complete\(2nd Read\)](#)

PUBLIC NOTICE NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO CITY COUNCIL WILL HOLD A PUBLIC HEARING REGARDING:

The proposal to institute annexation proceedings to enlarge and extend the city limits boundary of said City to include the following described properties consisting of approximately 49.95 acres and to establish base zoning as SF-1 (Single Family Residential) heretofore referred to as the Covered Bridge, to-wit:

The Covered Bridge property (49.95 acres) described as being out of the John Kelsey Survey, Abstract No. 377, in Williamson County, Texas.

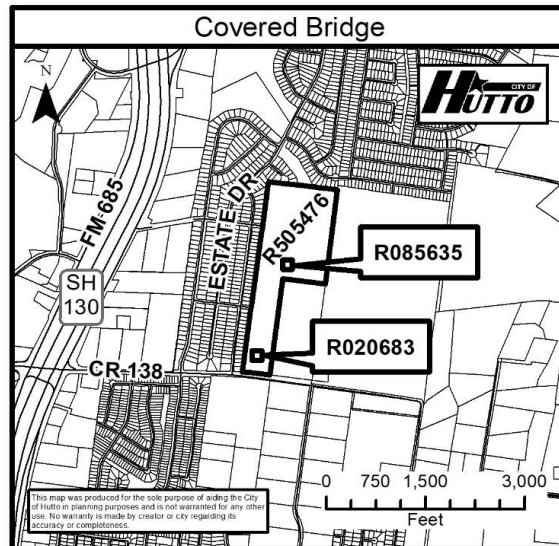
At said time and place all such persons interested shall have the right to appear and be heard. Of all said matters and things, all persons interested in the subject matter herein mentioned shall take notice.

A public hearing will be held on
September 19, 2019 at 7:00 p.m.

Hutto City Hall
500 W. Live Oak St., Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov

Publication Date: September 1, 2019



ORDINANCE NO.

AN ORDINANCE ANNEXING CERTAIN HEREINAFTER DESCRIBED ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF HUTTO, TEXAS, TO WIT: 49.95 ACRES, MORE OR LESS, OF LAND, DESCRIBED IN EXHIBIT “A”, ALL OF SAID PROPERTY BEING SITUATED IN WILLIAMSON COUNTY, TEXAS, AND ALL ADJACENT ROADWAYS BEING FOR ANNEXATION; EXTENDING THE BOUNDARY LIMITS OF HUTTO SO AS TO INCLUDE SAID PROPERTY WITHIN HUTTO’S CITY LIMITS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH PROPERTY SHALL BECOME A PART OF THE CITY OF HUTTO AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY NOW IN EFFECT AND THOSE WHICH ARE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the City of Hutto, Texas (the “City”) is a duly constituted home-rule municipality and, as such, is authorized to annex territory subject to the laws of the State of Texas and subject to its Charter, and;

WHEREAS, pursuant to Section 43.028 of the Texas Local Government Code, the owners of a tract of land containing 49.95 acres, more or less, of land, being out of the John Kelsey Survey, Abstract No. 377 in Williamson County, Texas, and being more particularly described in **Exhibit “A”** attached hereto and made part hereof by reference for all purposes, have petitioned the City Council in writing to annex the Property, and;

WHEREAS, the procedures prescribed by the Charter of the City of Hutto and the applicable laws of the State of Texas have been duly followed with respect to the Property, and;

WHEREAS, the City Council of the City of Hutto by resolution directed the City’s Development Services Director to prepare a service plan that provided for the extension of full municipal services to the Property, and such service plan was duly prepared and described in **Exhibit “B”** attached hereto and made part hereof by reference for all purposes, and;

WHEREAS, such Property is (a) one-half mile or less in width; (b) contiguous to the City; and (c) vacant and without residents or on which fewer than three (3) qualified voters reside, and;

WHEREAS, after considering the public testimony received at each hearing, the City Council of the City of Hutto determines that annexation of the Property is proper in all respects and that such action is in the best interests of the community and its citizens, and;

WHEREAS, and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, concerning public notices, hearings, and other procedural matters has been fully complied with, and;

WHEREAS, the City Council of the City of Hutto determines that the Property for annexation which is more fully described in **Exhibit “A”** should become annexed.

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

SECTION I.

That all of the above recitations are found to be true and correct and are incorporated into the body of this ordinance.

SECTION II.

That the Property described in the attached **Exhibit “A”**, together with adjacent roadways, be and is hereby annexed and brought within the corporate city limits of the City of Hutto, Texas, and same is hereby made an integral part hereof; and that the boundary limits of the City of Hutto be the same are hereby extended to include the above described territory within the city limits of the City of Hutto, and the same shall hereinafter be included within the territorial limits of the City of Hutto, Texas and designated as SF-1 (Single Family Residential) Zoning District.

SECTION III.

That the owners and present and future inhabitants of the area herein annexed be entitled to all rights and privileges of other citizens and property owners of the City of Hutto, and hereby bound by all acts, ordinances, resolutions and regulations of the City, and all other legal actions now in full force and effect and all those which may be hereafter adopted.

SECTION IV.

That the appropriate city official of the City of Hutto is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official maps and boundaries of the City of Hutto, heretofore adopted and amended, so as to include the aforementioned territory hereby annexed, be and are hereby amended as part of the City of Hutto, Texas, as required by law.

SECTION V.

That the Service Plan providing for extension of municipal services to the areas proposed to be annexed, attached hereto and incorporated herein as **Exhibit “B”**, is hereby approved.

SECTION VI.

That the City Secretary is hereby directed and authorized to file a certified copy of this ordinance in the Office of the County Clerk of Williamson County, Texas.

SECTION VII.

If any section, subsection, sentence, phrase, or word of this ordinance be found to be illegal, invalid or unconstitutional or if any portion of said Property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this ordinance or the application of any other section, sentence, phrase or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this ordinance and would have annexed the valid Property without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION VIII.

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

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

C. That 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 thereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION IX.

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** on first reading on this the **5th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

READ, PASSED and **ADOPTED** on second reading of ordinance this **19th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

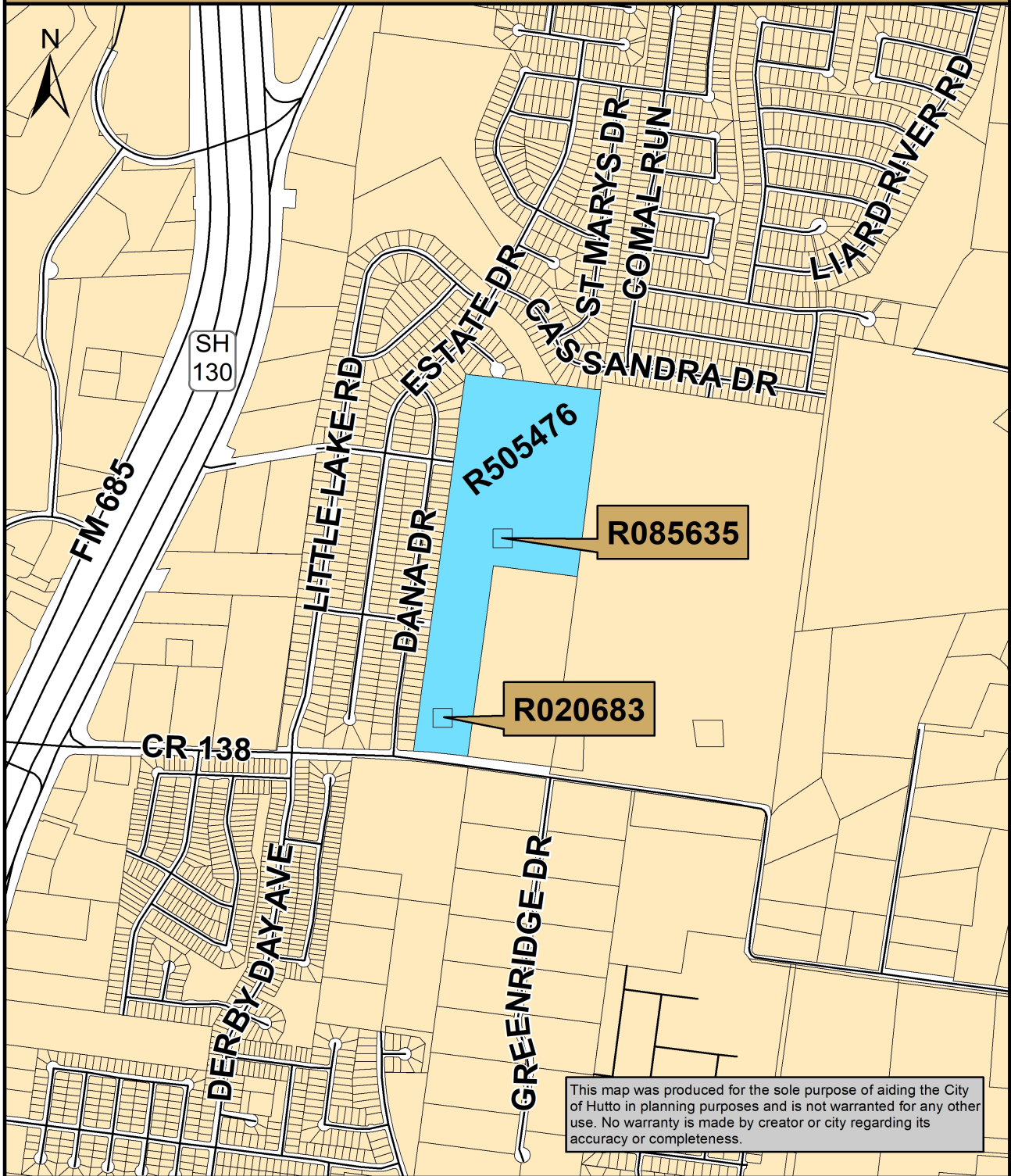
CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Lacie Hale, City Secretary

Covered Bridge



This map was produced for the sole purpose of aiding the City of Hutto in planning purposes and is not warranted for any other use. No warranty is made by creator or city regarding its accuracy or completeness.

DESCRIPTION OF A 27.970 ACRE TRACT OF LAND
WILLIAMSON COUNTY, TEXAS

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE N.D. WALLING SURVEY NO. 19, ABSTRACT NO. 675, SITUATED IN WILLIAMSON COUNTY, TEXAS; BEING THE REMAINDER OF THAT CALLED 51.06 ACRE TRACT AS CONVEYED TO CAROLYN PFEIFFER BY GENERAL WARRANTY DEED RECORDED IN VOLUME 1571, PAGE 383 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, AND ALL OF THAT CALLED 4.9935 ACRE TRACT AS CONVEYED TO CAROLYN R. PFEIFFER BY QUITCLAIM DEED RECORDED IN DOCUMENT NUMBER 2010027733, ALL OF THAT CALLED 4.9619 ACRE TRACT AS CONVEYED TO CAROLYN R. PFEIFFER BY QUITCLAIM DEED RECORDED IN DOCUMENT NUMBER 2010027734, ALL OF THAT CALLED 4.5314 ACRE TRACT AS CONVEYED TO CAROLYN R. PFEIFFER BY QUITCLAIM DEED RECORDED IN DOCUMENT NUMBER 2010027735, AND ALL OF THAT CALLED 5.6279 ACRE TRACT AS CONVEYED TO CAROLYN R. PFEIFFER BY QUITCLAIM DEED RECORDED IN DOCUMENT NUMBER 2010027736 ALL OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, WHICH INCLUDES A PORTION OF AN OLD COUNTY ROAD RIGHT-OF-WAY AS ABANDONED BY THE COMMISSIONERS COURT OF WILLIAMSON COUNTY, TEXAS, ON DECEMBER 2, 1997, AS RECORDED IN VOLUME 97, PAGE 193 OF THE MINUTES OF SAID COMMISSIONERS COURT OF WILLIAMSON COUNTY, TEXAS, AS AGENDA ITEM NUMBER 16; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found on the north right-of-way line of Kaatz Lane (right-of way width varies), at the southwest corner of Lot 1, Block K, Lakeside Estates, Phase 1-A, a subdivision as recorded in Cabinet R, Slides 394-397 of the Plat Records of Williamson County, Texas, being the southeast corner of the above described Pfeiffer 4.9935-acre tract, for the southeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, with the north right-of-way line of said Kaatz Lane, S 78°47'57" W a distance of 634.46 feet to a 1/2-inch iron rod with aluminum cap stamped "TXDOT" found at the intersecting north right-of-way line of said Kaatz Lane with the east right-of-way line of Texas State Highway 130-Toll Road (right-of-way width varies), being the most southerly southwest corner of said Pfeiffer 4.9935-acre tract, for the most southerly southwest corner of the herein described tract, from which a 1/2-inch iron rod found bears, S 32°02'53" W a distance of 10.78 feet;

THENCE, with the east right-of-way line of said SH 130, N 26°21'26" E a distance of 88.06 feet to a 1/2-inch iron rod with cap stamped "BGE INC" set at an interior corner of said Pfeiffer 4.9935-acre tract, for an interior corner of the herein described tract;

THENCE, continuing with the east right-of-way line of said SH 130, N 63°38'35" W a distance of 77.17 feet to a 1/2-inch iron rod with cap stamped "BGE INC" at the most westerly southwest corner of said Pfeiffer 4.9935-acre tract, for the most westerly southwest corner of the herein described tract;

THENCE, continuing with the east right-of-way line of said SH 130, along a curve to the left an arc distance of 1,683.74 feet, having a radius of 4,142.56 feet, a central angle of 23°17'16" and a chord which bears N 14°34'56" E a distance of 1,672.17 feet to a 1/2-inch iron rod with cap stamped "BGE INC" set at the common west corner of the above described Pfeiffer 5.6279-acre tract and Pfeiffer remainder tract;

THENCE, continuing with the east right-of-way line of said SH 130, N 02°50'49" E a distance of 248.62 feet to a 1/2-inch iron rod found at an exterior corner of said Pfeiffer remainder tract, for an exterior corner of the herein described tract;

THENCE, continuing with the east right-of-way line of said SH 130, S 87°09'16" E a distance of 91.66 feet to a 1/2-inch iron rod with aluminum cap stamped "TXDOT" found at an interior corner of said Pfeiffer remainder tract, for an interior corner of the herein described tract;

THENCE, continuing with the east right-of-way line of said SH 130, N 02°50'43" E a distance of 144.38 feet to a 1/2-inch iron rod found at an interior corner of said Pfeiffer remainder tract, for an interior corner of the herein described tract;

THENCE, continuing with the east right-of-way line of said SH 130, N 87°09'16" W a distance of 91.66 feet to a 1/2-inch iron rod found at an exterior corner of said Pfeiffer remainder tract, for an exterior corner of the herein described tract;

THENCE, continuing with the east right-of-way line of said SH 130, N 02°50'44" E a distance of 49.13 feet to a cotton gin spindle found on the west line of said Pfeiffer remainder tract, at a point of curvature of a curve to the right;

THENCE, continuing with the east right-of-way line of said SH 130, along said curve to the right an arc distance of 248.56 feet, having a radius of 1,500.00 feet, a central angle of 09°29'40" and a chord which bears N 07°35'34" E a distance of 248.28 feet to a 1/2-inch iron rod with cap stamped "BGE INC" set at the southwest corner of a called 11.24 acre tract as conveyed to Dreamgirl, LP by special warranty deed recorded in Document Number 20098093521 of the Official Public Records of Williamson County, Texas, being the northwest corner of said Pfeiffer remainder tract, for the northwest corner of the herein described tract, from which a disturbed 1/2-inch iron rod with aluminum cap stamped "TXDOT" bears, along a curve to the right an arc distance of 332.99 feet, having a radius of 1,500.00 feet, a central angle of 12°43'09" and a chord which bears N 18°41'59" E, a distance of 332.30 feet;

THENCE, leaving the east right-of-way line of said SH 130, with the south line of said Dreamgirls 11.24-acre tract, S 77°48'35" E a distance of 523.11 feet to a 1/2-inch iron rod with cap stamped "CHAPARRAL 4995" found at the southeast corner of said Dreamgirls 11.24-acre tract, on the west line of Lot 74, Block K, Lakeside Estates Section Four, a subdivision as recorded in Cabinet X, Sides 201-204 of the Plat Records of Williamson County, Texas, for the northeast corner of the herein described tract;

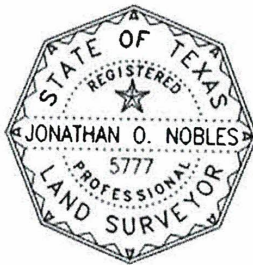
THENCE, with the west line of Lot 74, Block K, of said Lakeside Estates Section Four and the west line of Lot 24-AA, Block K, of the Amended Plat of Lot 24, Block K, Lakeside Estates, Phase 1-A and Lot 34, Block K, Lakeside Estates, Phase 1-B a subdivision as recorded in Cabinet V, Side 292 of the Plat Records of Williamson County, Texas, S 03°48'24" W a distance of 498.96 feet to a 1/2-inch iron rod with cap stamped "CHAPARRAL 4995" found on the west line of said Lot 24-AA, Block K;

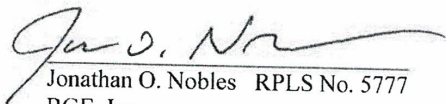
THENCE, continuing with the west line of said Lot 24-AA, Block K and the west line of Lakeside Estates, Phase 1-A a subdivision as recorded in Cabinet R, Slides 194-197 of the Plat Records of Williamson County, Texas, S 08°01'21" W, pass a 1/2-inch iron rod found at the northeast corner of said Pfeiffer 5.6279-acre tract at a distance of 190.59 feet and continuing on for a total distance of 394.87 feet to a 1/2-inch iron rod with cap stamped "CHAPARRAL 4995" found on the west line of Lot 20, Block K, of said Lakeside Estates, Phase 1-A;

THENCE, continuing with the west line of said Lakeside Estates, Phase 1-A, S 10°31'25" W, pass a 1/2-inch iron rod found at the common east corner of said Pfeiffer 5.6279-acre tract and the above described Pfeiffer 4.5314-acre tract at a distance of 223.64 feet and continuing on for a total distance of 588.70 feet to a 1/2-inch iron rod with cap stamped "BGE INC" set on the east line of the above described Pfeiffer 4.9619-acre tract, being on the west line of Lot 12, Block K of said Lakeside Estates, Phase 1-A;

THENCE, continuing with the west line of said Lakeside Estates, Phase 1-A, S 10°57'05" W pass a 1/2-inch iron rod found on the west line of Lot 5, Block K of said Lakeside Estates, Phase 1-A, at the common east corner of said Pfeiffer 4.9619-acre tract and said Pfeiffer 4.9935-acre tract at a distance of 377.32 feet and continuing on for a total distance of 731.12 feet to the **POINT OF BEGINNING** and containing 27.970 acres of land, more or less.

I hereby certify that these notes were prepared by BGE from a survey made on the ground on May 09, 2019 under my supervision and are true and correct to the best of my knowledge. Bearing orientation is based on the Texas State Plane Coordinate System, Central Zone, NAD 83.




Jonathan O. Nobles RPLS No. 5777
BGE, Inc.

5/13/2019
Date

7000 North Mopac, Suite 330
Austin, Texas 78731
Telephone: (512) 879-0400
TBPLS Licensed Surveying Firm No. 10106502

Date: May 13, 2019
Project No.: 6712-01-0040

**CITY OF HUTTO
MUNICIPAL SERVICE PLAN
FOR PROPOSED ANNEXATION OF**

EXHIBIT “B”

**77.92 acres, more or less, of land, out of the
John Kelsey Survey, Abstract No. 377, and the N.D. Walling Survey, Abstract No. 675, in
Williamson County, Texas.**

The City of Hutto, Texas will provide for the extension of full municipal services into the area proposed to be annexed in accordance with Texas Local Government Code §43.056.

FIRE

Existing Services: Williamson County Emergency Service District #3

Services to be Provided:

Provides fire suppression and emergency services to the area. Primary fire response will be provided by Williamson County Emergency Service District #3, located at the following address: 501 Exchange Boulevard. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

POLICE

Existing Services: Williamson County Sheriff's Department

Services to be Provided:

Upon annexation, the City of Hutto Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriations.

BUILDING INSPECTION

Existing Services: None

Services to be Provided:

The Development Services Department will provide Building Inspection Services and the Hutto Police Department will provide Code Enforcement Services upon annexation. The Development Services Department's role will include issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City of Hutto. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

PLANNING AND ZONING

Existing Services: Review of subdivision development plans under City's Subdivision Ordinance. No municipal zoning or land use controls except for those imposed by State Law.

Services to be Provided:

The Hutto Development Services Department has responsibility for regulating development and land use through the administration of the City of Hutto's Zoning Ordinance, and this will extend to the area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Hutto's Subdivision Ordinance. These services can be provided within the departments' current budgets.

LIBRARY

Existing Services: None

Services to be Provided:

City Library privileges will be available to future residents in this area.

HEALTH DEPARTMENT - HEALTH CODE ENFORCEMENT SERVICE

Existing Services: Williamson Cities and County Health District

Services to be Provided:

Williamson Cities and County Health District will continue to implement enforcement of the health districts regulations on the effective date of annexation. Animal control services will also be provided to the area as needed by Hutto Animal Control Division of the Police Department.

STREET MAINTENANCE

Existing Services: Williamson County

Services to be Provided:

Maintenance and access to adjacent existing street facilities will be provided/overseen by appropriate City of Hutto departments.

STORM WATER MANAGEMENT

Existing Services: Williamson County Flood Plain Administrator

Services to be Provided

Developers will provide storm water drainage facilities as required of their development at their own expense and such will be inspected by the City's engineers at time of completion. The City of Hutto will then maintain the drainage in public rights of way upon approval of the construction. Property owners and/or Home Owner's Associations or similar entities will maintain drainage facilities located on private property. All construction within the flood plain will be through the appropriate Hutto department(s) and will meet FEMA Flood Plain regulations.

STREET LIGHTING

Existing Services: Oncor Electric Delivery

Services to be Provided:

There are no existing street lights in this area. The Developer will be responsible for initial installation and maintenance of street lighting, if required, within the development until such time as any internal streets have been accepted by the City Council.

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided:

The City of Hutto, through its appropriate departments, will be able to provide any necessary additional traffic control devices after the effective date of annexation.

WATER SERVICE

Existing Services: None

Services to be Provided:

Water service to the properties will be provided by Manville W.S.C.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided:

Sanitary sewer service to the properties will be provided by City of Hutto.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided:

Solid waste collection shall be provided to the area of annexation in accordance with current ordinances. Service shall comply with existing City of Hutto policies, beginning with occupancy of structures.

PARKS AND TRAILS

Existing Service: None

Services to be Provided:

All City operated parks and trail systems will be available to the residents of this area upon annexation.

MISCELLANEOUS

Existing Services: None

Services to be Provided:

All other applicable municipal services will be provided to the area in accordance with the City of Hutto's established policies governing extension of municipal services to newly-annexed areas.

NOTE:

Capital improvements sufficient for providing municipal services for the annexed area are in place such that the costs associated with the extension of service lines to proposed building sites within the area will be borne by owners and/or developers.

Regular City Council
AGENDA ITEM
10.F.



To: City Council
Subject: Consideration of a public hearing and possible action on the second and final reading of an ordinance regarding the proposed annexation of Durango Farms, 105.2 acres, more or less, of land, and to establish base zoning as SF-1 (Single Family Residential), located on FM 1660 North. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

A Municipal Service Plan (MSP) has been drafted per the Council's directive from their regularly scheduled meeting on August 15, 2019.

Upon completion of the second and final reading of the annexation ordinance the annexation process is complete. An annexation ordinance requires a second reading prior to final approval.

RECOMMENDATION:

Staff recommends that the Council approve the second and final reading of the ordinance.

ATTACHMENTS:

[DurangoFarms\(105.2ac\)Annex-PHNotice\(News\)2nd\(Ord\)DurangoFarmsAnnex-105.2ac\(Ord\)Complete\(1stRead\)](#)

PUBLIC NOTICE NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO CITY COUNCIL WILL HOLD A PUBLIC HEARING REGARDING:

The proposal to institute annexation proceedings to enlarge and extend the city limits boundary of said City to include the following described properties consisting of approximately 105.2 acres and to establish base zoning as SF-1 (Single Family Residential) heretofore referred to as the Durango Farms, to-wit:

The Durango Farms property (105.2 acres) described as being out of the E. Thomason Survey, Abstract No. 844, the William J. Brown Survey, Abstract No. 105, the Canutillo Colony Ditch Company Survey, Abstract No. 693, and the Hutto & Metcalfe Addition, Block 3-5 (PTS) and Lots 4-6, in Williamson County, Texas.

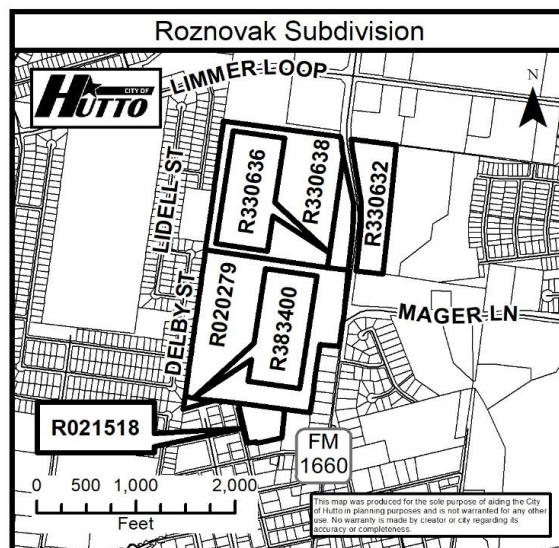
At said time and place all such persons interested shall have the right to appear and be heard. Of all said matters and things, all persons interested in the subject matter herein mentioned shall take notice.

A public hearing will be held on September 19, 2019 at 7:00 p.m.

Hutto City Hall
500 W. Live Oak St., Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov

Publication Date: September 1, 2019



ORDINANCE NO.

AN ORDINANCE ANNEXING CERTAIN HEREINAFTER DESCRIBED ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF HUTTO, TEXAS, TO WIT: 105.2 ACRES, MORE OR LESS, OF LAND, DESCRIBED IN EXHIBIT "A", ALL OF SAID PROPERTY BEING SITUATED IN WILLIAMSON COUNTY, TEXAS, AND ALL ADJACENT ROADWAYS BEING FOR ANNEXATION; EXTENDING THE BOUNDARY LIMITS OF HUTTO SO AS TO INCLUDE SAID PROPERTY WITHIN HUTTO'S CITY LIMITS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH PROPERTY SHALL BECOME A PART OF THE CITY OF HUTTO AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY NOW IN EFFECT AND THOSE WHICH ARE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the City of Hutto, Texas (the "City") is a duly constituted home-rule municipality and, as such, is authorized to annex territory subject to the laws of the State of Texas and subject to its Charter, and;

WHEREAS, pursuant to Section 43.028 of the Texas Local Government Code, the owners of a tract of land containing 105.2 acres, more or less, of land, being out of the E. Thomason Survey, Abstract No. 844, the William J. Brown Survey, Abstract No. 105, the Canutillo Colony Ditch Company Survey, Abstract No. 693, and the Hutto & Metcalfe Addition, Block 3-5 (PTS) and Lots 4-6, in Williamson County, Texas, and being more particularly described in **Exhibit "A"** attached hereto and made part hereof by reference for all purposes, have petitioned the City Council in writing to annex the Property, and;

WHEREAS, the procedures prescribed by the Charter of the City of Hutto and the applicable laws of the State of Texas have been duly followed with respect to the Property, and;

WHEREAS, the City Council of the City of Hutto by resolution directed the City's Development Services Director to prepare a service plan that provided for the extension of full municipal services to the Property, and such service plan was duly prepared and described in **Exhibit "B"** attached hereto and made part hereof by reference for all purposes, and;

WHEREAS, such Property is (a) one-half mile or less in width; (b) contiguous to the City; and (c) vacant and without residents or on which fewer than three (3) qualified voters reside, and;

WHEREAS, after considering the public testimony received at each hearing, the City Council of the City of Hutto determines that annexation of the Property is proper in all respects and that such action is in the best interests of the community and its citizens, and;

WHEREAS, and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, concerning public notices, hearings, and other procedural matters has been fully complied with, and;

WHEREAS, the City Council of the City of Hutto determines that the Property for annexation which is more fully described in **Exhibit "A"** should become annexed.

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

SECTION I.

That all of the above recitations are found to be true and correct and are incorporated into the body of this ordinance.

SECTION II.

That the Property described in the attached **Exhibit "A"**, together with adjacent roadways, be and is hereby annexed and brought within the corporate city limits of the City of Hutto, Texas, and same is hereby made an integral part hereof; and that the boundary limits of the City of Hutto be the same are hereby extended to include the above described territory within the city limits of the City of Hutto, and the same shall hereinafter be included within the territorial limits of the City of Hutto, Texas and designated as SF-1 (Single Family Residential) Zoning District.

SECTION III.

That the owners and present and future inhabitants of the area herein annexed be entitled to all rights and privileges of other citizens and property owners of the City of Hutto, and hereby bound by all acts, ordinances, resolutions and regulations of the City, and all other legal actions now in full force and effect and all those which may be hereafter adopted.

SECTION IV.

That the appropriate city official of the City of Hutto is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official maps and boundaries of the City of Hutto, heretofore adopted and amended, so as to include the aforementioned territory hereby annexed, be and are hereby amended as part of the City of Hutto, Texas, as required by law.

SECTION V.

That the Service Plan providing for extension of municipal services to the areas proposed to be annexed, attached hereto and incorporated herein as **Exhibit "B"**, is hereby approved.

SECTION VI.

That the City Secretary is hereby directed and authorized to file a certified copy of this ordinance in the Office of the County Clerk of Williamson County, Texas.

SECTION VII.

If any section, subsection, sentence, phrase, or word of this ordinance be found to be illegal, invalid or unconstitutional or if any portion of said Property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this ordinance or the application of any other section, sentence, phrase or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this ordinance and would have annexed the valid Property without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION VIII.

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

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

C. That 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 thereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION IX.

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** on first reading on this the **5th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

READ, PASSED and **ADOPTED** on second reading of ordinance this **19th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

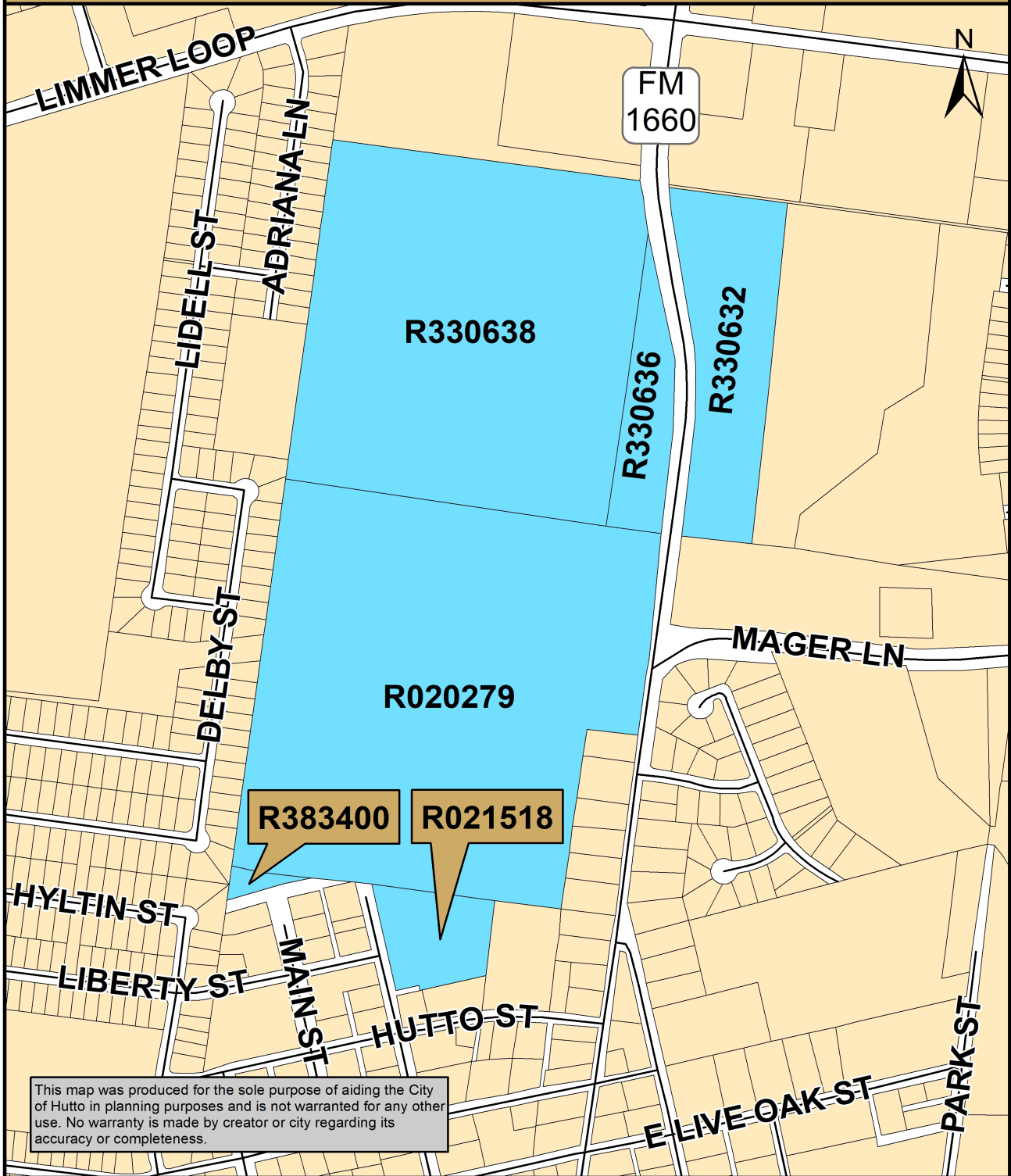
CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Lacie Hale, City Secretary

Roznovak Subdivision



Map Document: (K:\SITE LOCATION MAPS\2019 Site

Location Maps\Old_Town\Roznovak_Subdivision.mxd)

7/29/2019 -- 10:21:53 AM

Page 6 of 14



0 250 500 1,000
Feet

“EXHIBIT _”

DESCRIPTION OF 95.047 ACRES OF LAND IN THE J. SHELTON SURVEY, ABSTRACT NO. 560, THE E. THOMASON SURVEY, ABSTRACT NO. 844, AND THE W.J. BROWN SURVEY, ABSTRACT NO. 105, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF A CERTAIN CALLED 96.99 ACRE TRACT DESIGNATED AS TRACT ONE AND DESCRIBED IN THE DEED TO JERRY E. ROZNOVAK AND WIFE, HILDA ROZNOVAK OF RECORD IN VOLUME 443, PAGE 472, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, AND ALL OF CAPITOL STREET, A 50-FOOT RIGHT-OF-WAY AS SHOWN ON THE HUTTO AND METCALFE ADDITION SUBDIVISION PLAT OF RECORD IN BOOK 66, PAGE 148, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, AND AS SHOWN ON THE REVISED MAP OF CITY OF HUTTO OF RECORD IN CABINET A, SLIDE 221, PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 95.047 ACRES OF LAND, AS SURVEYED BY LANDDEV CONSULTING, LLC, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod with a plastic cap stamped “RJ Survey” (Grid Coordinates: N= 10,177,139.20, E= 3,174,174.80) found in the west right-of-way line of F.M. 1660, a variable-width right-of-way, in the north line of the said 96.99 acre tract, at the easterly southeast corner of a certain called 201.06 acre tract described in the deed to Billie B. Davenport of record in Volume 1079, Page 938, Deed Records of Williamson County, Texas, same being the southwest corner of a certain called 4.758 acre tract described in the deed to the State of Texas of record in Volume 476, Page 605, Deed Records of Williamson County, Texas, same being the northwest corner of a certain called 3.722 acre tract described in the deed to the State of Texas of record in Volume 476, Page 607, Deed Records of Williamson County, Texas, for the northeast corner and **POINT OF BEGINNING** of the tract described herein;

THENCE leaving the easterly southeast corner of the said 201.06 acre tract, crossing the said 96.99 acre tract, with the west right-of-way line of said F.M. 1660, and the west line of the said 3.722 acre tract, with the east line of the tract described herein, the following five (5) courses and distances:

1. with the arc of a curve to the left, having a radius of 1,186.28 feet, an arc distance of 167.73 feet, and a chord which bears S 05°38'19" E, a distance of 167.59 feet to a calculated point-of-tangency, from which a destroyed Texas Department of Transportation (TXDOT) Type-1 concrete right-of-way monument found bears S 84°08'53" W, a distance of 0.45 feet,
2. S 09°45'32" E, a distance of 467.63 feet to a Texas Department of Transportation (TXDOT) Type-1 concrete right-of-way monument found at a point-of-curvature,
3. with the arc of a curve to the right, having a radius of 1,106.28 feet, an arc distance of 335.98 feet, and a chord which bears S 01°06'29" E, a distance of 334.69 feet to a Texas Department of Transportation (TXDOT) Type-1 concrete right-of-way monument found at a point-of-tangency,
4. S 07°51'42" W, a distance of 790.50 feet to a ¾-inch iron rod found at an angle point, and
5. S 07°39'43" W, a distance of 421.01 feet to a ½-inch iron rod with a plastic cap stamped “RJ Survey” found in the west line of the said 3.722 acre tract, in the north line of a certain called 0.51 acre tract described in the deed to Nadine Carole Johnson and Dennis Johnson of record in Document No. 2006083936, Official Public Records of Williamson County, Texas, for a southeast corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped “RPLS 1433” found in the west right-of-way line of said F.M. 1660 at the northeast corner of the said 0.51 acre tract bears S 82°31'24" E, a distance of 21.83 feet;

THENCE N 82°16'34" W, leaving the west right-of-way line of said F.M. 1660, and the west line of the said 3.722 acre tract, crossing the said 96.99 acre tract, with the north line of the said 0.51 acre tract, and with a south line of the tract described herein, a distance of 179.38 feet to a 1/2-inch iron rod with a plastic cap stamped “RJ Survey” found at the northwest corner of the said 0.51 acre tract, for a re-entrant corner of the tract described herein;

THENCE S 07°29'25" W, continuing across the said 96.99 acre tract, with the west line of the said 0.51 acre tract, with the east line of the tract described herein, a distance of 114.42 feet to a ½-inch iron rod with a plastic cap stamped “RPLS 1433” found at a re-entrant corner of the said 96.99 acre tract, at the southwest corner of the said 0.51 acre tract, same being the northwest corner of a certain called 4/5ths of an acre described in the special warranty deed with life estate to Robert W. Kaderka and wife, Bonnie Kaderka of record in Document No. 2015074295, Official Public Records of Williamson County, Texas, for an angle point in the east line of the tract described herein;

THENCE S 07°42'22" W, with the east line of the said 96.99 acre tract, with the west line of the said 4/5ths of an acre tract, and with the west line of a certain called 0.51 acre tract described in the deed to Bruce Craig Cunningham of record in Volume 1954,

Page 227, Official Public Records of Williamson County, Texas, with the east line of the tract described herein, a distance of 180.55 feet to a ½-inch iron rod with a plastic cap stamped "RJ Survey" found at an angle point;

THENCE S 06°40'19" W, with the east line of the said 96.99 acre tract, with the west line of the said 0.51 acre tract, and with the west line of a certain called 0.484 acre tract described in the deed to Marla Dawn Burns of record in Document No. 9722814, Official Public Records of Williamson County, Texas, with the east line of the tract described herein, a distance of 200.68 feet to a ½-inch iron rod found in the north line of a certain called 0.480 acre tract described in the deed to John A. Drummond, Sr. of record in Document No. 9662944, Official Public Records of Williamson County, Texas, at the southwest corner of the said 0.484 acre tract, same being a southeast corner of the said 96.99 acre tract, for a southeast corner of the tract described herein;

THENCE N 81°53'59" W, with the north line of the said 0.480 acre tract and a south line of the said 96.99 acre tract, with a south line of the tract described herein, a distance of 10.57 feet to a fence corner post found at a re-entrant corner;

THENCE S 08°03'45" W, with the west line of the said 0.480 acre tract and the west line of a certain called 0.59 acre tract described in the deed to Jonathan M. Wagner and Marci H. Wagner of record in Document No. 2016117309, Official Public Records of Williamson County, Texas, with the east line of the said 96.99 acre tract, with the east line of the tract described herein, a distance of 223.01 feet to a concrete monument found in the north line of a certain called 2.47 acre tract described in the deed to Charles E. Holland and Deborah D. Holland of record in Volume 868, Page 561, Deed Records of Williamson County, Texas, at the southwest corner of the said 0.59 acre tract, same being a southeast corner of the said 96.99 acre tract, for a southeast corner of the tract described herein;

THENCE N 82°23'05" W, with the north line of the said 2.47 acre tract, with a south line of the said 96.99 acre tract, with a south line of the tract described herein, a distance of 242.61 feet to a 3/8-inch iron rod found at the northwest corner of the said 2.47 acre tract, at the northeast corner of Block 4, said Hutto and Metcalfe Addition, for a re-entrant corner of the tract described herein;

THENCE S 07°38'01" W, with the west line of the said 2.47 acre tract and an east line of the said 96.99 acre tract, with the east line of said Block 4 and Block 3, said Hutto and Metcalfe Addition, with an east line of the tract described herein, a distance of 298.64 feet to a ½-inch iron rod found in the east line of said Block 3, Hutto and Metcalfe Addition, and the northeast corner of a certain called 0.659 acre tract described in the deed to Dennis O. Johnson and Nadine C. Johnson of record in Document No. 2001074832, Official Public Records of Williamson County, Texas, for the southerly southeast corner of the tract described herein;

THENCE S 77°34'56" W, crossing the said 96.99 acre tract, with the north line of the said 0.659 acre tract, with the south line of the tract described herein, a distance of 253.79 feet to a ¾-inch iron rod found at the northwest corner of the said 0.659 acre tract, and the northeast corner of Lot 3, Block 2, said Hutto and Metcalfe Addition, for an angle point in the south line of the tract described herein,

THENCE S 77°37'39" W, continuing across the said 96.99 acre tract, with the north line of said Lot 3, Block 2, Hutto and Metcalfe Addition, with the south line of the tract described herein, a distance of 91.78 feet to a concrete monument found in a west line of the said 96.99 acre tract, at the intersection of the south line of an alley and the east right-of-way line of East Street, a 60-foot right-of-way, as shown on the said Hutto and Metcalfe Addition subdivision plat, at the northwest corner of said Lot 3, Block 2, Hutto and Metcalfe Addition, for the southerly southwest corner of the tract described herein;

THENCE N 12°28'30" W, with the east right-of-way line of said East Street, the west line of the said 96.99 acre tract, with the west line of Lot 6, Block 2, and the west line of Block 5, said Hutto and Metcalfe Addition, with a west line of the tract described herein, a distance of 439.34 feet to a ½-inch iron rod with a plastic cap stamped "RJ Survey" found at the northeast terminus of said East Street, at the northwest corner of Block 5, said Hutto and Metcalfe Addition, for an angle point in the south line of the tract described herein;

THENCE N 82°21'12" W, with the south line of the said 96.99 acre tract, with the north terminus of said East Street, with the south line of the tract described herein, a distance of 63.90 feet to a calculated point for the northwest terminus of said East Street and the northeast corner of Lot 5, Block 8, said Hutto and Metcalfe Addition, from which a ¾-inch iron pipe found bears N 63°55'34" W, a distance of 0.36 feet;

THENCE N 82°21'12" W, continuing with the south line of the said 96.99 acre tract and the north line of said Lot 5, Block 8, Hutto and Metcalfe Addition, with the south line of the tract described herein, a distance of 16.46 feet to a calculated point for the southeast terminus of Capitol Street, a 50-foot right-of-way, as shown on the said Hutto and Metcalfe Addition subdivision plat, for an angle point in the south line of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped "RJ Survey" found in the south line of the said 96.99 acre tract at the northeast terminus of said Capitol Street and the east corner of Block 9, said Hutto and Metcalfe Addition, bears N 82°21'12" W, a distance of 139.80 feet;

Williamson County, Texas
J. Shelton Survey, Abstract No. 560
E. Thomason Survey, Abstract No. 844
W.J. Brown Survey, Abstract No. 105

95.047 Acres
Page 3 of 3

THENCE S 76°41'29" W, leaving the south line of the said 96.99 acre tract, with the north line of Lots 5-6, Block 8 and Lots 4 and 2, Block 12, said Hutto and Metcalfe Addition, with the south right-of-way line of said Capitol Street, a distance of 500.29 feet to a calculated point in the east line of Lot 4, Block F, Hutto Square Section 1, a subdivision according to the plat of record in Cabinet W, Slides 263-267, Plat Records of Williamson County, Texas, at the northwest corner of said Lot 2, Block 12, and the southwest terminus of said Capitol Street, same being the northwest corner of a certain tract of land designated as Second Tract and conveyed in the warranty deed to Curtis L. Peterson of record in Volume 535, Page 51, Deed Records of Williamson County, Texas, for the westerly southwest corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped "RJ Surveying" found in the west line of said Lot 2, Block 12, Hutto and Metcalfe Addition, at the southeast corner of said Lot 4, Block F, Hutto Square Section 1, and the northeast corner of Lot 3, Block F, said Hutto Square Section 1, bears S 07°42'05" W, a distance of 85.29 feet;

THENCE N 07°42'05" E, with the west terminus of said Capitol Street and the east line of said Lot 4, Block F, Hutto Square Section 1, with the west line of the tract described herein, a distance of 53.56 feet to a ½-inch iron rod with a plastic cap stamped "RJ Surveying" found at the northwest terminus of said Capitol Street, being a southwest corner of the said 96.99 acre tract, for a point-on-line in the west line of the tract described herein, from which said ½-inch iron rod with a plastic cap stamped "RJ Survey" found in the south line of the said 96.99 acre tract at the northeast terminus of said Capitol Street and the east corner of said Block 9, Hutto and Metcalfe Addition, bears N 76°41'29" E, a distance of 350.53 feet;

THENCE with the west line of the said 96.99 acre tract, the east line of said Hutto Square Section 1, the east line of Hutto Square Section 2, a subdivision according to the plat of record in Cabinet Y, Slides 154-157, Plat Records of Williamson County, Texas, and with the east line of Hutto Square Section 3, a subdivision according to the plat of record in Cabinet CC, Slides 138-139, Plat Records of Williamson County, Texas, with the west line of the tract described herein, the following four (4) courses and distances:

1. N 07°40'21" E, a distance of 55.89 feet to a ½-inch iron rod with a plastic cap stamped "4391" found at the north corner of Lot 4, the east corner of Lot 5, southeast corner of Lot 39, and the south corner of Lot 40, Block F, said Hutto Square Section 1, for an angle point of the tract described herein,
2. N 07°38'18" E, a distance of 655.93 feet to a ½-inch iron rod with a plastic cap stamped "RJ Survey" found in the east line of Lot 48, Block F, said Hutto Square Section 2, for an angle point of the tract described herein,
3. N 07°46'41" E, a distance of 230.55 feet to a ½-inch iron rod with a plastic cap stamped "RPLS 4391" found at the northeast corner of Lot 51 and the southeast corner of Lot 52, Block F, said Hutto Square Section 2, for an angle point of the tract described herein, and
4. N 07°46'30" E, a distance of 2,059.60 feet to a concrete monument found in the east line of Lot 91, Block F, said Hutto Square Section 3, at the northwest corner of the said 96.99 acre tract, same being a re-entrant corner of the said 201.06 acre tract, for the northwest corner of the tract described herein;

THENCE S 82°15'43" E, with the north line of the said 96.99 acre tract and a south line of the said 201.06 acre tract, with the north line of the tract described herein, a distance of 1,222.52 feet to the **POINT OF BEGINNING** and containing 95.047 acres of land, more or less.

BEARING BASIS: Texas Coordinate System, Central Zone, NAD83, Grid.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Ernesto Navarrete, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the parcel of land described herein is based upon a survey performed upon the ground under my direct supervision during the months of April and May, 2019.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 30th day of May 2019 A.D.

LANDDEV CONSULTING, LLC
5508 Highway 290 West, Suite 150
Austin, Texas 78735


Ernesto Navarrete
Registered Professional Land Surveyor
No. 6642 – State of Texas



LandDev Consulting, LLC ▪ 5508 Highway 290 West, Suite 150, Austin, TX 78735 ▪ (512) 872-6696

TBPE Firm No. 16384 | TBPLS Firm No. 10194101

“EXHIBIT —”

DESCRIPTION OF 10.554 ACRES OF LAND IN THE E. THOMASON SURVEY, ABSTRACT NO. 844, AND THE CANUTILLO COLONY DITCH COMPANY SURVEY, ABSTRACT NO. 693, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF A CERTAIN CALLED 11.10 ACRE TRACT DESIGNATED AS TRACT TWO AND DESCRIBED IN THE DEED TO JERRY E. ROZNOVAK AND WIFE, HILDA ROZNOVAK OF RECORD IN VOLUME 443, PAGE 472, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 10.554 ACRES OF LAND, AS SURVEYED BY LANDDEV CONSULTING, LLC, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½-inch iron rod with a plastic cap stamped “RJ Survey” (Grid Coordinates: N= 10,177,139.20, E= 3,174,174.80) found in the west right-of-way line of F.M. 1660, a variable-width right-of-way, in the north line of a certain called 96.99 acre tract designated as Tract One and described in said deed to Jerry E. Roznovak and wife, Hilda Roznovak of record in Volume 443, Page 472, Deed Records of Williamson County, Texas, at the easterly southeast corner of a certain called 201.06 acre tract described in the deed to Billie B. Davenport of record in Volume 1079, Page 938, Deed Records of Williamson County, Texas, same being the southwest corner of a certain called 4.758 acre tract described in the deed to the State of Texas of record in Volume 476, Page 605, Deed Records of Williamson County, Texas, and the northwest corner of a certain called 3.722 acre tract described in the deed to the State of Texas of record in Volume 476, Page 607, Deed Records of Williamson County, Texas, from which a concrete monument found in the east line of Lot 91, Block F, said Hutto Square Section 3, a subdivision according to the plat of record in Cabinet CC, Slides 138 and 139, Plat Records of Williamson County, Texas, at the northwest corner of the said 96.99 acre tract, same being a re-entrant corner of the said 201.06 acre tract bears N 82°15'43" W, a distance of 1,222.52 feet;

THENCE S 82°15'43" E, crossing the said F.M. 1660 right-of-way, a distance of 97.80 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set in the east right-of-way line of said F.M. 1660, in the north line of the said 11.10 acre tract, at the northeast corner of the said 3.722 acre tract and the southeast corner of a certain called 1.529 acre tract described in the deed to the State of Texas of record in Volume 476, Page 603, Deed Records of Williamson County, Texas, in the south line of a certain called 135 acre tract described in the deed to Janet Lynn Barnard, Trustee for the Janet Lynn Barnard Family 1984 Trust of record in Volume 1126, Page 800, Deed Records of Williamson County, Texas, same being the southwest corner of a certain called 65.234 acre tract conveyed to CMSAL-2 L.L.C. of record in Document No. 2011084930, Official Public Records of Williamson County, Texas, and described in Document No. 1999014821, Official Public Records of Williamson County, Texas, for the northwest corner and **POINT OF BEGINNING** of the tract described herein, from which a Texas Department of Transportation (TXDOT) Type-1 concrete right-of-way monument found in the east right-of-way line of said F.M. 1660, in the east line of the said 1.529 acre tract, and the west line of a certain called 28.449 acre tract described in the deed to North Town Commons, LLC of record in Document No. 2007062953, Official Public Records of Williamson County, Texas, bears N 03°15'10" W, a distance of 192.32 feet, and from which a ½-inch iron rod found bears N 02°00'51" W, a distance of 10.60 feet;

THENCE S 82°15'43" E, with the north line of the said 11.10 acre tract and the south line of the said 135 acre tract, with the south line of the said 65.234 acre tract, with the north line of the tract described herein, a distance of 498.95 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set for the northeast corner of the said 11.10 acre tract, at a re-entrant corner of the said 135 acre tract, in the south line of the said 65.234 acre tract, for the northeast corner of the tract described herein;

THENCE S 07°38'01" W, with the east line of the said 11.10 acre tract and the west line of the said 135 acre tract, with the east line of the tract described herein, at a distance of 9.91 feet, passing a ½-inch iron rod with a plastic cap stamped “PAPE DAWSON” found, and continuing for a total distance of 17.36 feet to a calculated point for a southeast corner of the tract described herein, from which a ½-inch iron rod found bears N 74°00'05" E, a distance of 0.23 feet;

THENCE leaving the west line of the said 135 acre tract, crossing the said 11.10 acre tract, with a south, east, and north line of the tract described herein, the following three (3) courses and distances:

1. N 82°21'59" W, a distance of 50.00 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set for a re-entrant corner,
2. S 07°38'01" W, a distance of 50.00 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set for a re-entrant corner, and
3. S 82°21'59" E, a distance of 50.00 feet to a calculated point in the east line of the said 11.10 acre tract and west line of a certain called 72.025 acre tract described in the deed to Mager Meadows, LP of record in Document No. 2004018146, Official Public Records of Williamson County, Texas, for a northeast corner of the tract described herein, from which a ½-inch iron rod found bears S 61°01'59" E, a distance of 0.33 feet;

THENCE S 07°38'01" W, with the east line of the said 11.10 acre tract and the west line of the said 72.025 acre tract, with the east line of the tract described herein, a distance of 1,292.44 feet to a ½-inch iron rod found in the north line of a certain called

Williamson County, Texas
E. Thomason Survey, Abstract No. 844
Canutillo Colony Ditch Company Survey, Abstract No. 693

10.554 Acres
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9.862 acre tract described in the deed to Herbert L. Prewitt and wife, Connie E. Prewitt of record in Volume 876, Page 655, Deed Records of Williamson County, Texas, at the southwest corner of the said 72.025 acre tract and the southeast corner of the said 11.10 acre tract, for the southeast corner of the tract described herein;

THENCE N 82°26'32" W, with the south line of the said 11.10 acre tract and the north line of the said 9.862 acre tract, with the south line of the tract described herein, at a distance of 2.07 feet, passing a concrete monument found 0.12 feet north of the line, and continuing for a total distance of 285.57 feet to a 5/8-inch iron rod found in the east right-of-way line of said F.M. 1660, and the south line of the said 11.10 acre tract, at a southeast corner of the said 3.722 acre tract and the northeast corner of a certain called 0.311 acre tract described in the deed to the State of Texas of record in Volume 476, Page 612, Deed Records of Williamson County, Texas, at the northwest corner of the said 9.862 acre tract, for the southwest corner of the tract described herein;

THENCE crossing the said 11.10 acre tract, with the east right-of-way line of said F.M. 1660, with the east line of the said 3.722 acre tract, with the west line of the tract described herein, the following four (4) courses and distances:

1. N 07°21'46" E, a distance of 421.34 feet to a destroyed Texas Department of Transportation (TXDOT) Type-I concrete right-of-way monument found at an angle point,
2. N 07°33'54" E, a distance of 324.41 feet to a destroyed Texas Department of Transportation (TXDOT) Type-I concrete right-of-way monument found at an angle point,
3. N 13°27'20" W, a distance of 513.66 feet to a destroyed Texas Department of Transportation (TXDOT) Type-I concrete right-of-way monument found at an angle point, and
4. N 03°15'10" W, a distance of 138.59 feet to the **POINT OF BEGINNING** and containing 10.554 acres of land, more or less.

BEARING BASIS: Texas Coordinate System, Central Zone, NAD83, Grid.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Ernesto Navarrete, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the parcel of land described herein is based upon a survey performed upon the ground under my direct supervision during the month of April and May, 2019.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 20th day of May 2019 A.D.

LANDDEV CONSULTING, LLC
5508 Highway 290 West, Suite 150
Austin, Texas 78735


Ernesto Navarrete
Registered Professional Land Surveyor
No. 6642 – State of Texas



**CITY OF HUTTO
MUNICIPAL SERVICE PLAN
FOR PROPOSED ANNEXATION OF**

EXHIBIT “B”

**105.2 acres, more or less, of land, out of the
E. Thomason Survey, Abstract No. 844, the William J. Brown Survey, Abstract No. 105, the
Canutillo Colony Ditch Company Survey, Abstract No. 693, and the Hutto & Metcalfe Addition,
Block 3-5 (PTS) and Lots 4-6, Williamson County, Texas.**

The City of Hutto, Texas will provide for the extension of full municipal services into the area proposed to be annexed in accordance with Texas Local Government Code §43.056.

FIRE

Existing Services: Williamson County Emergency Service District #3

Services to be Provided:

Provides fire suppression and emergency services to the area. Primary fire response will be provided by Williamson County Emergency Service District #3, located at the following address: 501 Exchange Boulevard. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

POLICE

Existing Services: Williamson County Sheriff's Department

Services to be Provided:

Upon annexation, the City of Hutto Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriations.

BUILDING INSPECTION

Existing Services: None

Services to be Provided:

The Development Services Department will provide Building Inspection Services and the Hutto Police Department will provide Code Enforcement Services upon annexation. The Development Services Department's role will include issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City of Hutto. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

PLANNING AND ZONING

Existing Services: Review of subdivision development plans under City's Subdivision Ordinance. No municipal zoning or land use controls except for those imposed by State Law.

Services to be Provided:

The Hutto Development Services Department has responsibility for regulating development and land use through the administration of the City of Hutto's Zoning Ordinance, and this will extend to the area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Hutto's Subdivision Ordinance. These services can be provided within the departments' current budgets.

LIBRARY

Existing Services: None

Services to be Provided:

City Library privileges will be available to future residents in this area.

HEALTH DEPARTMENT - HEALTH CODE ENFORCEMENT SERVICE

Existing Services: Williamson Cities and County Health District

Services to be Provided:

Williamson Cities and County Health District will continue to implement enforcement of the health districts regulations on the effective date of annexation. Animal control services will also be provided to the area as needed by Hutto Animal Control Division of the Police Department.

STREET MAINTENANCE

Existing Services: Williamson County

Services to be Provided:

Maintenance and access to adjacent existing street facilities will be provided/overseen by appropriate City of Hutto departments.

STORM WATER MANAGEMENT

Existing Services: Williamson County Flood Plain Administrator

Services to be Provided

Developers will provide storm water drainage facilities as required of their development at their own expense and such will be inspected by the City's engineers at time of completion. The City of Hutto will then maintain the drainage in public rights of way upon approval of the construction. Property owners and/or Home Owner's Associations or similar entities will maintain drainage facilities located on private property. All construction within the flood plain will be through the appropriate Hutto department(s) and will meet FEMA Flood Plain regulations.

STREET LIGHTING

Existing Services: Oncor Electric Delivery

Services to be Provided:

There are no existing street lights in this area. The Developer will be responsible for initial installation and maintenance of street lighting, if required, within the development until such time as any internal streets have been accepted by the City Council.

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided:

The City of Hutto, through its appropriate departments, will be able to provide any necessary additional traffic control devices after the effective date of annexation.

WATER SERVICE

Existing Services: None

Services to be Provided:

Water service to the properties will be provided by City of Hutto.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided:

Sanitary sewer service to the properties will be provided by City of Hutto.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided:

Solid waste collection shall be provided to the area of annexation in accordance with current ordinances. Service shall comply with existing City of Hutto policies, beginning with occupancy of structures.

PARKS AND TRAILS

Existing Service: None

Services to be Provided:

All City operated parks and trail systems will be available to the residents of this area upon annexation.

MISCELLANEOUS

Existing Services: None

Services to be Provided:

All other applicable municipal services will be provided to the area in accordance with the City of Hutto's established policies governing extension of municipal services to newly-annexed areas.

NOTE:

Capital improvements sufficient for providing municipal services for the annexed area are in place such that the costs associated with the extension of service lines to proposed building sites within the area will be borne by owners and/or developers.

Regular City Council
**AGENDA ITEM
10.G.**



To: City Council
Subject: Consideration of a public hearing and possible action on the first reading of an ordinance approving the Planned Unit Development (PUD) zoning ordinance for the Durango Farms Planned Unit Development (PUD), 105.2 acres, more or less, of land, located on FM 1660 North. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

Durango Farms is approximately 105.2 acres of land located with the majority (approximately 95 acres) located along the western end of FM 1660 N, just south of Limmer Loop. The property abuts Old Town on the southern end. A small portion (approximately 10 acres), on the east side of FM 1660 N.

The portion on the west side of FM 1660 N contains a mix of single-family, multi-family, a private park and commercial. The portion on the east side FM 1660 N contains a mix of commercial and multi-family.

Owner: Jerry Roznovak
Applicant: Bob Wunsch
Current Zoning: ETJ (Development Agreement In Lieu of Annexation)
Proposed Zoning: Planned Unit Development (PUD)
Surrounding Zoning and Land Uses:

- North - Vacant ETJ Land
- East - SF-1 and PUD (Single-Family and North Town Commons PUD)
- South - Old Town Single-Family Residential
- West - SF-1 (Single-Family Residential)

Summary of Request:

The proposed Planned Unit Development would provide a mixed use development along FM 1660 N, creating a cohesive single-family residential development, a needed multi-family apartment complex and a neighborhood commercial development.

Staff Review:

The Planned Unit Development (PUD) process and zoning designation allows creativity, innovation and flexibility in land use, density, site planning and design for a parcel that would result in a project more appropriate and desirable than what would result from strict application of the UDC. Development standards are required for a parcel that would be developed as a PUD. Staff has reviewed the proposed PUD amendments against the required criteria.

1. ***The PUD is consistent with the spirit of the community, neighborhood and other applicable land use and development plans, compatible with the character of adjacent development or recommended land uses, it would not adversely affect property near the site, and it achieves the benefits of improved design.***

The proposed PUD is consistent with the desired flexibility guidelines similar to many of the existing PUDs, and yet provides additional guidelines and regulations to continue the patterns and growth within the District. The proposed PUD gives the commercial area of the development more flexibility in design, and the residential area more ability to provide a diverse housing stock, along with allowing an apartment complex to help provide more housing options for residents.

2. ***The PUD will not adversely affect land with significant historical, cultural, recreational or aesthetic value.***

The uses within the proposed PUD are suitable land uses given the surrounding development and location of the properties. The entire PUD does not adversely affect the land or City of Hutto.

3. ***The PUD will give benefits through providing open space, parks, conservation of environmental features, aesthetic features and harmonious design, and/or energy efficient site design.***

The proposed PUD will provide for some open space with a private HOA maintained park, while also paying in to the park fund to allow the Parks Department to improve some existing parkland.

4. ***The benefits of preserving land for open space, parks or other public amenities outweigh the potential impact from more intense or dense development of the site.***

This proposed PUD provides clear and concise standards for an intense, dense development, with active open space and design guidelines to provide a cohesive, pedestrian-oriented commercial district, on one side and a cohesive residential development on the other side.

5. ***The PUD controls external effects on nearby land uses such as movement and congestion of traffic; lighting; trash accumulation and litter; noise, air and water pollution; and other factors affecting public health, welfare, safety and convenience.***

The proposed development includes guidelines for increased street connectivity and overall site guidelines that are designed to minimize hazards while promoting a sense of community. The new standards will not negatively affect the health, safety, and general welfare of the community.

6. ***The PUD will be served by adequate facilities including streets, fire protection, water and sanitation.***

The proposed PUD does not affect the existing plats for the development. The development will meet Code standards.

7. ***The PUD does not have a significantly greater burden on the city's existing infrastructure, public improvements and services than development at a density permitted under the current zoning or suggested under community, neighborhood and other applicable land use and development plans, or that arrangements are made to mitigate impacts.***

The proposed PUD does not affect the existing infrastructure plans for the development. The development will meet Code standards.

8. ***PUD architectural design, landscaping, hardscaping and signage parameters must give evidence of compatibility with adjacent development, internal consistency of design, and conformance to city design standards.***

The proposed PUD does not allow for non-compatible development within the community. New construction must conform to the design guidelines already approved with the existing PUD Development Plan and Development Agreement.

All property owners within 200 feet of the boundary of the development have been notified by mail of the proposed zoning change.

Notice was published in the Taylor Daily Press. Notice has also been posted on the City of Hutto website.

The Planning and Zoning Commission recommended approval with conditions to City Council on September 3, 2019.

RECOMMENDATION:

Staff finds that the proposed PUD for Durango Farms meets the intent of all provisions for PUD Review Criteria as listed in Section 10.203.10.3 of the UDC.

Staff recommends that the City Council approve the first reading of the ordinance. The Council may dispense with the second reading.

ATTACHMENTS:

[DurangoFarmsPUD\(Notice\)CC-2nd](#)

[DurangoFarmsPUD\(Ord\)Complete](#)

**PUBLIC NOTICE
NOTICE OF A PUBLIC HEARING**

NOTICE IS HEREBY GIVEN TO
ALL INTERESTED PERSONS
THAT THE HUTTO CITY COUNCIL WILL
HOLD A PUBLIC HEARING REGARDING:

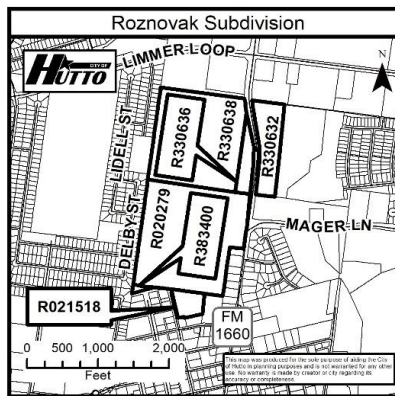
Planned Unit Development (PUD) zoning
change request for the property known as
**Durango Farms Planned Unit
Development (PUD)**, 105.2 acres, more or less,
of land, located on FM 1660 North.

The public hearing will be held on:
September 19, 2019 at 7:00 p.m.

Hutto City Hall
500 W. Live Oak St., Hutto, Texas

For additional information the public
may contact Development Services at
512-759-3479 or planning@huttotx.gov

Publication Date: September 1, 2019



ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HUTTO, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO CHANGE THE ZONING FOR 105.2 ACRES, MORE OR LESS, OF LAND, TO BE KNOWN AS THE DURANGO FARMS PLANNED UNIT DEVELOPMENT (PUD) BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A PUBLICATION CLAUSE, SEVERABILITY CLAUSE, REPEALING CLAUSE, OPEN MEETING CLAUSE, PENALTY CLAUSE AND EFFECTIVE DATE.

WHEREAS, a request has been made to the City Council of the City of Hutto, Texas to amend the Official Zoning Map to zone the property described in **Exhibit "A"** being hereto and incorporated herein, and;

WHEREAS, the Planning and Zoning Commission recommended approval of the proposed amendment on the 3rd day of September, 2019, and;

WHEREAS, on the 19th day of September, 2019, after proper notification, the City Council held a public hearing on the requested amendment, and;

WHEREAS, the City Council determines that the zoning ordinance amendment provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community, and;

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Article 14.02.002, Code of Ordinances (2007 Edition), City of Hutto, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

SECTION I.

That the City Council has considered and made findings on the following matters regarding the proposed amendment:

- 1) The PUD is consistent with the spirit of the community, neighborhood and other applicable land use and development plans, compatible with the character of adjacent development or recommended land uses, it would not adversely affect property near the site, and it achieves the benefits of improved design; and
- 2) The PUD will not adversely affect land with significant historical, cultural, recreational or aesthetic value; and
- 3) The PUD will give benefits through providing open space, parks, conservation of environmental features, aesthetic features and harmonious design, and/or energy efficient site design; and
- 4) The benefits of preserving land for open space, parks or other public amenities outweigh the potential impact from more intense or dense development on the site; and
- 5) The PUD controls external effects on nearby land uses such as movement and congestion of traffic; lighting; trash accumulation and litter; noise, air and water pollution; and other factors affecting public health, welfare, safety and convenience; and

- 6) The PUD will be served by adequate facilities including streets, fire protection, water and sanitation; and
- 7) The PUD does not have a significantly greater burden on the city's existing infrastructure, public improvements and services than development at a density permitted under the current zoning or suggested under community, neighborhood and other applicable land use and development plans, or arrangements are made to mitigate impacts; and
- 8) PUD architectural design, landscaping, hardscaping and signage parameters must give evidence of compatibility with adjacent development, internal consistency of design, and conformance to city design standards.

That the Official Zoning Map of the City of Hutto, Texas, is hereby amended so that the zoning classification of the property described in **Exhibit "A"**, attached hereto and incorporated herein shall be, and is hereafter changed from SF-1 (Single Family Residential) Zoning District to now be designated as PUD (Planned Unit Development) Zoning District and is designated as the Durango Farms Planned Unit Development (PUD), this includes the Development Plan described in **Exhibit "B"** attached hereto and incorporated herein.

SECTION II. Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION III. Severability Clause

The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION IV. Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION V. Open Meeting Clause

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 hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION VI. Effective Date

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** on first reading on this the **19th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

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

READ, PASSED and **ADOPTED** on first reading of ordinance this **19th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

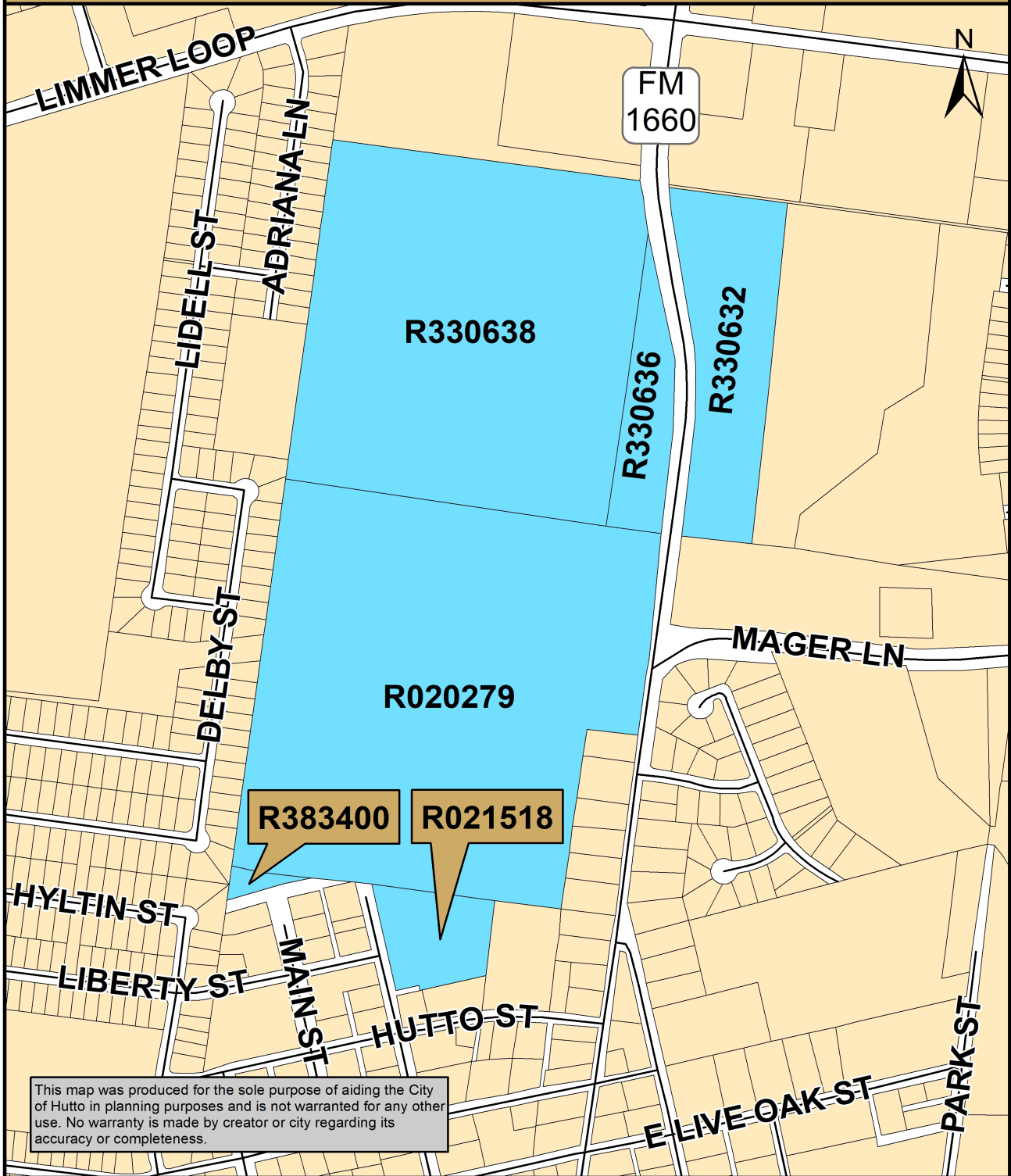
THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

Attest:

Lacie Hale, City Secretary

Roznovak Subdivision



Map Document: (K:\SITE LOCATION MAPS\2019 Site

Location Maps\Old_Town\Roznovak_Subdivision.mxd)

7/29/2019 -- 10:21:53 AM

Page 8 of 48



0 250 500 1,000
Feet

“EXHIBIT _”

DESCRIPTION OF 95.047 ACRES OF LAND IN THE J. SHELTON SURVEY, ABSTRACT NO. 560, THE E. THOMASON SURVEY, ABSTRACT NO. 844, AND THE W.J. BROWN SURVEY, ABSTRACT NO. 105, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF A CERTAIN CALLED 96.99 ACRE TRACT DESIGNATED AS TRACT ONE AND DESCRIBED IN THE DEED TO JERRY E. ROZNOVAK AND WIFE, HILDA ROZNOVAK OF RECORD IN VOLUME 443, PAGE 472, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, AND ALL OF CAPITOL STREET, A 50-FOOT RIGHT-OF-WAY AS SHOWN ON THE HUTTO AND METCALFE ADDITION SUBDIVISION PLAT OF RECORD IN BOOK 66, PAGE 148, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, AND AS SHOWN ON THE REVISED MAP OF CITY OF HUTTO OF RECORD IN CABINET A, SLIDE 221, PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 95.047 ACRES OF LAND, AS SURVEYED BY LANDDEV CONSULTING, LLC, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod with a plastic cap stamped “RJ Survey” (Grid Coordinates: N= 10,177,139.20, E= 3,174,174.80) found in the west right-of-way line of F.M. 1660, a variable-width right-of-way, in the north line of the said 96.99 acre tract, at the easterly southeast corner of a certain called 201.06 acre tract described in the deed to Billie B. Davenport of record in Volume 1079, Page 938, Deed Records of Williamson County, Texas, same being the southwest corner of a certain called 4.758 acre tract described in the deed to the State of Texas of record in Volume 476, Page 605, Deed Records of Williamson County, Texas, same being the northwest corner of a certain called 3.722 acre tract described in the deed to the State of Texas of record in Volume 476, Page 607, Deed Records of Williamson County, Texas, for the northeast corner and **POINT OF BEGINNING** of the tract described herein;

THENCE leaving the easterly southeast corner of the said 201.06 acre tract, crossing the said 96.99 acre tract, with the west right-of-way line of said F.M. 1660, and the west line of the said 3.722 acre tract, with the east line of the tract described herein, the following five (5) courses and distances:

1. with the arc of a curve to the left, having a radius of 1,186.28 feet, an arc distance of 167.73 feet, and a chord which bears S 05°38'19" E, a distance of 167.59 feet to a calculated point-of-tangency, from which a destroyed Texas Department of Transportation (TXDOT) Type-1 concrete right-of-way monument found bears S 84°08'53" W, a distance of 0.45 feet,
2. S 09°45'32" E, a distance of 467.63 feet to a Texas Department of Transportation (TXDOT) Type-1 concrete right-of-way monument found at a point-of-curvature,
3. with the arc of a curve to the right, having a radius of 1,106.28 feet, an arc distance of 335.98 feet, and a chord which bears S 01°06'29" E, a distance of 334.69 feet to a Texas Department of Transportation (TXDOT) Type-1 concrete right-of-way monument found at a point-of-tangency,
4. S 07°51'42" W, a distance of 790.50 feet to a ¾-inch iron rod found at an angle point, and
5. S 07°39'43" W, a distance of 421.01 feet to a ½-inch iron rod with a plastic cap stamped “RJ Survey” found in the west line of the said 3.722 acre tract, in the north line of a certain called 0.51 acre tract described in the deed to Nadine Carole Johnson and Dennis Johnson of record in Document No. 2006083936, Official Public Records of Williamson County, Texas, for a southeast corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped “RPLS 1433” found in the west right-of-way line of said F.M. 1660 at the northeast corner of the said 0.51 acre tract bears S 82°31'24" E, a distance of 21.83 feet;

THENCE N 82°16'34" W, leaving the west right-of-way line of said F.M. 1660, and the west line of the said 3.722 acre tract, crossing the said 96.99 acre tract, with the north line of the said 0.51 acre tract, and with a south line of the tract described herein, a distance of 179.38 feet to a 1/2-inch iron rod with a plastic cap stamped “RJ Survey” found at the northwest corner of the said 0.51 acre tract, for a re-entrant corner of the tract described herein;

THENCE S 07°29'25" W, continuing across the said 96.99 acre tract, with the west line of the said 0.51 acre tract, with the east line of the tract described herein, a distance of 114.42 feet to a ½-inch iron rod with a plastic cap stamped “RPLS 1433” found at a re-entrant corner of the said 96.99 acre tract, at the southwest corner of the said 0.51 acre tract, same being the northwest corner of a certain called 4/5ths of an acre described in the special warranty deed with life estate to Robert W. Kaderka and wife, Bonnie Kaderka of record in Document No. 2015074295, Official Public Records of Williamson County, Texas, for an angle point in the east line of the tract described herein;

THENCE S 07°42'22" W, with the east line of the said 96.99 acre tract, with the west line of the said 4/5ths of an acre tract, and with the west line of a certain called 0.51 acre tract described in the deed to Bruce Craig Cunningham of record in Volume 1954,

Page 227, Official Public Records of Williamson County, Texas, with the east line of the tract described herein, a distance of 180.55 feet to a ½-inch iron rod with a plastic cap stamped "RJ Survey" found at an angle point;

THENCE S 06°40'19" W, with the east line of the said 96.99 acre tract, with the west line of the said 0.51 acre tract, and with the west line of a certain called 0.484 acre tract described in the deed to Marla Dawn Burns of record in Document No. 9722814, Official Public Records of Williamson County, Texas, with the east line of the tract described herein, a distance of 200.68 feet to a ½-inch iron rod found in the north line of a certain called 0.480 acre tract described in the deed to John A. Drummond, Sr. of record in Document No. 9662944, Official Public Records of Williamson County, Texas, at the southwest corner of the said 0.484 acre tract, same being a southeast corner of the said 96.99 acre tract, for a southeast corner of the tract described herein;

THENCE N 81°53'59" W, with the north line of the said 0.480 acre tract and a south line of the said 96.99 acre tract, with a south line of the tract described herein, a distance of 10.57 feet to a fence corner post found at a re-entrant corner;

THENCE S 08°03'45" W, with the west line of the said 0.480 acre tract and the west line of a certain called 0.59 acre tract described in the deed to Jonathan M. Wagner and Marci H. Wagner of record in Document No. 2016117309, Official Public Records of Williamson County, Texas, with the east line of the said 96.99 acre tract, with the east line of the tract described herein, a distance of 223.01 feet to a concrete monument found in the north line of a certain called 2.47 acre tract described in the deed to Charles E. Holland and Deborah D. Holland of record in Volume 868, Page 561, Deed Records of Williamson County, Texas, at the southwest corner of the said 0.59 acre tract, same being a southeast corner of the said 96.99 acre tract, for a southeast corner of the tract described herein;

THENCE N 82°23'05" W, with the north line of the said 2.47 acre tract, with a south line of the said 96.99 acre tract, with a south line of the tract described herein, a distance of 242.61 feet to a 3/8-inch iron rod found at the northwest corner of the said 2.47 acre tract, at the northeast corner of Block 4, said Hutto and Metcalfe Addition, for a re-entrant corner of the tract described herein;

THENCE S 07°38'01" W, with the west line of the said 2.47 acre tract and an east line of the said 96.99 acre tract, with the east line of said Block 4 and Block 3, said Hutto and Metcalfe Addition, with an east line of the tract described herein, a distance of 298.64 feet to a ½-inch iron rod found in the east line of said Block 3, Hutto and Metcalfe Addition, and the northeast corner of a certain called 0.659 acre tract described in the deed to Dennis O. Johnson and Nadine C. Johnson of record in Document No. 2001074832, Official Public Records of Williamson County, Texas, for the southerly southeast corner of the tract described herein;

THENCE S 77°34'56" W, crossing the said 96.99 acre tract, with the north line of the said 0.659 acre tract, with the south line of the tract described herein, a distance of 253.79 feet to a ¾-inch iron rod found at the northwest corner of the said 0.659 acre tract, and the northeast corner of Lot 3, Block 2, said Hutto and Metcalfe Addition, for an angle point in the south line of the tract described herein,

THENCE S 77°37'39" W, continuing across the said 96.99 acre tract, with the north line of said Lot 3, Block 2, Hutto and Metcalfe Addition, with the south line of the tract described herein, a distance of 91.78 feet to a concrete monument found in a west line of the said 96.99 acre tract, at the intersection of the south line of an alley and the east right-of-way line of East Street, a 60-foot right-of-way, as shown on the said Hutto and Metcalfe Addition subdivision plat, at the northwest corner of said Lot 3, Block 2, Hutto and Metcalfe Addition, for the southerly southwest corner of the tract described herein;

THENCE N 12°28'30" W, with the east right-of-way line of said East Street, the west line of the said 96.99 acre tract, with the west line of Lot 6, Block 2, and the west line of Block 5, said Hutto and Metcalfe Addition, with a west line of the tract described herein, a distance of 439.34 feet to a ½-inch iron rod with a plastic cap stamped "RJ Survey" found at the northeast terminus of said East Street, at the northwest corner of Block 5, said Hutto and Metcalfe Addition, for an angle point in the south line of the tract described herein;

THENCE N 82°21'12" W, with the south line of the said 96.99 acre tract, with the north terminus of said East Street, with the south line of the tract described herein, a distance of 63.90 feet to a calculated point for the northwest terminus of said East Street and the northeast corner of Lot 5, Block 8, said Hutto and Metcalfe Addition, from which a ¾-inch iron pipe found bears N 63°55'34" W, a distance of 0.36 feet;

THENCE N 82°21'12" W, continuing with the south line of the said 96.99 acre tract and the north line of said Lot 5, Block 8, Hutto and Metcalfe Addition, with the south line of the tract described herein, a distance of 16.46 feet to a calculated point for the southeast terminus of Capitol Street, a 50-foot right-of-way, as shown on the said Hutto and Metcalfe Addition subdivision plat, for an angle point in the south line of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped "RJ Survey" found in the south line of the said 96.99 acre tract at the northeast terminus of said Capitol Street and the east corner of Block 9, said Hutto and Metcalfe Addition, bears N 82°21'12" W, a distance of 139.80 feet;

Williamson County, Texas
J. Shelton Survey, Abstract No. 560
E. Thomason Survey, Abstract No. 844
W.J. Brown Survey, Abstract No. 105

95.047 Acres
Page 3 of 3

THENCE S 76°41'29" W, leaving the south line of the said 96.99 acre tract, with the north line of Lots 5-6, Block 8 and Lots 4 and 2, Block 12, said Hutto and Metcalfe Addition, with the south right-of-way line of said Capitol Street, a distance of 500.29 feet to a calculated point in the east line of Lot 4, Block F, Hutto Square Section 1, a subdivision according to the plat of record in Cabinet W, Slides 263-267, Plat Records of Williamson County, Texas, at the northwest corner of said Lot 2, Block 12, and the southwest terminus of said Capitol Street, same being the northwest corner of a certain tract of land designated as Second Tract and conveyed in the warranty deed to Curtis L. Peterson of record in Volume 535, Page 51, Deed Records of Williamson County, Texas, for the westerly southwest corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped "RJ Surveying" found in the west line of said Lot 2, Block 12, Hutto and Metcalfe Addition, at the southeast corner of said Lot 4, Block F, Hutto Square Section 1, and the northeast corner of Lot 3, Block F, said Hutto Square Section 1, bears S 07°42'05" W, a distance of 85.29 feet;

THENCE N 07°42'05" E, with the west terminus of said Capitol Street and the east line of said Lot 4, Block F, Hutto Square Section 1, with the west line of the tract described herein, a distance of 53.56 feet to a ½-inch iron rod with a plastic cap stamped "RJ Surveying" found at the northwest terminus of said Capitol Street, being a southwest corner of the said 96.99 acre tract, for a point-on-line in the west line of the tract described herein, from which said ½-inch iron rod with a plastic cap stamped "RJ Survey" found in the south line of the said 96.99 acre tract at the northeast terminus of said Capitol Street and the east corner of said Block 9, Hutto and Metcalfe Addition, bears N 76°41'29" E, a distance of 350.53 feet;

THENCE with the west line of the said 96.99 acre tract, the east line of said Hutto Square Section 1, the east line of Hutto Square Section 2, a subdivision according to the plat of record in Cabinet Y, Slides 154-157, Plat Records of Williamson County, Texas, and with the east line of Hutto Square Section 3, a subdivision according to the plat of record in Cabinet CC, Slides 138-139, Plat Records of Williamson County, Texas, with the west line of the tract described herein, the following four (4) courses and distances:

1. N 07°40'21" E, a distance of 55.89 feet to a ½-inch iron rod with a plastic cap stamped "4391" found at the north corner of Lot 4, the east corner of Lot 5, southeast corner of Lot 39, and the south corner of Lot 40, Block F, said Hutto Square Section 1, for an angle point of the tract described herein,
2. N 07°38'18" E, a distance of 655.93 feet to a ½-inch iron rod with a plastic cap stamped "RJ Survey" found in the east line of Lot 48, Block F, said Hutto Square Section 2, for an angle point of the tract described herein,
3. N 07°46'41" E, a distance of 230.55 feet to a ½-inch iron rod with a plastic cap stamped "RPLS 4391" found at the northeast corner of Lot 51 and the southeast corner of Lot 52, Block F, said Hutto Square Section 2, for an angle point of the tract described herein, and
4. N 07°46'30" E, a distance of 2,059.60 feet to a concrete monument found in the east line of Lot 91, Block F, said Hutto Square Section 3, at the northwest corner of the said 96.99 acre tract, same being a re-entrant corner of the said 201.06 acre tract, for the northwest corner of the tract described herein;

THENCE S 82°15'43" E, with the north line of the said 96.99 acre tract and a south line of the said 201.06 acre tract, with the north line of the tract described herein, a distance of 1,222.52 feet to the **POINT OF BEGINNING** and containing 95.047 acres of land, more or less.

BEARING BASIS: Texas Coordinate System, Central Zone, NAD83, Grid.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Ernesto Navarrete, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the parcel of land described herein is based upon a survey performed upon the ground under my direct supervision during the months of April and May, 2019.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 30th day of May 2019 A.D.

LANDDEV CONSULTING, LLC
5508 Highway 290 West, Suite 150
Austin, Texas 78735


Ernesto Navarrete
Registered Professional Land Surveyor
No. 6642 – State of Texas



LandDev Consulting, LLC ▪ 5508 Highway 290 West, Suite 150, Austin, TX 78735 ▪ (512) 872-6696

TBPE Firm No. 16384 | TBPLS Firm No. 10194101

“EXHIBIT —”

DESCRIPTION OF 10.554 ACRES OF LAND IN THE E. THOMASON SURVEY, ABSTRACT NO. 844, AND THE CANUTILLO COLONY DITCH COMPANY SURVEY, ABSTRACT NO. 693, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF A CERTAIN CALLED 11.10 ACRE TRACT DESIGNATED AS TRACT TWO AND DESCRIBED IN THE DEED TO JERRY E. ROZNOVAK AND WIFE, HILDA ROZNOVAK OF RECORD IN VOLUME 443, PAGE 472, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 10.554 ACRES OF LAND, AS SURVEYED BY LANDDEV CONSULTING, LLC, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½-inch iron rod with a plastic cap stamped “RJ Survey” (Grid Coordinates: N= 10,177,139.20, E= 3,174,174.80) found in the west right-of-way line of F.M. 1660, a variable-width right-of-way, in the north line of a certain called 96.99 acre tract designated as Tract One and described in said deed to Jerry E. Roznovak and wife, Hilda Roznovak of record in Volume 443, Page 472, Deed Records of Williamson County, Texas, at the easterly southeast corner of a certain called 201.06 acre tract described in the deed to Billie B. Davenport of record in Volume 1079, Page 938, Deed Records of Williamson County, Texas, same being the southwest corner of a certain called 4.758 acre tract described in the deed to the State of Texas of record in Volume 476, Page 605, Deed Records of Williamson County, Texas, and the northwest corner of a certain called 3.722 acre tract described in the deed to the State of Texas of record in Volume 476, Page 607, Deed Records of Williamson County, Texas, from which a concrete monument found in the east line of Lot 91, Block F, said Hutto Square Section 3, a subdivision according to the plat of record in Cabinet CC, Slides 138 and 139, Plat Records of Williamson County, Texas, at the northwest corner of the said 96.99 acre tract, same being a re-entrant corner of the said 201.06 acre tract bears N 82°15'43" W, a distance of 1,222.52 feet;

THENCE S 82°15'43" E, crossing the said F.M. 1660 right-of-way, a distance of 97.80 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set in the east right-of-way line of said F.M. 1660, in the north line of the said 11.10 acre tract, at the northeast corner of the said 3.722 acre tract and the southeast corner of a certain called 1.529 acre tract described in the deed to the State of Texas of record in Volume 476, Page 603, Deed Records of Williamson County, Texas, in the south line of a certain called 135 acre tract described in the deed to Janet Lynn Barnard, Trustee for the Janet Lynn Barnard Family 1984 Trust of record in Volume 1126, Page 800, Deed Records of Williamson County, Texas, same being the southwest corner of a certain called 65.234 acre tract conveyed to CMSAL-2 L.L.C. of record in Document No. 2011084930, Official Public Records of Williamson County, Texas, and described in Document No. 1999014821, Official Public Records of Williamson County, Texas, for the northwest corner and **POINT OF BEGINNING** of the tract described herein, from which a Texas Department of Transportation (TXDOT) Type-1 concrete right-of-way monument found in the east right-of-way line of said F.M. 1660, in the east line of the said 1.529 acre tract, and the west line of a certain called 28.449 acre tract described in the deed to North Town Commons, LLC of record in Document No. 2007062953, Official Public Records of Williamson County, Texas, bears N 03°15'10" W, a distance of 192.32 feet, and from which a ½-inch iron rod found bears N 02°00'51" W, a distance of 10.60 feet;

THENCE S 82°15'43" E, with the north line of the said 11.10 acre tract and the south line of the said 135 acre tract, with the south line of the said 65.234 acre tract, with the north line of the tract described herein, a distance of 498.95 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set for the northeast corner of the said 11.10 acre tract, at a re-entrant corner of the said 135 acre tract, in the south line of the said 65.234 acre tract, for the northeast corner of the tract described herein;

THENCE S 07°38'01" W, with the east line of the said 11.10 acre tract and the west line of the said 135 acre tract, with the east line of the tract described herein, at a distance of 9.91 feet, passing a ½-inch iron rod with a plastic cap stamped “PAPE DAWSON” found, and continuing for a total distance of 17.36 feet to a calculated point for a southeast corner of the tract described herein, from which a ½-inch iron rod found bears N 74°00'05" E, a distance of 0.23 feet;

THENCE leaving the west line of the said 135 acre tract, crossing the said 11.10 acre tract, with a south, east, and north line of the tract described herein, the following three (3) courses and distances:

1. N 82°21'59" W, a distance of 50.00 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set for a re-entrant corner,
2. S 07°38'01" W, a distance of 50.00 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set for a re-entrant corner, and
3. S 82°21'59" E, a distance of 50.00 feet to a calculated point in the east line of the said 11.10 acre tract and west line of a certain called 72.025 acre tract described in the deed to Mager Meadows, LP of record in Document No. 2004018146, Official Public Records of Williamson County, Texas, for a northeast corner of the tract described herein, from which a ½-inch iron rod found bears S 61°01'59" E, a distance of 0.33 feet;

THENCE S 07°38'01" W, with the east line of the said 11.10 acre tract and the west line of the said 72.025 acre tract, with the east line of the tract described herein, a distance of 1,292.44 feet to a ½-inch iron rod found in the north line of a certain called

Williamson County, Texas
E. Thomason Survey, Abstract No. 844
Canutillo Colony Ditch Company Survey, Abstract No. 693

10.554 Acres
Page 2 of 2

9.862 acre tract described in the deed to Herbert L. Prewitt and wife, Connie E. Prewitt of record in Volume 876, Page 655, Deed Records of Williamson County, Texas, at the southwest corner of the said 72.025 acre tract and the southeast corner of the said 11.10 acre tract, for the southeast corner of the tract described herein;

THENCE N 82°26'32" W, with the south line of the said 11.10 acre tract and the north line of the said 9.862 acre tract, with the south line of the tract described herein, at a distance of 2.07 feet, passing a concrete monument found 0.12 feet north of the line, and continuing for a total distance of 285.57 feet to a 5/8-inch iron rod found in the east right-of-way line of said F.M. 1660, and the south line of the said 11.10 acre tract, at a southeast corner of the said 3.722 acre tract and the northeast corner of a certain called 0.311 acre tract described in the deed to the State of Texas of record in Volume 476, Page 612, Deed Records of Williamson County, Texas, at the northwest corner of the said 9.862 acre tract, for the southwest corner of the tract described herein;

THENCE crossing the said 11.10 acre tract, with the east right-of-way line of said F.M. 1660, with the east line of the said 3.722 acre tract, with the west line of the tract described herein, the following four (4) courses and distances:

1. N 07°21'46" E, a distance of 421.34 feet to a destroyed Texas Department of Transportation (TXDOT) Type-I concrete right-of-way monument found at an angle point,
2. N 07°33'54" E, a distance of 324.41 feet to a destroyed Texas Department of Transportation (TXDOT) Type-I concrete right-of-way monument found at an angle point,
3. N 13°27'20" W, a distance of 513.66 feet to a destroyed Texas Department of Transportation (TXDOT) Type-I concrete right-of-way monument found at an angle point, and
4. N 03°15'10" W, a distance of 138.59 feet to the **POINT OF BEGINNING** and containing 10.554 acres of land, more or less.

BEARING BASIS: Texas Coordinate System, Central Zone, NAD83, Grid.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Ernesto Navarrete, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the parcel of land described herein is based upon a survey performed upon the ground under my direct supervision during the month of April and May, 2019.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 20th day of May 2019 A.D.

LANDDEV CONSULTING, LLC
5508 Highway 290 West, Suite 150
Austin, Texas 78735


Ernesto Navarrete
Registered Professional Land Surveyor
No. 6642 – State of Texas



Durango Farms

**City of Hutto, Texas
Planned Unit Development (PUD)**

Exhibit 'B'

Development Plan

September 5, 2019

Applicant:

**Jerry Wayne and Nadine Carole Roznovak Johnson
FM 1660
Hutto, Tx 78634**

Applicant Representative:

**MA Partners
15443 Knoll Trail Road
Suite 130
Dallas, Texas 75248**

Prepared by:

**SEC Planning
4201 W. Parmer Lane
Building A, Suite 220
Austin, TX 78727**

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1. GENERAL PROVISIONS

1.1 Title

This ordinance is known as the “Durango Farms District” Planned Unit Development Ordinance and may be cited as “Durango Farms” PUD.

1.2 Purpose and Intent

The purpose of this Plan is to ensure a PUD that creates a mixed use development that is: 1) is equal to, superior than and/or more consistent than that which would occur under the standard ordinance requirements, 2) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 3) is adequately provisioned by essential public facilities and services, and 4) will be developed and maintained so as not to dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use.

1.3 Applicability of City Ordinances

The Property shall be regulated for purposes of zoning and subdivision by this PUD Plan. All aspects not specifically covered by this Plan shall be regulated by the UDC “Unified Development Code of the City of Hutto, Texas” (“UDC”) in effect on the date of adoption of this ordinance. In those cases where in conflict, this PUD shall take precedence over the UDC.

1.4 Severability

In case one or more provisions contained of this Plan are deemed invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceability shall not affect any other provisions of this Plan and in such event, this Plan shall be construed as if such invalid, illegal or unenforceable provision had never been contained in this Plan.

1.5 Amendments to Ordinance

Technical, site planning or engineering considerations that meet the intent of this PUD may call for minor modifications from the approved PUD. The Development Services Director may approve minor modifications if they promote flexibility in design and are consistent with the intent of the original PUD approval.

Modifications to the PUD shall be administered as follows:

Modifications of the Concept Plan pertaining to (a) roadway and trail alignments; (b) changes in the density of specific sections or phases shown on the Concept Plan that do not increase the overall density of development on the Land, and (c) changes of less than ten percent (10%) in the size of any section or phase shown on the Concept Plan, shall be considered “Minor Modifications” over which the City’s Development Services Director has final review and decision-making authority. In addition, the City may request modifications to the Concept Plan relating to roadway and trail alignments if necessary due to topography, terrain, floodplains and floodways, alignment with connections to adjoining portions of roadways, trails, or utilities on adjacent properties, and similar situations, all of which shall be considered Minor Modifications over which the City’s Development Services Director has final review and decision-making authority.

All other changes to the Concept Plan that are not Minor Modifications shall be considered “Major Modifications.” Major Modifications to the Concept Plan must be approved as an amendment to this PUD Ordinance by the City Council. After approval by the City in accordance with these requirements, all Minor Modifications and Major Modifications to the Concept Plan shall be recorded by the City at the Property owner’s expense in the Official Records of Williamson County, and thereafter, all references in this Development Plan to the Concept Plan shall mean and refer to the then most current approved and recorded Concept Plan.

Minor Modifications to the Concept Plan allowed by this Development Plan shall not be deemed to be changes to the Project under Chapter 245 of the Texas Local Government Code. All Major Modifications to the Concept Plan shall be deemed to be changes to the Project under Chapter 245 of the Texas Local Government Code, and the provisions of the UDC and all other applicable laws and regulations in effect at the time of such Major Modifications shall apply unless the City agrees otherwise.

Approval of this Development Plan does not constitute plat or site plan approval, and all development related approvals required by the UDC are still required. The request for an amendment to the PUD Ordinance shall not subject the entire application to public hearing, but only that portion necessary to rule on the specific issue requiring the relief.

1.6 Definitions

Definitions set forth in the UDC, including general abbreviations, terms definitions and conditions for use indicated throughout this ordinance shall apply to this PUD.

2. DEVELOPMENT PLAN and LAND USES

2.1 Permitted Uses in the PUD

The purpose of the Plan is to provide a mixed-use development including retail, multi family and single family residential uses. **Exhibit C**, illustrates the location of the Plan area and the proposed land use blocks.

For the purpose of addressing any development regulation not modified within this PUD, the following City of Hutto UDC base zoning districts shall be utilized for the following uses:

Single Family: SF-1

Townhouse: SF-2

Multi Family: MF

Non Residential: B-1

Permitted uses within the boundaries of the PUD are as listed in the below land use table:

PERMITTED USES

Use	Conditions
<u>Residential</u>	
Multifamily	
Dwelling: Single Household Attached Townhouse	1
Single Family residential	
Single Family village	
Single Family zero lotline	
<u>Non-Residential</u>	
Hotel	2
Library	
Community Service	
Government Facilities	
Park	
Amenity/Recreation Center	
Restaurant/Bar	
Food Catering (accessory or secondary to restaurant or bakery)	
Live/Work Units	
Office: Professional	
Office: Medical	
Veterinary Clinic	
Personal and business service shop	

Print Shop	
Retail Sales and Service (other than the uses listed below)	
Bakery	
Bank	
Convenience Store	

Use-Non Residential	Conditional Use
Day Care: Child (1-6 children)	
Day Care: Child (greater than 6 children)	
School: no more than 5 students	
School: at least 6 students	
Public Utility Substation	
Bed and Breakfast	
Bus Stops	

Temporary Uses

Temporary uses	
Construction equipment storage lot	
Construction field office	
Portable storage container	
Temporary building	

Accessory Uses

Accessory uses	
Antenna, non residential use: other	
Drive through facility	
Satellite dish	
ATM machines – stand alone	

Conditions of Use

- (1) Townhouse
 - (a) Development standards not addressed in this Plan shall comply with the SF-2 zoning district of the Code, as amended.

- (b) Parking: A minimum of 2 parking spaces are required per unit. At least one (1) of the required spaces must be garage enclosed.
- (c) Units shall be oriented to the street or public green and be elevated a minimum of 18 inches from the adjacent sidewalk.
- (d) Garages shall be oriented towards an alley at the rear of the unit and the rear setback shall be measured from the edge of the alley.

(2) Hotel

- (a) Hotel use up to 60 feet in height is limited to Parcel 6, as illustrated on the Land Use Plan, Exhibit C.

2.2 Use Descriptions and Standards

Unless otherwise modified within this PUD, refer to the UDC for definitions of uses and standards for residential uses, commercial and retail uses, industrial uses, institutional and civic uses, temporary uses and accessory uses.

Prohibited Uses

Uses not listed in the “Permitted Use” table in section 2.1 shall be deemed prohibited unless determined to be appropriate under the conditions outlined for “New and Undefined Uses”.

New and Undefined Uses

As commerce and technology evolve, new types of land uses will develop and forms of land use not anticipated may seek locations in the Durango Farms PUD. To provide for contingencies, the Development Services Director will consider the appropriateness of an undefined use within the PUD area. Approval criteria include:

- Impacts of the use, including externalities and use of public services and infrastructure,
- The use is similar in nature and impact to a use listed and defined as a permitted use in the PUD.
- The use is consistent with the intent of the PUD district.
- The use conforms to the intent of the PUD, UDC and applicable plans
- The interpretation does not lower the protection given to the public by the PUD and UDC.
- The use does not have the potential to create a dynamic that would harm the vitality or future development potential of surrounding commercial, industrial and residential areas.

3. DEVELOPMENT STANDARDS

3.1 General Standards

3.1.1 Lot dimensions and area

	Single Family SF-1	Multi family MF-1	Townhome SF-2	Commercial/ retail/office/ B-1
Lot area (min)	4,000 sq. ft.(e)	20,000 sq. ft.	2,000 sq. ft.	20,000 sq. ft
Lot width at building line (min)	40 ft. (e)	100 ft.	20 ft.	100 ft.
Front yard setback	15 ft./20 ft (a)	25 ft.	15/20 ft. (a)	20 ft.
Side yard (min)	0/5 ft. (b)	10 ft.	0 ft. for common walls or 5 ft. (b)	0 ft. for common walls or 10 ft. (b)
Rear yard (min)	10 ft.	25 ft.	10 ft.	25 ft.
Side and rear yard for accessory building (min)	5 ft.	Same as main Building (c)	Same as main building (c)	Same as main building (c)
Spacing between buildings (min)		20 ft.	10 ft.	10 ft.
Building height (min/max)	35 ft.	3 story/4 story	35 ft.	35 ft./60 ft. (f)
Building height, accessory (max)	15 ft.	15 ft.	15 ft.	15 ft.
Lot Coverage	(d)	80% (d)	80% (d)	95% (d)
Sidewalks (min width along local streets)	4 ft.	8 ft.	4 ft.	8 ft.

(a) Front setback may be 15 feet for alley loaded homes. Front setback shall be a minimum of 20 feet for front loaded homes.

(b) Side setback of 0 feet is allowed only for internal attached buildings with a common wall or for zero lotline single family homes.

(c) Accessory buildings are not permitted between the front building line of the primary building and the public right of way.

(d) The buildable density on a lot shall be governed by the height, setback and lot coverage requirements only.

(e) Lots less than 50 feet in width or less than 5,000 s.f. will be served by a rear alley.

(f) 60 foot height is limited to Parcel 6 of the Land Use Plan, Exhibit C

3.1.2 Setback encroachment exceptions

Type of structure or use	Residential uses	Non-residential uses
Air conditioning equipment	Any part of the side and rear yard. Must be screened from view	n/a
Arbors and trellises	Any yard, at least 5 ft. from neighboring PL	
Awnings / Galleries	No more than 3 ft. into front, side or rear setback; may hang over easements	8 feet of vertical clearance required.
Bay windows, entry vestibules, overhanging eaves	No more than 3 ft. into any setback	
Ramps and other access devices required by the ADA	Any yard on the site as long as they do not impede pedestrian flow	
Retaining walls	Any yard on the site	

3.1.3 Buffer yards

3.1.3.1 Landscape buffer yard shall be provided along the eastern boundary of the PUD along FM 1660.

- 20 ft. from FM 1660 right-of-way
- Landscape for the buffer yard shall be planted per the requirements of Section 3.4.2 of this PUD.

3.1.4 Screening

3.1.4.1 Loading area screening

Off-street loading areas must be fully screened from view from public streets and open spaces. Wing walls, landscape screens, changes in building orientation and/or other architectural elements must be used to buffer loading docks. Loading docks shall be located no more than 100 ft. from a single family residential use or lodging establishment.

Refer to Landscape, section 3.4 of this PUD for planting requirements.

3.1.4.2 Dumpster screening

Dumpster enclosures within the PUD must be located at least 25 ft. from

a residential use. Dumpsters must be screened from public streets and pedestrian gathering areas with masonry walls and enclosure gates that are compatible with the architectural theme of the adjacent building(s).

Refer to Landscape, section 3.4 of this PUD for planting requirements.

3.1.4.3 Parking lot screening

Parking lots that are visible from a public street must be screened from the adjacent street and walkway by a minimum 6 foot wide landscape area. Three and a half foot tall screen wall, shrubs, trees or a combination of the above may be placed in the 6 foot landscape screening area.

Refer to Landscape, section 3.4 of this PUD for planting requirements.

3.1.4.4 Mechanical equipment screening

Rooftop mechanical equipment must be hidden or screened with architecturally integral elements at least as high as the equipment to be screened.

Ground mounted mechanical equipment must be hidden or screened with architecturally integral wing walls and/or landscaping.

Solar panels are exempt from mechanical equipment screening standards.

Refer to Landscape, section 3.4 of this PUD for planting requirements.

3.1.4.5 Utility equipment screening

Electric meters, switch boxes, panels, conduit and related utility equipment must be placed in the most inconspicuous location possible. Where allowed by utility provider, paint all utility equipment to match adjacent building or landscape, or provide landscape screening in compliance with the UDC.

Utility equipment located in an area that may be frequently seen by the general public must be screened with a wing wall architecturally integrated into the host structure or painted to match the primary building color.

3.2 Site Design Standards

3.2.1 Water Bodies and Retention Areas

3.2.1.1 Shape/Slope

Permanent wet retention ponds visible from a street or other public area must be designed to appear natural by having curvilinear edge treatments.

Retention basins must be designed with at least 5:1 side slopes to 2 ft. below the normal water line.

3.2.1.2 Landscaping Areas

- Landscape islands of at least 162 sq. ft. must be placed at both ends of a parking row.
- Parking rows cannot extend for greater than 10 spaces without an interrupting landscape island of at least 162 sq. ft.
- A 10 ft. landscape median shall be provided between every other parking bay, unless space constraints exist and it is not physically possible to comply and still create a functioning parking lot. The planning director shall have authority to approve modifications on a case by case basis.

3.2.2 Parking and Loading Space Bulk Standards

3.2.2.1 Parking space dimensions

Parking spaces must have the following minimum dimensions:

- Standard parking space (perpendicular or angled to the aisle): 9 ft. x 18 ft.
- Compact parking space: 7.5 ft x 16.5 ft.
- Standard parking space (parallel to the aisle): 8 ft. x 23 ft.
- Handicapped parking space: 9 ft. x 18 ft., plus a clear 5 ft. x 18 ft. loading area to the side. Two handicapped spaces may share one

loading area.

- Motorcycle space: 4.5 ft. x 9 ft.
- Off-street loading space: 12 ft. x 25 ft.
- Bicycle space: a stationary object where a user can secure both wheels and the frame of the bicycle with a 6 ft. cable and lock. The stationary object may be a freestanding bicycle rack, a wall-mounted bracket, an enclosed bicycle locker, a three point bicycle rack or a fenced, covered, locked or guarded bicycle storage area.

3.2.3 Parking Requirements

3.2.3.1 Required parking spaces

Uses shall provide the amount of parking that is necessary to meet anticipated normal demand. Up to 15% of the total provided parking spaces for each individual site plan within the overall development may be Compact Parking Spaces: The minimum number of required parking spaces for a use is as follows:

Commercial use classification	Required specs (minimum)	Maximum Spaces
Multi-tenant retail buildings;	1 per 400 sq. ft. GFA	1 per 200 sq. ft. GFA
Restaurant	1 per 150 sq. ft. GFA	1 per 75 sq. ft. GFA
Retail uses including: performing art studio, bank, bakery, retail, convenience store, gas station, instructional facility, personal and business service shop, print shop, retail store	1 per 400 sq. ft. GFA	1 per 200 sq. ft. GFA
Office uses, including medical office, professional office, civic uses	1 per 400 sq. ft. GFA	1 per 200 sq. ft. GFA
Child day care facility	1 per employee + 3	1 per employee + 6
Townhouse	2 spaces	N/A
Multi Family	1 space per unit + .5 per bedroom	N/A
Single Family	2 spaces per unit	N/A

3.2.3.2 Bicycle parking

One or more bicycle parking spaces must be provided for every 20 vehicle parking spaces required as a minimum for non-residential uses.

3.2.3.3 Space computation and fractions

Fractional results will be rounded up when computing the number of required parking spaces.

3.3 Architectural Standards

3.3.1 Design Guidelines

Building design within the Durango Farms PUD shall comply with the architectural design criteria outlined in the City of Hutto Unified Development Code (UDC) in place at the time of approval of this PUD.

In addition to the requirements of the City UDC, the Owner will establish an Architectural Review Committee for the project in order to maintain a comprehensive and complementary architectural style throughout the PUD area. The Owner shall establish an Architectural Review Committee (ARC) composed of an architect, landscape architect, one City of Hutto staff member, and the Owner.

The ARC shall establish design guidelines to specify the architectural style, materials and colors to be used, in addition to building and site orientation. For each project, items such as architectural elevations, material sample boards and color samples shall be submitted to the ARC for their review and approval. An approval letter from the ARC shall be submitted with the corresponding applications to the City for site development and building permits. The approval of the ARC shall not take the place of any and all required submittals to the City, County or other governmental agency as necessary to receive regulatory approvals.

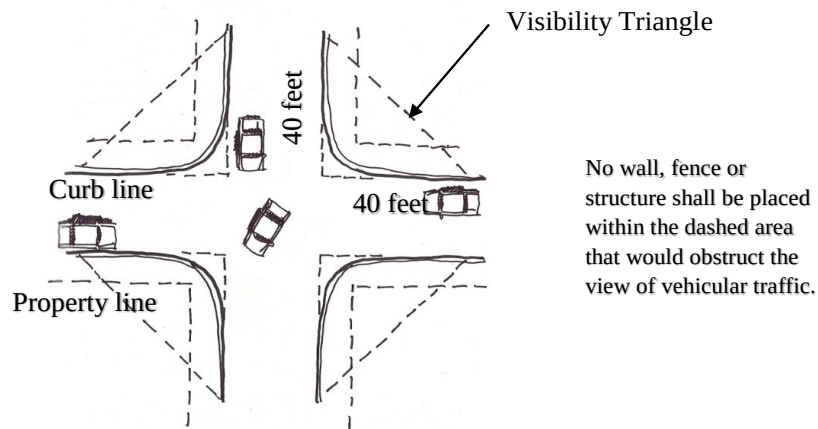
Refer to Exhibit D for Covenants, Conditions and Restrictions (CCRs) that will apply to the Durango Farms PUD.

3.4 Landscaping

3.4.1 General Standards

3.4.1.1 Visibility

Shrubs growing over 3 ft. tall at maturity must be placed at least 10 ft. from curb cuts. This is to maintain clear driver sight distance at driveway-street intersections. Visibility triangles shall be measured from the face of the curb to the face of the curb at intersections and driveways, measuring forty (40) feet along the sides of the triangle that face the intersection.



3.4.1.2 Utilities

Trees must be placed at least 10 ft. from streetlights, 5 ft. from wet utilities and 4 ft. from gas lines, unless otherwise approved by a City Development Services designee.

3.4.2 Required Landscaping:

3.4.2.1 Landscaping areas

Area	Native tall trees (minimum)	Native small trees (minimum)	Native shrubs (minimum)
Landscape buffer FM 1660	1 per 40 ft. of linear buffer	1 per 40 ft. of linear buffer	1 per 5 ft. of linear buffer
Street frontage along internal, public streets – “Street Trees”	1 per 40 ft. of street frontage unless interruption is needed for utility conflict	Optional	Optional
Rear yard trees on lots wrapping the perimeter of the project.	Min. of 1 tree per lot in the back yard		
Street frontage along East Street where lots back to East Street	1 per 40 ft. of street frontage unless interruption is needed for utility or signage conflict		
Parking lots: landscape islands in rows and at row ends	1 per island if terminating or interrupting one row; 2 per island if terminating or interrupting two rows	Optional	2 per island if terminating one row; 4 per island if terminating or interrupting two rows. Shall not impede visibility.
Parking lots: landscape buffers between parking lot and public street or pedestrian area.	1 per 40 ft. of linear landscape area	1 per 30 ft. of linear landscape area	1 per 5 ft. of linear landscape area
Interior Parking: 10 ft. landscape median between every other parking bay	1 per 60 ft of linear landscape area	1 per 25 ft of landscape area	
Dumpster Screening (*does not apply when the enclosure is an architectural extension of a principal building)		1 on each of the three sides of the enclosure, except the side where the gate is located.	1 per 4 linear ft of wall constructed
Ground Mounted Equipment			1 per 3 ft of linear landscape around boundary, except the side where access is located.
Medians	1 per 50 ft. of linear median	Optional	Optional
Other areas (retention and detention basins, open space, etc.)	1 per 2,500 sq. ft. of landscape area	1 per 5,000 sq. ft. of landscape area	2 per 1,000 sq.ft. of landscape buffer

3.4.3 Tree and shrub size

Native tall trees must have a caliper of at least 3 in. and 10-12 ft. ht.
Native small trees must have a caliper of at least 1.5 in. and 8-10 ft. ht.
Planted shrubs must have a minimum 3-gallon container or be at least 18 in. tall.

3.4.4 Street Trees

- (1) Planted a maximum of 40' on center except when an interruption is needed for a utility or desired view into a park or open space.
- (2) Trees shall be located a minimum of ten feet (10') from a building.
- (3) Located within a minimum six-foot (6') wide planting strip or within an 6'x6' tree grate.
- (4) Sized at a minimum of three (3") caliper;
- (5) All trees should be pruned of branches that overlap into pedestrian walkways, parking spaces or drive aisles up to 9 feet high to allow for safe passage.
- (6) The following tree species are recommended for Street Trees. The same species shall be used along a contiguous street frontage for a visual consistency.

<u>Common Name</u>	<u>Scientific Name</u>
Carolina Cherry Laurel	<i>Prunus caroliniana</i>
Chinquapin Oak	<i>Quercus muehlenbergii</i>
Texas Red Oak	<i>Quercus buckleyi</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Live Oak	<i>Quercus virginiana</i>
Mexican Sycamore	<i>Platanus mexicana</i>

3.4.5 Materials, maintenance and replacement

3.4.5.1 Plant materials

Plant choice must be based on the Central Texas ecological setting and site microclimate conditions.

3.4.5.1.1 Maintenance

Trees and vegetation, irrigation systems, fences, walls and other landscape elements are considered elements of the project in the same way as parking, building materials and other site details. The applicant, landowner or successors must be jointly and severally responsible for regular maintenance of all landscaping elements in good condition. Landscaping must be maintained free from disease, pests, weeds and litter.

A master community association will be established for the maintenance of landscape and irrigation areas located between the roadways and the building lines for internal projects as well as for all community signage, walls, medians, common open spaces, greenbelts, parks and detention areas. Sub associations may be formed for individual tracts as defined on **Exhibit C** of the PUD.

3.4.5.1.2 License Agreement

A License Agreement(s) shall be required for the installation and maintenance of any landscaping, signage or other similar facilities within the City right-of-way. Such facilities may include: Project entry signage at major intersections; directional signage; Street signs; Lighting, including enhanced street lights and landscape lighting; Intersection and crosswalk enhancements, consisting of pavers, stamped and/or integrated color concrete; Sidewalks; Landscaping, including plant beds and street trees; Site furnishings, such as benches, planters, trash receptacles; Irrigation; and Decorative Walls

The Owner shall make application for a License Agreement(s) at the time of Site Plan or construction plan submittal.

3.4.6 Irrigation

3.4.6.1 Automatic irrigation required

All plants on newly developed parcels must be irrigated with underground or drip irrigation.

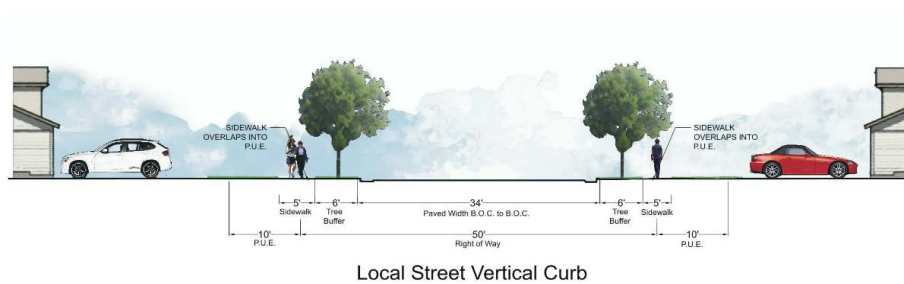
3.5 Streets

3.5.1 Street Alignment

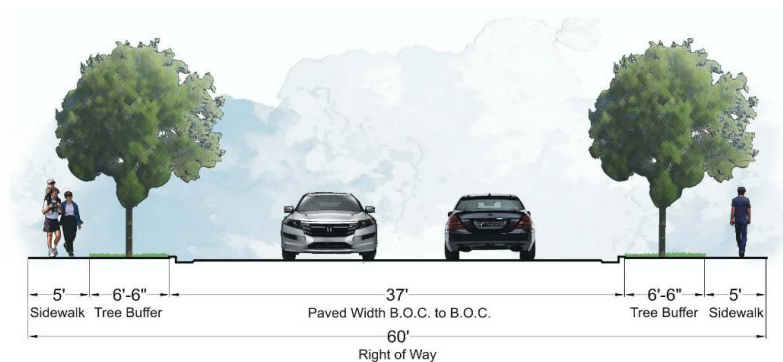
The precise alignment of the streets included in the Plan may be varied with City approval. **Exhibit C** illustrates the primary circulation pattern and the below street designations describe the planned streets within the PUD boundary.

3.5.2 Street Cross Sections

Local Street: 50 foot right of way. 33 feet of pavement face of curb to face of curb. 5 foot sidewalks on each side. Sidewalks may extend into the adjacent public utility easement.



Collector Roadway: 60 foot right of way. 36 feet of pavement face of curb to face of curb. 5 foot sidewalks on each side.



3.5.3 Alleys

An alley (residential or commercial) is a public street designed to provide access to the rear or side of a lot including garage access, solid waste access, fire access and utility easements.

- Alleys may be required in non-residential areas where it is necessary to provide for adequate access for service vehicles, off-street loading or unloading, access for emergency vehicles or similar reasons consistent with the intent of this PUD.
- Alleys may not access arterial streets.
- All alleys shall have at least two direct access points to public streets
- Alleys shall be 20 feet of right of way with 14 feet of pavement

3.5.4 Construction Traffic

In order to minimize disturbance to the Old Town District, no construction heavy truck traffic shall be allowed to access the property from the south, via East Street or Main Street. Heavy construction vehicles will be allowed to access the property from FM 1660 and Mager Lane.

3.6 Common Open Space / Parkland

3.6.1 Common Open Space

The Durango Farms PUD Parkland requirements shall be satisfied by a fee in lieu of payment for parkland contribution. The fee for parkland shall be calculated as \$300 per single family unit and \$175 per multi family unit.

The parkland fee in lieu calculation summary shall be provided with the preliminary plat. Payment of the parkland fee in lieu shall be provided prior to the recordation of a final plat for the number of units within said final plat.

In addition to the fee in lieu of parkland, an internal private park will be improved and will include but not be limited to the following amenities: picnic pavilion, playground, sport court, trails, open play field and off street parking.

No other fees or improvements shall be required beyond those outlined in this PUD.

All private open space and structures thereon shall be conveyed to and permanently owned and maintained by a Property Owner's Association (POA). The POA will adopt rules and regulations regarding access, permitted uses, security (policing) and maintenance responsibilities for the open spaces.

3.7 Walls and Fencing

3.7.1 Required walls

The following fence and wall types are required:

Required fence Area/purpose	Height		Acceptable types/materials
Dumpster and utility area	6 ft. – 8 ft.		Masonry (stone, brick, similar materials)
	Must include the same materials, finishes and detailing as the host structure. Gates must be visually and structurally solid; must be metal. Dumpsters and compacters cannot be unscreened unless they are used for a construction or demolition project on the site.		
Utility substation or facility	6 ft. – 12 ft. or sufficient to conceal the substation		Masonry (stone, brick, similar materials)
Single Family or Multi Family lot that backs up to park or open space	6 ft.		Decorative iron fence
Single Family lots that back up to East Street	6 ft.		Masonry (stone, brick or similar materials)

3.8 Outdoor Lighting

3.8.1 General Standards

3.8.1.1 Display levels and light pollution

- Lighting must be designed to minimize light pollution and spillage on adjacent properties.
- Ornamental street lights shall be allowed along the internal collector and local streets.
- Illumination spillover onto adjacent residential zoned properties must be no more than 5 lux. Streetlights are exempted.

3.8.1.2 Design

- Light poles should have a base, middle and top.
- Light pole design must be consistent with the style, character and theme used throughout the PUD area.
- Light poles must be placed in landscape areas wherever possible.
- Light poles must not obstruct sidewalks or bicycle paths.

3.9 Project Identification Signs

Project identification signage within the PUD are identified on **Exhibit C** and shall comply with regulations outlined below. Additional signage beyond the project identification signs shall comply with the UDC unless modified in the following standards below or modified by a Master Sign Plan in the future:

3.9.1 Signs that are unique to the Durango Farms PUD and vary from the standard UDC sign regulations are as follows:

Type		Number	Maximum area	Maximum height	Minimum setback
Permanent Signs	Freestanding Project Identification Signs along FM 1660 on the east and East Street on the south	2	150 sq. ft. per sign	25 ft.	10 ft. from adjacent right of way

3.9.2 Prohibited signs

- Pole/pylon Sign. Pole or pylon Signs are not allowed in the PUD boundary.

This prohibition does not apply to:

- Permanent development signs
- Signs placed by government authorities
- Banners placed on a light pole, utility pole or over a street as part of a

special event of general civic interest

- Traffic and safety control signs incorporating flashing lights (i.e. stop sign with flashing lights to improve awareness of intersections and improve safety)

4. Exhibits

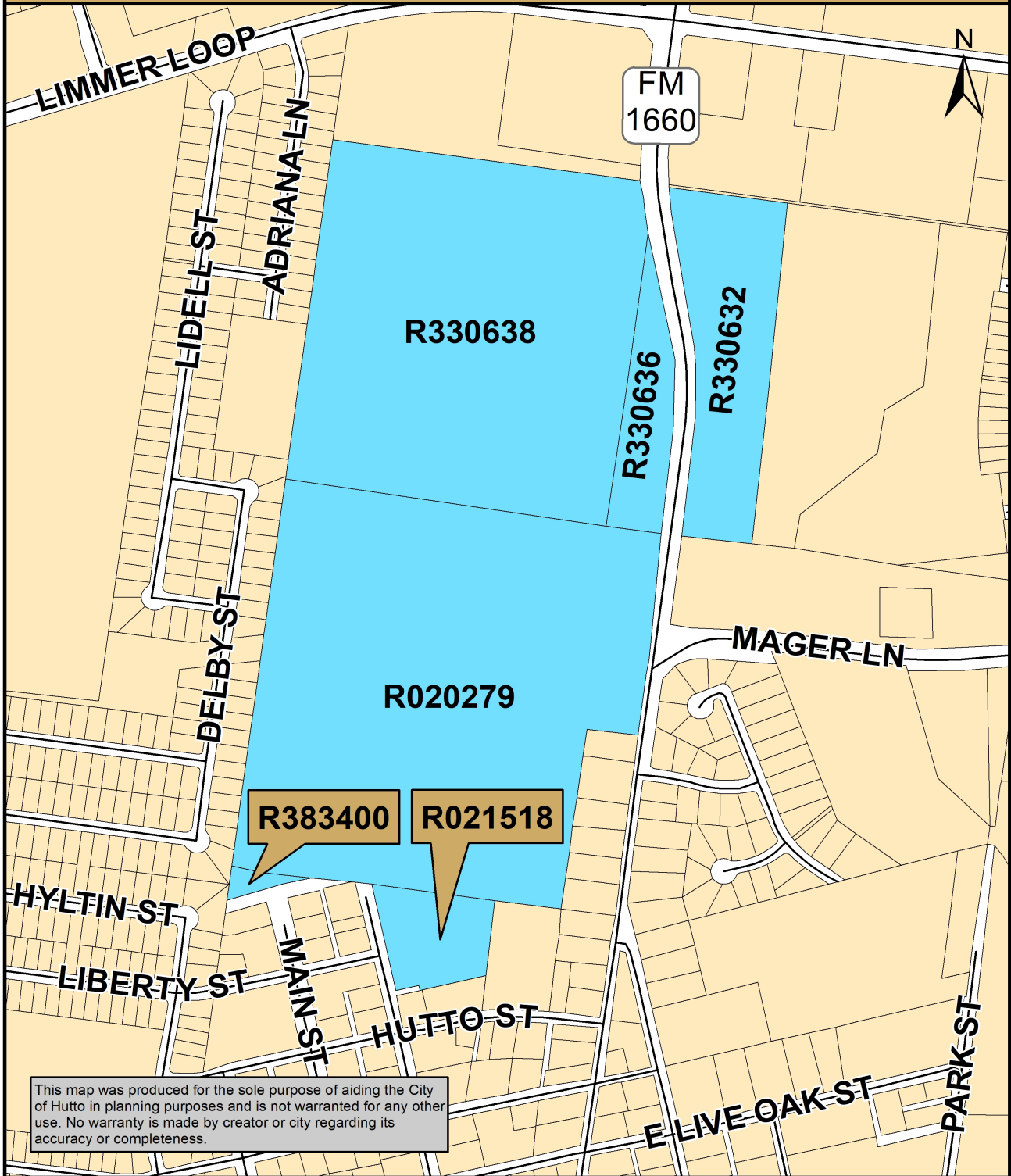
Legal Description – Exhibit B

Land Use Plan-Exhibit C

CCRs Covenants, Conditions, Restrictions – Exhibit E

Exhibit B – Legal Description

Roznovak Subdivision



Map Document: (K:\SITE LOCATION MAPS\2019 Site

Location Maps\Old_Town\Roznovak_Subdivision.mxd)

7/29/2019 -- 10:21:53 AM

Page 38 of 48



0 250 500 1,000
Feet

"EXHIBIT _"

DESCRIPTION OF 95.047 ACRES OF LAND IN THE J. SHELTON SURVEY, ABSTRACT NO. 560, THE E. THOMASON SURVEY, ABSTRACT NO. 844, AND THE W.J. BROWN SURVEY, ABSTRACT NO. 105, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF A CERTAIN CALLED 96.99 ACRE TRACT DESIGNATED AS TRACT ONE AND DESCRIBED IN THE DEED TO JERRY E. ROZNOVAK AND WIFE, HILDA ROZNOVAK OF RECORD IN VOLUME 443, PAGE 472, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, AND ALL OF CAPITOL STREET, A 50-FOOT RIGHT-OF-WAY AS SHOWN ON THE HUTTO AND METCALFE ADDITION SUBDIVISION PLAT OF RECORD IN BOOK 66, PAGE 148, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, AND AS SHOWN ON THE REVISED MAP OF CITY OF HUTTO OF RECORD IN CABINET A, SLIDE 221, PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 95.047 ACRES OF LAND, AS SURVEYED BY LANDDEV CONSULTING, LLC, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod with a plastic cap stamped "RJ Survey" (Grid Coordinates: N= 10,177,139.20, E= 3,174,174.80) found in the west right-of-way line of F.M. 1660, a variable-width right-of-way, in the north line of the said 96.99 acre tract, at the easterly southeast corner of a certain called 201.06 acre tract described in the deed to Billie B. Davenport of record in Volume 1079, Page 938, Deed Records of Williamson County, Texas, same being the southwest corner of a certain called 4.758 acre tract described in the deed to the State of Texas of record in Volume 476, Page 605, Deed Records of Williamson County, Texas, same being the northwest corner of a certain called 3.722 acre tract described in the deed to the State of Texas of record in Volume 476, Page 607, Deed Records of Williamson County, Texas, for the northeast corner and **POINT OF BEGINNING** of the tract described herein;

THENCE leaving the easterly southeast corner of the said 201.06 acre tract, crossing the said 96.99 acre tract, with the west right-of-way line of said F.M. 1660, and the west line of the said 3.722 acre tract, with the east line of the tract described herein, the following five (5) courses and distances:

1. with the arc of a curve to the left, having a radius of 1,186.28 feet, an arc distance of 167.73 feet, and a chord which bears S 05°38'19" E, a distance of 167.59 feet to a calculated point-of-tangency, from which a destroyed Texas Department of Transportation (TXDOT) Type-1 concrete right-of-way monument found bears S 84°08'53" W, a distance of 0.45 feet,
2. S 09°45'32" E, a distance of 467.63 feet to a Texas Department of Transportation (TXDOT) Type-1 concrete right-of-way monument found at a point-of-curvature,
3. with the arc of a curve to the right, having a radius of 1,106.28 feet, an arc distance of 335.98 feet, and a chord which bears S 01°06'29" E, a distance of 334.69 feet to a Texas Department of Transportation (TXDOT) Type-1 concrete right-of-way monument found at a point-of-tangency,
4. S 07°51'42" W, a distance of 790.50 feet to a ¾-inch iron rod found at an angle point, and
5. S 07°39'43" W, a distance of 421.01 feet to a ½-inch iron rod with a plastic cap stamped "RJ Survey" found in the west line of the said 3.722 acre tract, in the north line of a certain called 0.51 acre tract described in the deed to Nadine Carole Johnson and Dennis Johnson of record in Document No. 2006083936, Official Public Records of Williamson County, Texas, for a southeast corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped "RPLS 1433" found in the west right-of-way line of said F.M. 1660 at the northeast corner of the said 0.51 acre tract bears S 82°31'24" E, a distance of 21.83 feet;

THENCE N 82°16'34" W, leaving the west right-of-way line of said F.M. 1660, and the west line of the said 3.722 acre tract, crossing the said 96.99 acre tract, with the north line of the said 0.51 acre tract, and with a south line of the tract described herein, a distance of 179.38 feet to a 1/2-inch iron rod with a plastic cap stamped "RJ Survey" found at the northwest corner of the said 0.51 acre tract, for a re-entrant corner of the tract described herein;

THENCE S 07°29'25" W, continuing across the said 96.99 acre tract, with the west line of the said 0.51 acre tract, with the east line of the tract described herein, a distance of 114.42 feet to a ½-inch iron rod with a plastic cap stamped "RPLS 1433" found at a re-entrant corner of the said 96.99 acre tract, at the southwest corner of the said 0.51 acre tract, same being the northwest corner of a certain called 4/5ths of an acre described in the special warranty deed with life estate to Robert W. Kaderka and wife, Bonnie Kaderka of record in Document No. 2015074295, Official Public Records of Williamson County, Texas, for an angle point in the east line of the tract described herein;

THENCE S 07°42'22" W, with the east line of the said 96.99 acre tract, with the west line of the said 4/5ths of an acre tract, and with the west line of a certain called 0.51 acre tract described in the deed to Bruce Craig Cunningham of record in Volume 1954,

Page 227, Official Public Records of Williamson County, Texas, with the east line of the tract described herein, a distance of 180.55 feet to a ½-inch iron rod with a plastic cap stamped "RJ Survey" found at an angle point;

THENCE S 06°40'19" W, with the east line of the said 96.99 acre tract, with the west line of the said 0.51 acre tract, and with the west line of a certain called 0.484 acre tract described in the deed to Marla Dawn Burns of record in Document No. 9722814, Official Public Records of Williamson County, Texas, with the east line of the tract described herein, a distance of 200.68 feet to a ½-inch iron rod found in the north line of a certain called 0.480 acre tract described in the deed to John A. Drummond, Sr. of record in Document No. 9662944, Official Public Records of Williamson County, Texas, at the southwest corner of the said 0.484 acre tract, same being a southeast corner of the said 96.99 acre tract, for a southeast corner of the tract described herein;

THENCE N 81°53'59" W, with the north line of the said 0.480 acre tract and a south line of the said 96.99 acre tract, with a south line of the tract described herein, a distance of 10.57 feet to a fence corner post found at a re-entrant corner;

THENCE S 08°03'45" W, with the west line of the said 0.480 acre tract and the west line of a certain called 0.59 acre tract described in the deed to Jonathan M. Wagner and Marci H. Wagner of record in Document No. 2016117309, Official Public Records of Williamson County, Texas, with the east line of the said 96.99 acre tract, with the east line of the tract described herein, a distance of 223.01 feet to a concrete monument found in the north line of a certain called 2.47 acre tract described in the deed to Charles E. Holland and Deborah D. Holland of record in Volume 868, Page 561, Deed Records of Williamson County, Texas, at the southwest corner of the said 0.59 acre tract, same being a southeast corner of the said 96.99 acre tract, for a southeast corner of the tract described herein;

THENCE N 82°23'05" W, with the north line of the said 2.47 acre tract, with a south line of the said 96.99 acre tract, with a south line of the tract described herein, a distance of 242.61 feet to a 3/8-inch iron rod found at the northwest corner of the said 2.47 acre tract, at the northeast corner of Block 4, said Hutto and Metcalfe Addition, for a re-entrant corner of the tract described herein;

THENCE S 07°38'01" W, with the west line of the said 2.47 acre tract and an east line of the said 96.99 acre tract, with the east line of said Block 4 and Block 3, said Hutto and Metcalfe Addition, with an east line of the tract described herein, a distance of 298.64 feet to a ½-inch iron rod found in the east line of said Block 3, Hutto and Metcalfe Addition, and the northeast corner of a certain called 0.659 acre tract described in the deed to Dennis O. Johnson and Nadine C. Johnson of record in Document No. 2001074832, Official Public Records of Williamson County, Texas, for the southerly southeast corner of the tract described herein;

THENCE S 77°34'56" W, crossing the said 96.99 acre tract, with the north line of the said 0.659 acre tract, with the south line of the tract described herein, a distance of 253.79 feet to a ¾-inch iron rod found at the northwest corner of the said 0.659 acre tract, and the northeast corner of Lot 3, Block 2, said Hutto and Metcalfe Addition, for an angle point in the south line of the tract described herein,

THENCE S 77°37'39" W, continuing across the said 96.99 acre tract, with the north line of said Lot 3, Block 2, Hutto and Metcalfe Addition, with the south line of the tract described herein, a distance of 91.78 feet to a concrete monument found in a west line of the said 96.99 acre tract, at the intersection of the south line of an alley and the east right-of-way line of East Street, a 60-foot right-of-way, as shown on the said Hutto and Metcalfe Addition subdivision plat, at the northwest corner of said Lot 3, Block 2, Hutto and Metcalfe Addition, for the southerly southwest corner of the tract described herein;

THENCE N 12°28'30" W, with the east right-of-way line of said East Street, the west line of the said 96.99 acre tract, with the west line of Lot 6, Block 2, and the west line of Block 5, said Hutto and Metcalfe Addition, with a west line of the tract described herein, a distance of 439.34 feet to a ½-inch iron rod with a plastic cap stamped "RJ Survey" found at the northeast terminus of said East Street, at the northwest corner of Block 5, said Hutto and Metcalfe Addition, for an angle point in the south line of the tract described herein;

THENCE N 82°21'12" W, with the south line of the said 96.99 acre tract, with the north terminus of said East Street, with the south line of the tract described herein, a distance of 63.90 feet to a calculated point for the northwest terminus of said East Street and the northeast corner of Lot 5, Block 8, said Hutto and Metcalfe Addition, from which a ¾-inch iron pipe found bears N 63°55'34" W, a distance of 0.36 feet;

THENCE N 82°21'12" W, continuing with the south line of the said 96.99 acre tract and the north line of said Lot 5, Block 8, Hutto and Metcalfe Addition, with the south line of the tract described herein, a distance of 16.46 feet to a calculated point for the southeast terminus of Capitol Street, a 50-foot right-of-way, as shown on the said Hutto and Metcalfe Addition subdivision plat, for an angle point in the south line of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped "RJ Survey" found in the south line of the said 96.99 acre tract at the northeast terminus of said Capitol Street and the east corner of Block 9, said Hutto and Metcalfe Addition, bears N 82°21'12" W, a distance of 139.80 feet;

Williamson County, Texas
J. Shelton Survey, Abstract No. 560
E. Thomason Survey, Abstract No. 844
W.J. Brown Survey, Abstract No. 105

95.047 Acres
Page 3 of 3

THENCE S 76°41'29" W, leaving the south line of the said 96.99 acre tract, with the north line of Lots 5-6, Block 8 and Lots 4 and 2, Block 12, said Hutto and Metcalfe Addition, with the south right-of-way line of said Capitol Street, a distance of 500.29 feet to a calculated point in the east line of Lot 4, Block F, Hutto Square Section 1, a subdivision according to the plat of record in Cabinet W, Slides 263-267, Plat Records of Williamson County, Texas, at the northwest corner of said Lot 2, Block 12, and the southwest terminus of said Capitol Street, same being the northwest corner of a certain tract of land designated as Second Tract and conveyed in the warranty deed to Curtis L. Peterson of record in Volume 535, Page 51, Deed Records of Williamson County, Texas, for the westerly southwest corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped "RJ Surveying" found in the west line of said Lot 2, Block 12, Hutto and Metcalfe Addition, at the southeast corner of said Lot 4, Block F, Hutto Square Section 1, and the northeast corner of Lot 3, Block F, said Hutto Square Section 1, bears S 07°42'05" W, a distance of 85.29 feet;

THENCE N 07°42'05" E, with the west terminus of said Capitol Street and the east line of said Lot 4, Block F, Hutto Square Section 1, with the west line of the tract described herein, a distance of 53.56 feet to a ½-inch iron rod with a plastic cap stamped "RJ Surveying" found at the northwest terminus of said Capitol Street, being a southwest corner of the said 96.99 acre tract, for a point-on-line in the west line of the tract described herein, from which said ½-inch iron rod with a plastic cap stamped "RJ Survey" found in the south line of the said 96.99 acre tract at the northeast terminus of said Capitol Street and the east corner of said Block 9, Hutto and Metcalfe Addition, bears N 76°41'29" E, a distance of 350.53 feet;

THENCE with the west line of the said 96.99 acre tract, the east line of said Hutto Square Section 1, the east line of Hutto Square Section 2, a subdivision according to the plat of record in Cabinet Y, Slides 154-157, Plat Records of Williamson County, Texas, and with the east line of Hutto Square Section 3, a subdivision according to the plat of record in Cabinet CC, Slides 138-139, Plat Records of Williamson County, Texas, with the west line of the tract described herein, the following four (4) courses and distances:

1. N 07°40'21" E, a distance of 55.89 feet to a ½-inch iron rod with a plastic cap stamped "4391" found at the north corner of Lot 4, the east corner of Lot 5, southeast corner of Lot 39, and the south corner of Lot 40, Block F, said Hutto Square Section 1, for an angle point of the tract described herein,
2. N 07°38'18" E, a distance of 655.93 feet to a ½-inch iron rod with a plastic cap stamped "RJ Survey" found in the east line of Lot 48, Block F, said Hutto Square Section 2, for an angle point of the tract described herein,
3. N 07°46'41" E, a distance of 230.55 feet to a ½-inch iron rod with a plastic cap stamped "RPLS 4391" found at the northeast corner of Lot 51 and the southeast corner of Lot 52, Block F, said Hutto Square Section 2, for an angle point of the tract described herein, and
4. N 07°46'30" E, a distance of 2,059.60 feet to a concrete monument found in the east line of Lot 91, Block F, said Hutto Square Section 3, at the northwest corner of the said 96.99 acre tract, same being a re-entrant corner of the said 201.06 acre tract, for the northwest corner of the tract described herein;

THENCE S 82°15'43" E, with the north line of the said 96.99 acre tract and a south line of the said 201.06 acre tract, with the north line of the tract described herein, a distance of 1,222.52 feet to the **POINT OF BEGINNING** and containing 95.047 acres of land, more or less.

BEARING BASIS: Texas Coordinate System, Central Zone, NAD83, Grid.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Ernesto Navarrete, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the parcel of land described herein is based upon a survey performed upon the ground under my direct supervision during the months of April and May, 2019.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 30th day of May 2019 A.D.

LANDDEV CONSULTING, LLC
5508 Highway 290 West, Suite 150
Austin, Texas 78735


Ernesto Navarrete
Registered Professional Land Surveyor
No. 6642 – State of Texas



LandDev Consulting, LLC ▪ 5508 Highway 290 West, Suite 150, Austin, TX 78735 ▪ (512) 872-6696

TBPE Firm No. 16384 | TBPLS Firm No. 10194101

“EXHIBIT —”

DESCRIPTION OF 10.554 ACRES OF LAND IN THE E. THOMASON SURVEY, ABSTRACT NO. 844, AND THE CANUTILLO COLONY DITCH COMPANY SURVEY, ABSTRACT NO. 693, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF A CERTAIN CALLED 11.10 ACRE TRACT DESIGNATED AS TRACT TWO AND DESCRIBED IN THE DEED TO JERRY E. ROZNOVAK AND WIFE, HILDA ROZNOVAK OF RECORD IN VOLUME 443, PAGE 472, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 10.554 ACRES OF LAND, AS SURVEYED BY LANDDEV CONSULTING, LLC, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½-inch iron rod with a plastic cap stamped “RJ Survey” (Grid Coordinates: N= 10,177,139.20, E= 3,174,174.80) found in the west right-of-way line of F.M. 1660, a variable-width right-of-way, in the north line of a certain called 96.99 acre tract designated as Tract One and described in said deed to Jerry E. Roznovak and wife, Hilda Roznovak of record in Volume 443, Page 472, Deed Records of Williamson County, Texas, at the easterly southeast corner of a certain called 201.06 acre tract described in the deed to Billie B. Davenport of record in Volume 1079, Page 938, Deed Records of Williamson County, Texas, same being the southwest corner of a certain called 4.758 acre tract described in the deed to the State of Texas of record in Volume 476, Page 605, Deed Records of Williamson County, Texas, and the northwest corner of a certain called 3.722 acre tract described in the deed to the State of Texas of record in Volume 476, Page 607, Deed Records of Williamson County, Texas, from which a concrete monument found in the east line of Lot 91, Block F, said Hutto Square Section 3, a subdivision according to the plat of record in Cabinet CC, Slides 138 and 139, Plat Records of Williamson County, Texas, at the northwest corner of the said 96.99 acre tract, same being a re-entrant corner of the said 201.06 acre tract bears N 82°15'43" W, a distance of 1,222.52 feet;

THENCE S 82°15'43" E, crossing the said F.M. 1660 right-of-way, a distance of 97.80 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set in the east right-of-way line of said F.M. 1660, in the north line of the said 11.10 acre tract, at the northeast corner of the said 3.722 acre tract and the southeast corner of a certain called 1.529 acre tract described in the deed to the State of Texas of record in Volume 476, Page 603, Deed Records of Williamson County, Texas, in the south line of a certain called 135 acre tract described in the deed to Janet Lynn Barnard, Trustee for the Janet Lynn Barnard Family 1984 Trust of record in Volume 1126, Page 800, Deed Records of Williamson County, Texas, same being the southwest corner of a certain called 65.234 acre tract conveyed to CMSAL-2 L.L.C. of record in Document No. 2011084930, Official Public Records of Williamson County, Texas, and described in Document No. 1999014821, Official Public Records of Williamson County, Texas, for the northwest corner and **POINT OF BEGINNING** of the tract described herein, from which a Texas Department of Transportation (TXDOT) Type-1 concrete right-of-way monument found in the east right-of-way line of said F.M. 1660, in the east line of the said 1.529 acre tract, and the west line of a certain called 28.449 acre tract described in the deed to North Town Commons, LLC of record in Document No. 2007062953, Official Public Records of Williamson County, Texas, bears N 03°15'10" W, a distance of 192.32 feet, and from which a ½-inch iron rod found bears N 02°00'51" W, a distance of 10.60 feet;

THENCE S 82°15'43" E, with the north line of the said 11.10 acre tract and the south line of the said 135 acre tract, with the south line of the said 65.234 acre tract, with the north line of the tract described herein, a distance of 498.95 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set for the northeast corner of the said 11.10 acre tract, at a re-entrant corner of the said 135 acre tract, in the south line of the said 65.234 acre tract, for the northeast corner of the tract described herein;

THENCE S 07°38'01" W, with the east line of the said 11.10 acre tract and the west line of the said 135 acre tract, with the east line of the tract described herein, at a distance of 9.91 feet, passing a ½-inch iron rod with a plastic cap stamped “PAPE DAWSON” found, and continuing for a total distance of 17.36 feet to a calculated point for a southeast corner of the tract described herein, from which a ½-inch iron rod found bears N 74°00'05" E, a distance of 0.23 feet;

THENCE leaving the west line of the said 135 acre tract, crossing the said 11.10 acre tract, with a south, east, and north line of the tract described herein, the following three (3) courses and distances:

1. N 82°21'59" W, a distance of 50.00 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set for a re-entrant corner,
2. S 07°38'01" W, a distance of 50.00 feet to a ½-inch iron rod with a plastic cap stamped “LANDDEV” set for a re-entrant corner, and
3. S 82°21'59" E, a distance of 50.00 feet to a calculated point in the east line of the said 11.10 acre tract and west line of a certain called 72.025 acre tract described in the deed to Mager Meadows, LP of record in Document No. 2004018146, Official Public Records of Williamson County, Texas, for a northeast corner of the tract described herein, from which a ½-inch iron rod found bears S 61°01'59" E, a distance of 0.33 feet;

THENCE S 07°38'01" W, with the east line of the said 11.10 acre tract and the west line of the said 72.025 acre tract, with the east line of the tract described herein, a distance of 1,292.44 feet to a ½-inch iron rod found in the north line of a certain called

Williamson County, Texas
E. Thomason Survey, Abstract No. 844
Canutillo Colony Ditch Company Survey, Abstract No. 693

10.554 Acres
Page 2 of 2

9.862 acre tract described in the deed to Herbert L. Prewitt and wife, Connie E. Prewitt of record in Volume 876, Page 655, Deed Records of Williamson County, Texas, at the southwest corner of the said 72.025 acre tract and the southeast corner of the said 11.10 acre tract, for the southeast corner of the tract described herein;

THENCE N 82°26'32" W, with the south line of the said 11.10 acre tract and the north line of the said 9.862 acre tract, with the south line of the tract described herein, at a distance of 2.07 feet, passing a concrete monument found 0.12 feet north of the line, and continuing for a total distance of 285.57 feet to a 5/8-inch iron rod found in the east right-of-way line of said F.M. 1660, and the south line of the said 11.10 acre tract, at a southeast corner of the said 3.722 acre tract and the northeast corner of a certain called 0.311 acre tract described in the deed to the State of Texas of record in Volume 476, Page 612, Deed Records of Williamson County, Texas, at the northwest corner of the said 9.862 acre tract, for the southwest corner of the tract described herein;

THENCE crossing the said 11.10 acre tract, with the east right-of-way line of said F.M. 1660, with the east line of the said 3.722 acre tract, with the west line of the tract described herein, the following four (4) courses and distances:

1. N 07°21'46" E, a distance of 421.34 feet to a destroyed Texas Department of Transportation (TXDOT) Type-I concrete right-of-way monument found at an angle point,
2. N 07°33'54" E, a distance of 324.41 feet to a destroyed Texas Department of Transportation (TXDOT) Type-I concrete right-of-way monument found at an angle point,
3. N 13°27'20" W, a distance of 513.66 feet to a destroyed Texas Department of Transportation (TXDOT) Type-I concrete right-of-way monument found at an angle point, and
4. N 03°15'10" W, a distance of 138.59 feet to the **POINT OF BEGINNING** and containing 10.554 acres of land, more or less.

BEARING BASIS: Texas Coordinate System, Central Zone, NAD83, Grid.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Ernesto Navarrete, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the parcel of land described herein is based upon a survey performed upon the ground under my direct supervision during the month of April and May, 2019.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 20th day of May 2019 A.D.

LANDDEV CONSULTING, LLC
5508 Highway 290 West, Suite 150
Austin, Texas 78735


Ernesto Navarrete
Registered Professional Land Surveyor
No. 6642 – State of Texas



Exhibit C – Land Use Plan

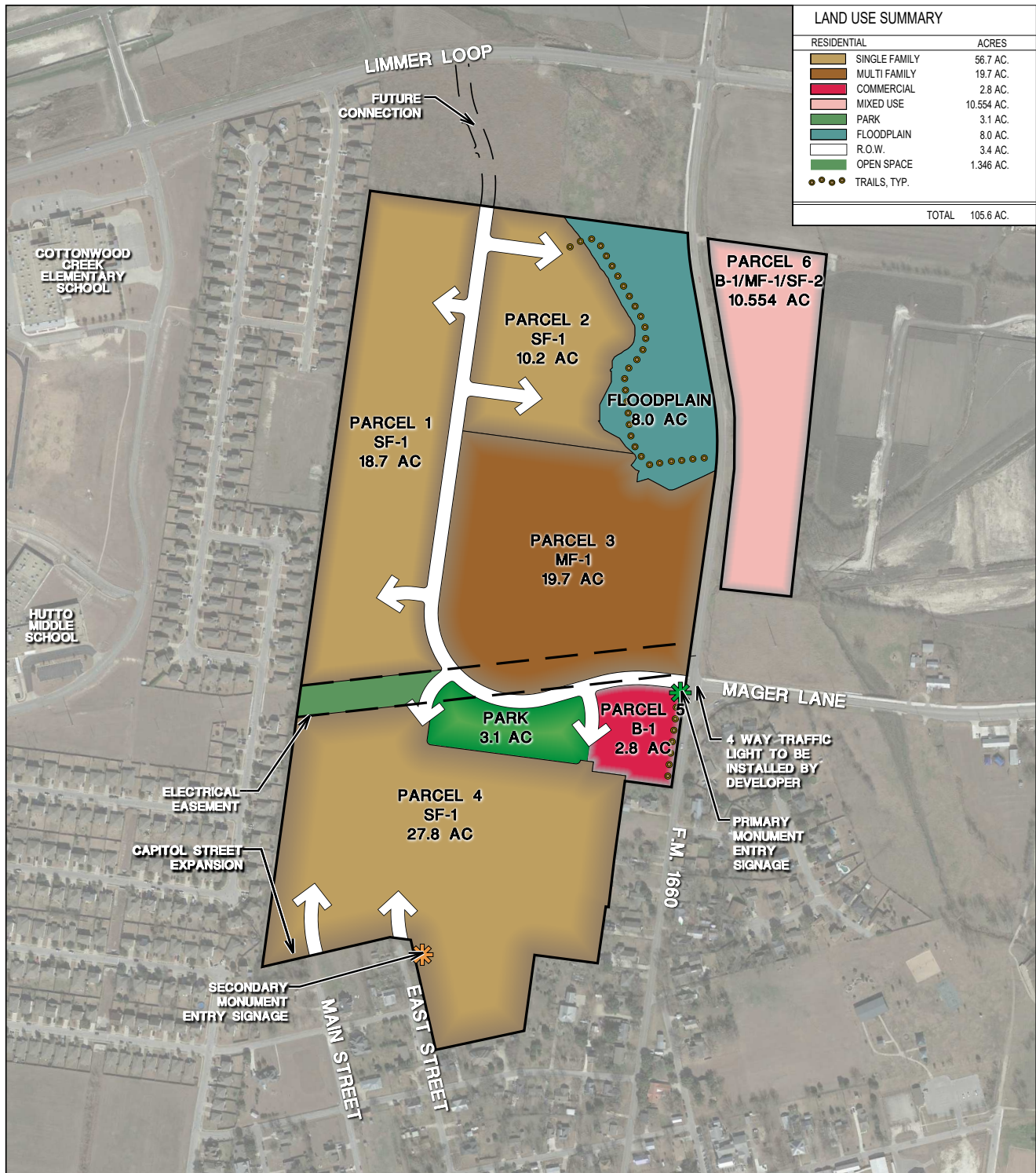
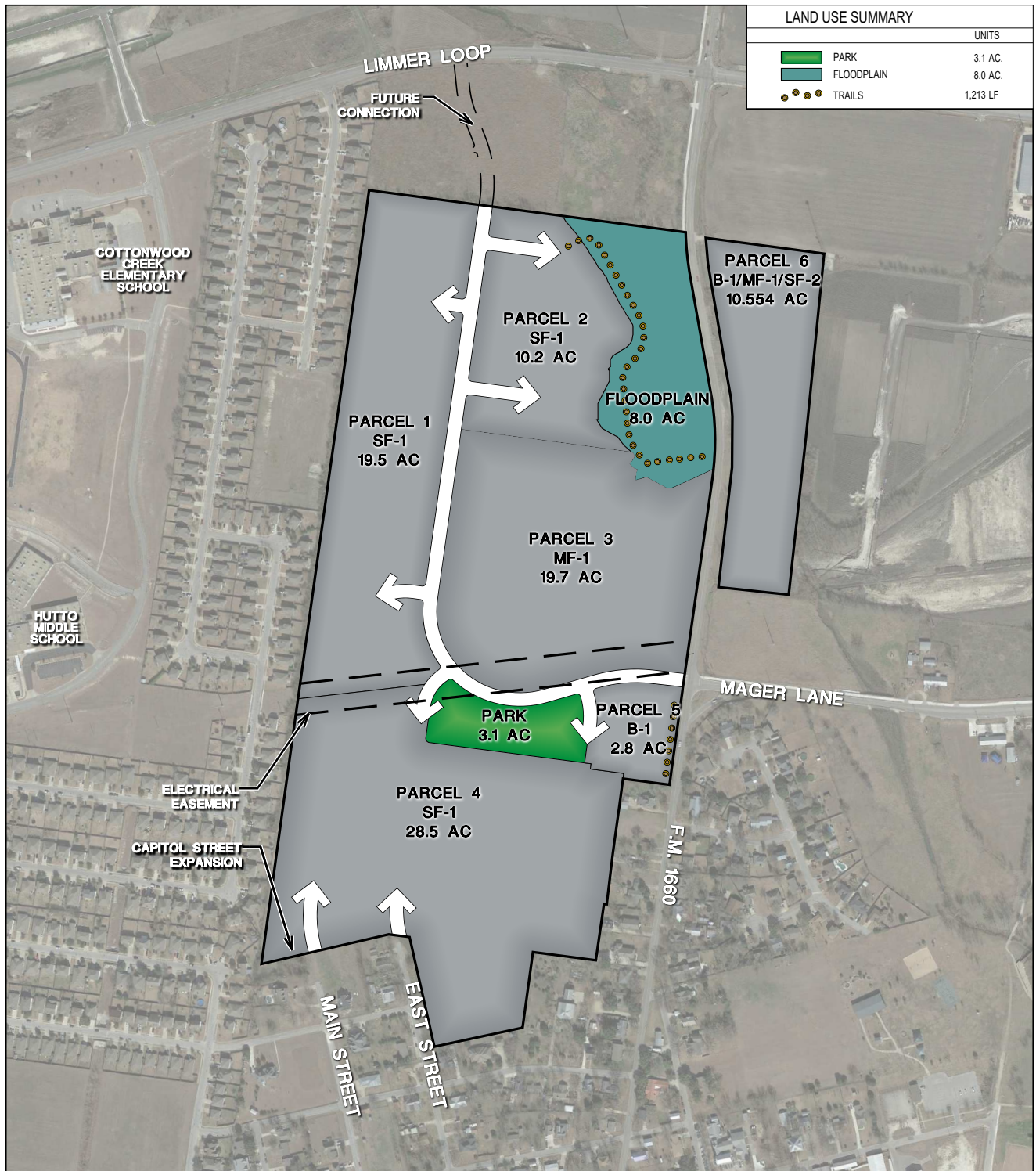
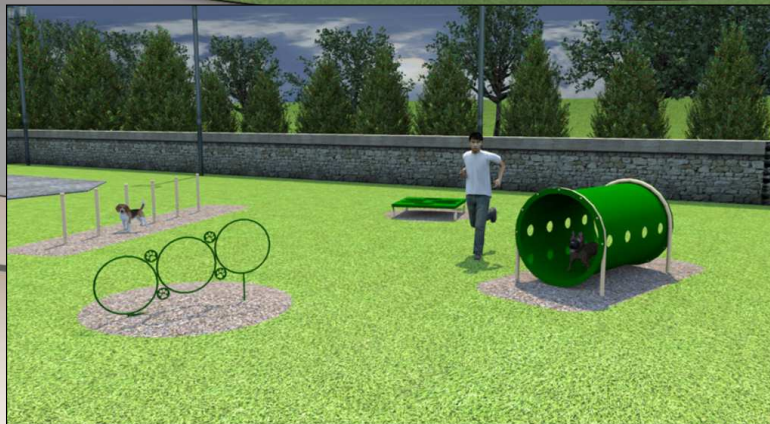


Exhibit D – Covenants, Conditions and Restrictions





SEC Planning, LLC
Land Planning + Landscape Architecture + Community Branding
AUSTIN, TEXAS
t 512.246.7003
www.secplanning.com + info@secplanning.com

COMMUNITY PARK
DURANGO FARMS
HUTTO, TEXAS



0 10 20 40
Scale: 1" = 20'
Date: August 7, 2019

SHEET FILE: S:\180117-MAGR\Thematics\Renderings\Render Base.dwg
Base mapping compiled from best available information.
All map data should be considered as preliminary, in
need of verification, and subject to change. This land
plan is conceptual in nature and does not represent any
regulatory approval. Plan is subject to change.

Regular City Council
**AGENDA ITEM
10.H.**



To: City Council
Subject: Consideration of a public hearing and possible action on the second and final reading of an ordinance regarding the proposed annexation of the Hutto EDC Megasite, 451.355 acres, more or less, of land, and to establish base zoning as LI (Light Industrial), located on US 79 East and FM 3349. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

A Municipal Service Plan (MSP) has been drafted per the Council's directive from their regularly scheduled meeting on August 15, 2019.

Upon completion of the second and final reading of the annexation ordinance the annexation process is complete. An annexation ordinance requires a second reading prior to final approval.

RECOMMENDATION:

Staff recommends that the Council approve the second and final reading of the ordinance.

ATTACHMENTS:

[HEDCMegasite\(451.355ac\)Annex-PHNotice\(News\)2nd
\(Ord\)HEDCMegasiteAnnex-451.355ac\(Ord\)Complete\(2ndRead\)](#)

PUBLIC NOTICE NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO CITY COUNCIL WILL HOLD A PUBLIC HEARING REGARDING:

The proposal to institute annexation proceedings to enlarge and extend the city limits boundary of said City to include the following described properties consisting of approximately 451.355 acres and to establish base zoning as LI (Light Industrial) heretofore referred to as the Hutto EDC Megasite, to-wit:

The Hutto EDC Megasite property (451.355 acres) described as being out of the Thomas B. Lee Survey, Abstract No. 740, and the J.J. Stubblefield Survey, Abstract No. 562, in Williamson County, Texas.

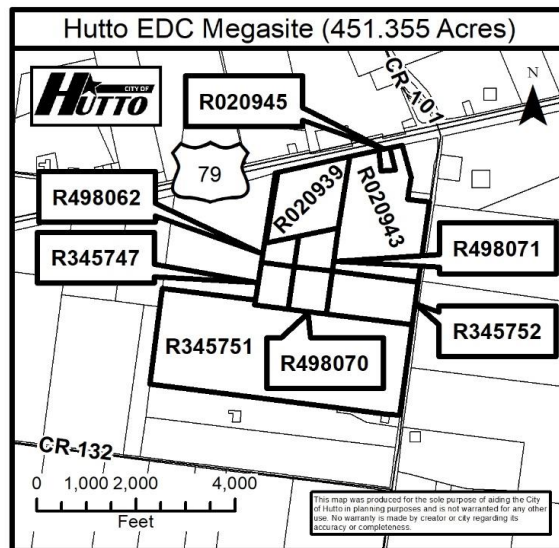
At said time and place all such persons interested shall have the right to appear and be heard. Of all said matters and things, all persons interested in the subject matter herein mentioned shall take notice.

A public hearing will be held on September 19, 2019 at 7:00 p.m.

Hutto City Hall
500 W. Live Oak St., Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov

Publication Date: September 1, 2019



ORDINANCE NO.

AN ORDINANCE ANNEXING CERTAIN HEREINAFTER DESCRIBED ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF HUTTO, TEXAS, TO WIT: 451.355 ACRES, MORE OR LESS, OF LAND, DESCRIBED IN EXHIBIT “A”, ALL OF SAID PROPERTY BEING SITUATED IN WILLIAMSON COUNTY, TEXAS, AND ALL ADJACENT ROADWAYS BEING FOR ANNEXATION; EXTENDING THE BOUNDARY LIMITS OF HUTTO SO AS TO INCLUDE SAID PROPERTY WITHIN HUTTO’S CITY LIMITS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH PROPERTY SHALL BECOME A PART OF THE CITY OF HUTTO AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY NOW IN EFFECT AND THOSE WHICH ARE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the City of Hutto, Texas (the “City”) is a duly constituted home-rule municipality and, as such, is authorized to annex territory subject to the laws of the State of Texas and subject to its Charter, and;

WHEREAS, pursuant to Section 43.028 of the Texas Local Government Code, the owners of a tract of land containing 451.355 acres, more or less, of land, being out of the Thomas B. Lee Survey, Abstract No. 740, and the J.J. Stubblefield Survey, Abstract No. 562, in Williamson County, Texas, and being more particularly described in **Exhibit “A”** attached hereto and made part hereof by reference for all purposes, have petitioned the City Council in writing to annex the Property, and;

WHEREAS, the procedures prescribed by the Charter of the City of Hutto and the applicable laws of the State of Texas have been duly followed with respect to the Property, and;

WHEREAS, the City Council of the City of Hutto by resolution directed the City’s Development Services Director to prepare a service plan that provided for the extension of full municipal services to the Property, and such service plan was duly prepared and described in **Exhibit “B”** attached hereto and made part hereof by reference for all purposes, and;

WHEREAS, such Property is (a) one-half mile or less in width; (b) contiguous to the City; and (c) vacant and without residents or on which fewer than three (3) qualified voters reside, and;

WHEREAS, after considering the public testimony received at each hearing, the City Council of the City of Hutto determines that annexation of the Property is proper in all respects and that such action is in the best interests of the community and its citizens, and;

WHEREAS, and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, concerning public notices, hearings, and other procedural matters has been fully complied with, and;

WHEREAS, the City Council of the City of Hutto determines that the Property for annexation which is more fully described in **Exhibit “A”** should become annexed.

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

SECTION I.

That all of the above recitations are found to be true and correct and are incorporated into the body of this ordinance.

SECTION II.

That the Property described in the attached **Exhibit “A”**, together with adjacent roadways, be and is hereby annexed and brought within the corporate city limits of the City of Hutto, Texas, and same is hereby made an integral part hereof; and that the boundary limits of the City of Hutto be the same are hereby extended to include the above described territory within the city limits of the City of Hutto, and the same shall hereinafter be included within the territorial limits of the City of Hutto, Texas and designated as LI (Light Industrial) Zoning District.

SECTION III.

That the owners and present and future inhabitants of the area herein annexed be entitled to all rights and privileges of other citizens and property owners of the City of Hutto, and hereby bound by all acts, ordinances, resolutions and regulations of the City, and all other legal actions now in full force and effect and all those which may be hereafter adopted.

SECTION IV.

That the appropriate city official of the City of Hutto is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official maps and boundaries of the City of Hutto, heretofore adopted and amended, so as to include the aforementioned territory hereby annexed, be and are hereby amended as part of the City of Hutto, Texas, as required by law.

SECTION V.

That the Service Plan providing for extension of municipal services to the areas proposed to be annexed, attached hereto and incorporated herein as **Exhibit “B”**, is hereby approved.

SECTION VI.

That the City Secretary is hereby directed and authorized to file a certified copy of this ordinance in the Office of the County Clerk of Williamson County, Texas.

SECTION VII.

If any section, subsection, sentence, phrase, or word of this ordinance be found to be illegal, invalid or unconstitutional or if any portion of said Property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this ordinance or the application of any other section, sentence, phrase or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this ordinance and would have annexed the valid Property without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION VIII.

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

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

C. That 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 thereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION IX.

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** on first reading on this the **5th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

READ, PASSED and **ADOPTED** on second reading of ordinance this **19th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

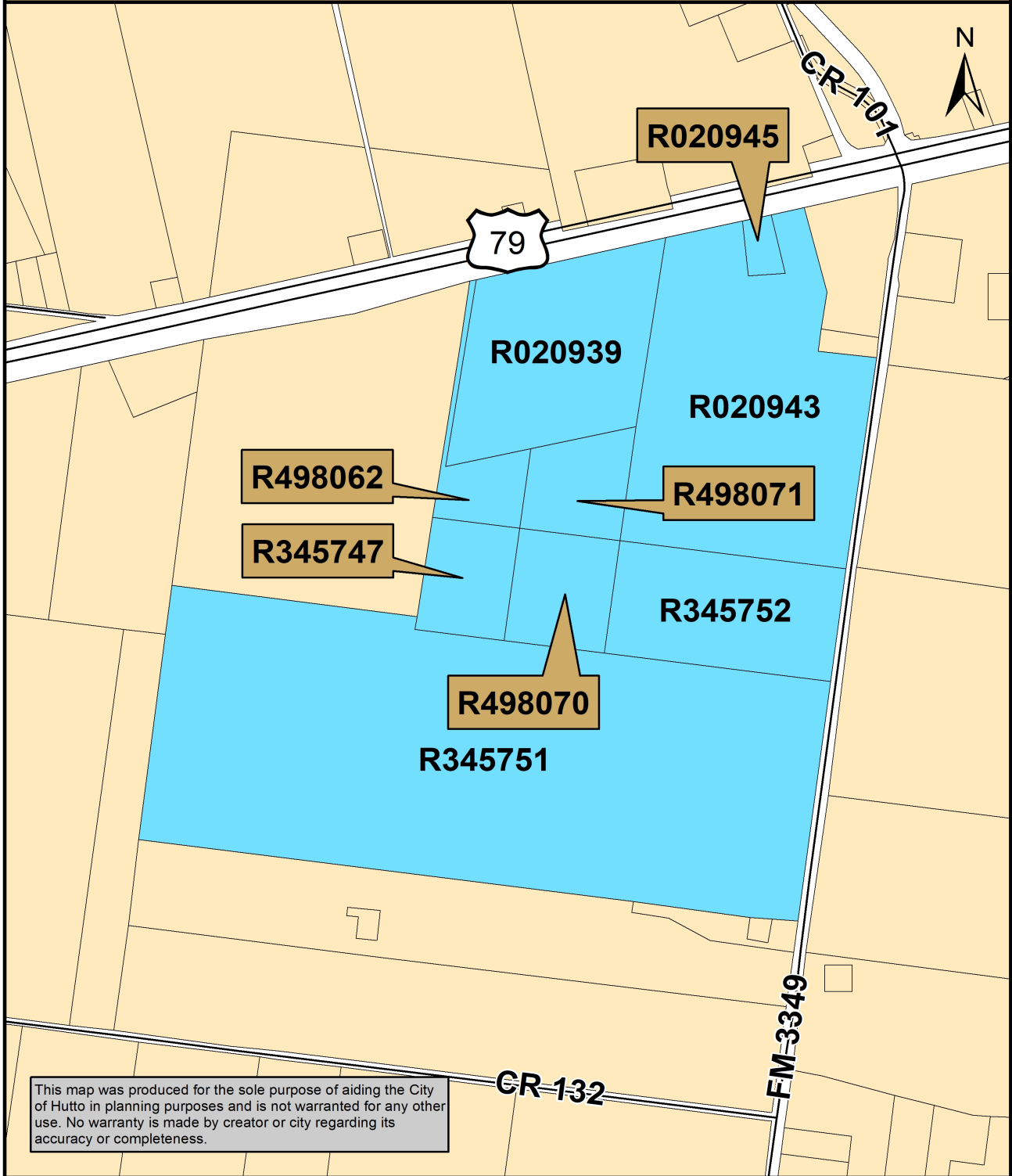
CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

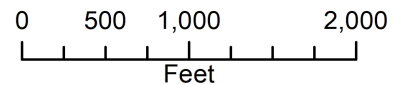
ATTEST:

Lacie Hale, City Secretary

Hutto EDC Megasite (451.355 Acres)



Map Document: (K:\SITE LOCATION MAPS\2019
Site Location Maps\US_79\Hutto_EDC_Megasite.mxd)
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**CITY OF HUTTO
MUNICIPAL SERVICE PLAN
FOR PROPOSED ANNEXATION OF**

EXHIBIT “B”

**451.355 acres, more or less, of land, out of the
Thomas B. Lee Survey, Abstract No. 740, and the J.J. Stubblefield Survey, Abstract No. 562,
Williamson County, Texas.**

The City of Hutto, Texas will provide for the extension of full municipal services into the area proposed to be annexed in accordance with Texas Local Government Code §43.056.

FIRE

Existing Services: Williamson County Emergency Service District #3

Services to be Provided:

Provides fire suppression and emergency services to the area. Primary fire response will be provided by Williamson County Emergency Service District #3, located at the following address: 501 Exchange Boulevard. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

POLICE

Existing Services: Williamson County Sheriff's Department

Services to be Provided:

Upon annexation, the City of Hutto Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriations.

BUILDING INSPECTION

Existing Services: None

Services to be Provided:

The Development Services Department will provide Building Inspection Services and the Hutto Police Department will provide Code Enforcement Services upon annexation. The Development Services Department's role will include issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City of Hutto. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

PLANNING AND ZONING

Existing Services: Review of subdivision development plans under City's Subdivision Ordinance. No municipal zoning or land use controls except for those imposed by State Law.

Services to be Provided:

The Hutto Development Services Department has responsibility for regulating development and land use through the administration of the City of Hutto's Zoning Ordinance, and this will extend to the area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Hutto's Subdivision Ordinance. These services can be provided within the departments' current budgets.

LIBRARY

Existing Services: None

Services to be Provided:

City Library privileges will be available to future residents in this area.

HEALTH DEPARTMENT - HEALTH CODE ENFORCEMENT SERVICE

Existing Services: Williamson Cities and County Health District

Services to be Provided:

Williamson Cities and County Health District will continue to implement enforcement of the health districts regulations on the effective date of annexation. Animal control services will also be provided to the area as needed by Hutto Animal Control Division of the Police Department.

STREET MAINTENANCE

Existing Services: Williamson County

Services to be Provided:

Maintenance and access to adjacent existing street facilities will be provided/overseen by appropriate City of Hutto departments.

STORM WATER MANAGEMENT

Existing Services: Williamson County Flood Plain Administrator

Services to be Provided

Developers will provide storm water drainage facilities as required of their development at their own expense and such will be inspected by the City's engineers at time of completion. The City of Hutto will then maintain the drainage in public rights of way upon approval of the construction. Property owners and/or Home Owner's Associations or similar entities will maintain drainage facilities located on private property. All construction within the flood plain will be through the appropriate Hutto department(s) and will meet FEMA Flood Plain regulations.

STREET LIGHTING

Existing Services: Oncor Electric Delivery

Services to be Provided:

There are no existing street lights in this area. The Developer will be responsible for initial installation and maintenance of street lighting, if required, within the development until such time as any internal streets have been accepted by the City Council.

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided:

The City of Hutto, through its appropriate departments, will be able to provide any necessary additional traffic control devices after the effective date of annexation.

WATER SERVICE

Existing Services: None

Services to be Provided:

Water service to the properties will be provided by Jonah S.U.D.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided:

Sanitary sewer service to the properties will be provided by City of Hutto.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided:

Solid waste collection shall be provided to the area of annexation in accordance with current ordinances. Service shall comply with existing City of Hutto policies, beginning with occupancy of structures.

PARKS AND TRAILS

Existing Service: None

Services to be Provided:

All City operated parks and trail systems will be available to the residents of this area upon annexation.

MISCELLANEOUS

Existing Services: None

Services to be Provided:

All other applicable municipal services will be provided to the area in accordance with the City of Hutto's established policies governing extension of municipal services to newly-annexed areas.

NOTE:

Capital improvements sufficient for providing municipal services for the annexed area are in place such that the costs associated with the extension of service lines to proposed building sites within the area will be borne by owners and/or developers.

Regular City Council
AGENDA ITEM
10.I.



To: City Council
Subject: Consideration of a public hearing and possible action on the first reading of an ordinance regarding the proposed annexation of the Pfeiffer Tracts, 27.97 acres, more or less, of land, and to establish base zoning as B-1 (Local Business), located on FM 685. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

A Municipal Service Plan (MSP) has been drafted per the Council's directive from their regularly scheduled meeting on August 15, 2019.

The next step in the voluntary annexation process is to hold the second public hearing and conduct the second and final reading of the annexation ordinance. An annexation ordinance requires a second reading prior to final approval.

RECOMMENDATION:

Staff recommends that the Council approve the first reading of the ordinance.

ATTACHMENTS:

[PfeifferTract\(27.97ac\)Annex-PHNotice\(News\)1st](#)
[\(Ord\)PfeifferTractAnnex-27.97ac\(Ord\)Complete](#)

PUBLIC NOTICE NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO CITY COUNCIL WILL HOLD A PUBLIC HEARING REGARDING:

The proposal to institute annexation proceedings to enlarge and extend the city limits boundary of said City to include the following described properties consisting of approximately 27.94 acres and to establish base zoning as B-1 (Local Business) heretofore referred to as the Pfeiffer Tracts, to-wit:

The Pfeiffer Tracts property (27.97 acres) described as being out of the N.D. Walling Survey, Abstract No. 675, in Williamson County, Texas.

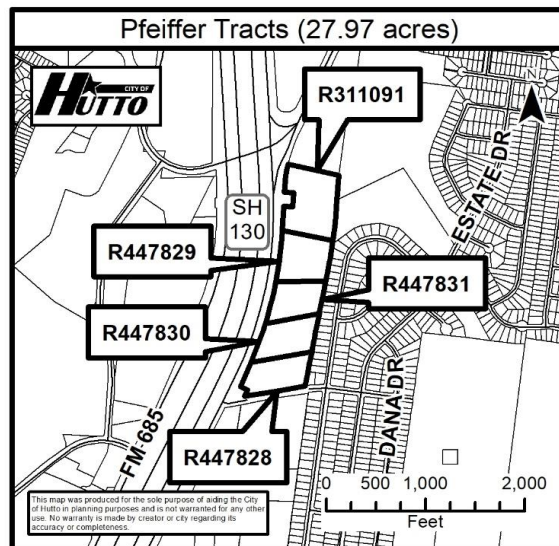
At said time and place all such persons interested shall have the right to appear and be heard. Of all said matters and things, all persons interested in the subject matter herein mentioned shall take notice.

A public hearing will be held on September 19, 2019 at 7:00 p.m.

Hutto City Hall
500 W. Live Oak St., Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov

Publication Date: September 1, 2019



ORDINANCE NO.

AN ORDINANCE ANNEXING CERTAIN HEREINAFTER DESCRIBED ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF HUTTO, TEXAS, TO WIT: 27.97 ACRES, MORE OR LESS, OF LAND, DESCRIBED IN EXHIBIT “A”, ALL OF SAID PROPERTY BEING SITUATED IN WILLIAMSON COUNTY, TEXAS, AND ALL ADJACENT ROADWAYS BEING FOR ANNEXATION; EXTENDING THE BOUNDARY LIMITS OF HUTTO SO AS TO INCLUDE SAID PROPERTY WITHIN HUTTO’S CITY LIMITS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH PROPERTY SHALL BECOME A PART OF THE CITY OF HUTTO AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY NOW IN EFFECT AND THOSE WHICH ARE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the City of Hutto, Texas (the “City”) is a duly constituted home-rule municipality and, as such, is authorized to annex territory subject to the laws of the State of Texas and subject to its Charter, and;

WHEREAS, pursuant to Section 43.028 of the Texas Local Government Code, the owners of a tract of land containing 27.97 acres, more or less, of land, being out of the N.D. Walling, Abstract No. 675 in Williamson County, Texas, and being more particularly described in **Exhibit “A”** attached hereto and made part hereof by reference for all purposes, have petitioned the City Council in writing to annex the Property, and;

WHEREAS, the procedures prescribed by the Charter of the City of Hutto and the applicable laws of the State of Texas have been duly followed with respect to the Property, and;

WHEREAS, the City Council of the City of Hutto by resolution directed the City’s Development Services Director to prepare a service plan that provided for the extension of full municipal services to the Property, and such service plan was duly prepared and described in **Exhibit “B”** attached hereto and made part hereof by reference for all purposes, and;

WHEREAS, such Property is (a) one-half mile or less in width; (b) contiguous to the City; and (c) vacant and without residents or on which fewer than three (3) qualified voters reside, and;

WHEREAS, after considering the public testimony received at each hearing, the City Council of the City of Hutto determines that annexation of the Property is proper in all respects and that such action is in the best interests of the community and its citizens, and;

WHEREAS, and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, concerning public notices, hearings, and other procedural matters has been fully complied with, and;

WHEREAS, the City Council of the City of Hutto determines that the Property for annexation which is more fully described in **Exhibit “A”** should become annexed.

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

SECTION I.

That all of the above recitations are found to be true and correct and are incorporated into the body of this ordinance.

SECTION II.

That the Property described in the attached **Exhibit “A”**, together with adjacent roadways, be and is hereby annexed and brought within the corporate city limits of the City of Hutto, Texas, and same is hereby made an integral part hereof; and that the boundary limits of the City of Hutto be the same are hereby extended to include the above described territory within the city limits of the City of Hutto, and the same shall hereinafter be included within the territorial limits of the City of Hutto, Texas and designated as B-1 (Local Business) Zoning District.

SECTION III.

That the owners and present and future inhabitants of the area herein annexed be entitled to all rights and privileges of other citizens and property owners of the City of Hutto, and hereby bound by all acts, ordinances, resolutions and regulations of the City, and all other legal actions now in full force and effect and all those which may be hereafter adopted.

SECTION IV.

That the appropriate city official of the City of Hutto is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official maps and boundaries of the City of Hutto, heretofore adopted and amended, so as to include the aforementioned territory hereby annexed, be and are hereby amended as part of the City of Hutto, Texas, as required by law.

SECTION V.

That the Service Plan providing for extension of municipal services to the areas proposed to be annexed, attached hereto and incorporated herein as **Exhibit “B”**, is hereby approved.

SECTION VI.

That the City Secretary is hereby directed and authorized to file a certified copy of this ordinance in the Office of the County Clerk of Williamson County, Texas.

SECTION VII.

If any section, subsection, sentence, phrase, or word of this ordinance be found to be illegal, invalid or unconstitutional or if any portion of said Property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this ordinance or the application of any other section, sentence, phrase or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this ordinance and would have annexed the valid Property without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION VIII.

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

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

C. That 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 thereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION IX.

This ordinance shall take effect and be in force from and after its passage.

READ and APPROVED on first reading on this the **19th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

READ, PASSED and ADOPTED on second reading of ordinance this **3rd** day of **October, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

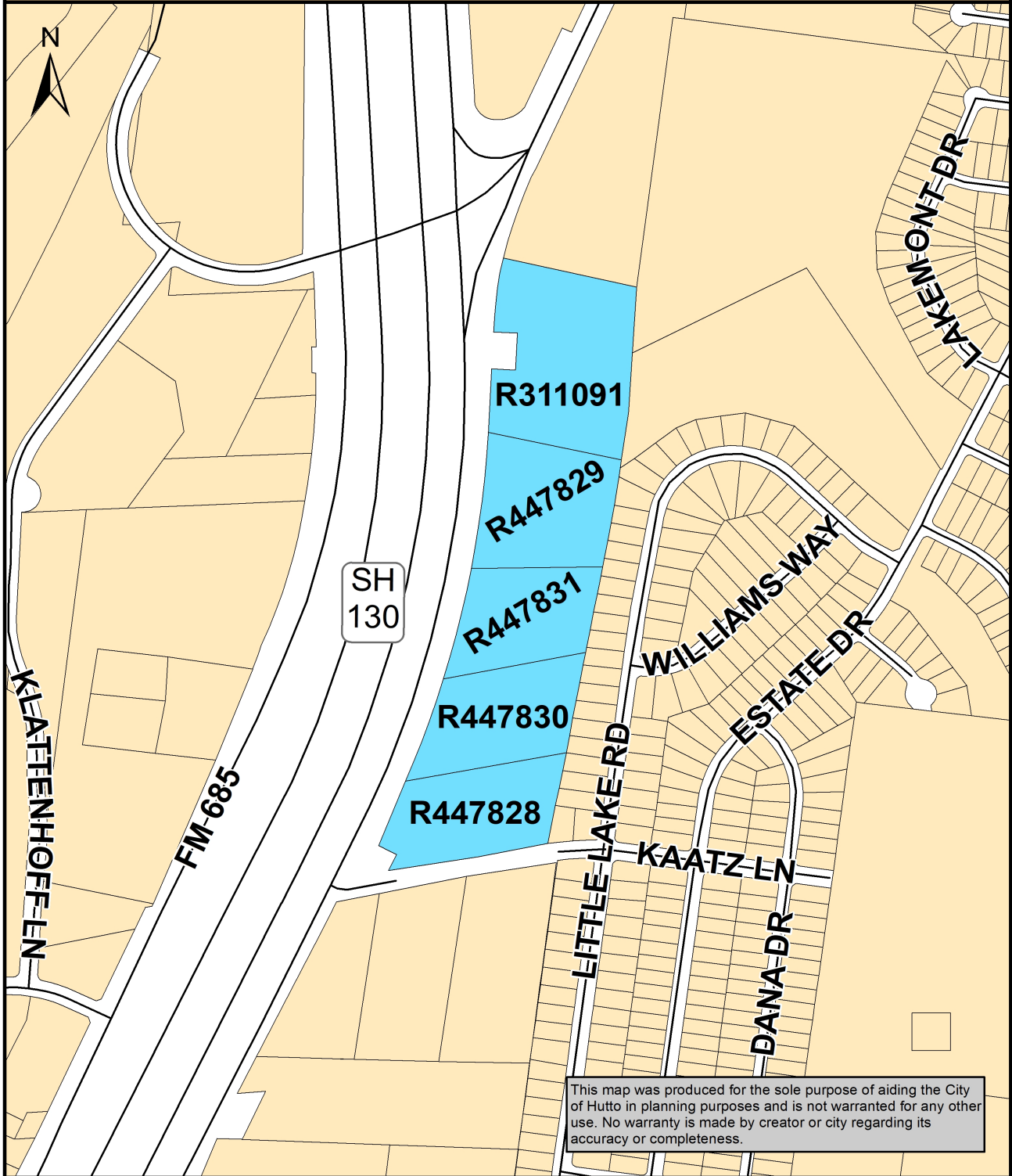
CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Lacie Hale, City Secretary

Pfeiffer Tracts (27.97 acres)



Map Document: (K:\SITE LOCATION MAPS\2019

Site Location Maps\FM_685\Pfeiffer_Tracts.mxd)

8/9/2019 -- 9:12:19 AM

Page 6 of 12



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Feet

DESCRIPTION OF A 27.970 ACRE TRACT OF LAND
WILLIAMSON COUNTY, TEXAS

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE N.D. WALLING SURVEY NO. 19, ABSTRACT NO. 675, SITUATED IN WILLIAMSON COUNTY, TEXAS; BEING THE REMAINDER OF THAT CALLED 51.06 ACRE TRACT AS CONVEYED TO CAROLYN PFEIFFER BY GENERAL WARRANTY DEED RECORDED IN VOLUME 1571, PAGE 383 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, AND ALL OF THAT CALLED 4.9935 ACRE TRACT AS CONVEYED TO CAROLYN R. PFEIFFER BY QUITCLAIM DEED RECORDED IN DOCUMENT NUMBER 2010027733, ALL OF THAT CALLED 4.9619 ACRE TRACT AS CONVEYED TO CAROLYN R. PFEIFFER BY QUITCLAIM DEED RECORDED IN DOCUMENT NUMBER 2010027734, ALL OF THAT CALLED 4.5314 ACRE TRACT AS CONVEYED TO CAROLYN R. PFEIFFER BY QUITCLAIM DEED RECORDED IN DOCUMENT NUMBER 2010027735, AND ALL OF THAT CALLED 5.6279 ACRE TRACT AS CONVEYED TO CAROLYN R. PFEIFFER BY QUITCLAIM DEED RECORDED IN DOCUMENT NUMBER 2010027736 ALL OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, WHICH INCLUDES A PORTION OF AN OLD COUNTY ROAD RIGHT-OF-WAY AS ABANDONED BY THE COMMISSIONERS COURT OF WILLIAMSON COUNTY, TEXAS, ON DECEMBER 2, 1997, AS RECORDED IN VOLUME 97, PAGE 193 OF THE MINUTES OF SAID COMMISSIONERS COURT OF WILLIAMSON COUNTY, TEXAS, AS AGENDA ITEM NUMBER 16; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found on the north right-of-way line of Kaatz Lane (right-of way width varies), at the southwest corner of Lot 1, Block K, Lakeside Estates, Phase 1-A, a subdivision as recorded in Cabinet R, Slides 394-397 of the Plat Records of Williamson County, Texas, being the southeast corner of the above described Pfeiffer 4.9935-acre tract, for the southeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, with the north right-of-way line of said Kaatz Lane, S 78°47'57" W a distance of 634.46 feet to a 1/2-inch iron rod with aluminum cap stamped "TXDOT" found at the intersecting north right-of-way line of said Kaatz Lane with the east right-of-way line of Texas State Highway 130-Toll Road (right-of-way width varies), being the most southerly southwest corner of said Pfeiffer 4.9935-acre tract, for the most southerly southwest corner of the herein described tract, from which a 1/2-inch iron rod found bears, S 32°02'53" W a distance of 10.78 feet;

THENCE, with the east right-of-way line of said SH 130, N 26°21'26" E a distance of 88.06 feet to a 1/2-inch iron rod with cap stamped "BGE INC" set at an interior corner of said Pfeiffer 4.9935-acre tract, for an interior corner of the herein described tract;

THENCE, continuing with the east right-of-way line of said SH 130, N 63°38'35" W a distance of 77.17 feet to a 1/2-inch iron rod with cap stamped "BGE INC" at the most westerly southwest corner of said Pfeiffer 4.9935-acre tract, for the most westerly southwest corner of the herein described tract;

THENCE, continuing with the east right-of-way line of said SH 130, along a curve to the left an arc distance of 1,683.74 feet, having a radius of 4,142.56 feet, a central angle of 23°17'16" and a chord which bears N 14°34'56" E a distance of 1,672.17 feet to a 1/2-inch iron rod with cap stamped "BGE INC" set at the common west corner of the above described Pfeiffer 5.6279-acre tract and Pfeiffer remainder tract;

THENCE, continuing with the east right-of-way line of said SH 130, N 02°50'49" E a distance of 248.62 feet to a 1/2-inch iron rod found at an exterior corner of said Pfeiffer remainder tract, for an exterior corner of the herein described tract;

THENCE, continuing with the east right-of-way line of said SH 130, S 87°09'16" E a distance of 91.66 feet to a 1/2-inch iron rod with aluminum cap stamped "TXDOT" found at an interior corner of said Pfeiffer remainder tract, for an interior corner of the herein described tract;

THENCE, continuing with the east right-of-way line of said SH 130, N 02°50'43" E a distance of 144.38 feet to a 1/2-inch iron rod found at an interior corner of said Pfeiffer remainder tract, for an interior corner of the herein described tract;

THENCE, continuing with the east right-of-way line of said SH 130, N 87°09'16" W a distance of 91.66 feet to a 1/2-inch iron rod found at an exterior corner of said Pfeiffer remainder tract, for an exterior corner of the herein described tract;

THENCE, continuing with the east right-of-way line of said SH 130, N 02°50'44" E a distance of 49.13 feet to a cotton gin spindle found on the west line of said Pfeiffer remainder tract, at a point of curvature of a curve to the right;

THENCE, continuing with the east right-of-way line of said SH 130, along said curve to the right an arc distance of 248.56 feet, having a radius of 1,500.00 feet, a central angle of 09°29'40" and a chord which bears N 07°35'34" E a distance of 248.28 feet to a 1/2-inch iron rod with cap stamped "BGE INC" set at the southwest corner of a called 11.24 acre tract as conveyed to Dreamgirl, LP by special warranty deed recorded in Document Number 20098093521 of the Official Public Records of Williamson County, Texas, being the northwest corner of said Pfeiffer remainder tract, for the northwest corner of the herein described tract, from which a disturbed 1/2-inch iron rod with aluminum cap stamped "TXDOT" bears, along a curve to the right an arc distance of 332.99 feet, having a radius of 1,500.00 feet, a central angle of 12°43'09" and a chord which bears N 18°41'59" E, a distance of 332.30 feet;

THENCE, leaving the east right-of-way line of said SH 130, with the south line of said Dreamgirls 11.24-acre tract, S 77°48'35" E a distance of 523.11 feet to a 1/2-inch iron rod with cap stamped "CHAPARRAL 4995" found at the southeast corner of said Dreamgirls 11.24-acre tract, on the west line of Lot 74, Block K, Lakeside Estates Section Four, a subdivision as recorded in Cabinet X, Sides 201-204 of the Plat Records of Williamson County, Texas, for the northeast corner of the herein described tract;

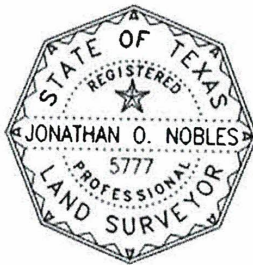
THENCE, with the west line of Lot 74, Block K, of said Lakeside Estates Section Four and the west line of Lot 24-AA, Block K, of the Amended Plat of Lot 24, Block K, Lakeside Estates, Phase 1-A and Lot 34, Block K, Lakeside Estates, Phase 1-B a subdivision as recorded in Cabinet V, Side 292 of the Plat Records of Williamson County, Texas, S 03°48'24" W a distance of 498.96 feet to a 1/2-inch iron rod with cap stamped "CHAPARRAL 4995" found on the west line of said Lot 24-AA, Block K;

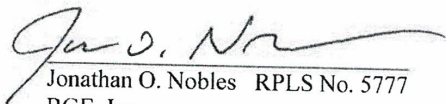
THENCE, continuing with the west line of said Lot 24-AA, Block K and the west line of Lakeside Estates, Phase 1-A a subdivision as recorded in Cabinet R, Slides 194-197 of the Plat Records of Williamson County, Texas, S 08°01'21" W, pass a 1/2-inch iron rod found at the northeast corner of said Pfeiffer 5.6279-acre tract at a distance of 190.59 feet and continuing on for a total distance of 394.87 feet to a 1/2-inch iron rod with cap stamped "CHAPARRAL 4995" found on the west line of Lot 20, Block K, of said Lakeside Estates, Phase 1-A;

THENCE, continuing with the west line of said Lakeside Estates, Phase 1-A, S 10°31'25" W, pass a 1/2-inch iron rod found at the common east corner of said Pfeiffer 5.6279-acre tract and the above described Pfeiffer 4.5314-acre tract at a distance of 223.64 feet and continuing on for a total distance of 588.70 feet to a 1/2-inch iron rod with cap stamped "BGE INC" set on the east line of the above described Pfeiffer 4.9619-acre tract, being on the west line of Lot 12, Block K of said Lakeside Estates, Phase 1-A;

THENCE, continuing with the west line of said Lakeside Estates, Phase 1-A, S 10°57'05" W pass a 1/2-inch iron rod found on the west line of Lot 5, Block K of said Lakeside Estates, Phase 1-A, at the common east corner of said Pfeiffer 4.9619-acre tract and said Pfeiffer 4.9935-acre tract at a distance of 377.32 feet and continuing on for a total distance of 731.12 feet to the **POINT OF BEGINNING** and containing 27.970 acres of land, more or less.

I hereby certify that these notes were prepared by BGE from a survey made on the ground on May 09, 2019 under my supervision and are true and correct to the best of my knowledge. Bearing orientation is based on the Texas State Plane Coordinate System, Central Zone, NAD 83.




Jonathan O. Nobles RPLS No. 5777
BGE, Inc.

5/13/2019
Date

7000 North Mopac, Suite 330
Austin, Texas 78731
Telephone: (512) 879-0400
TBPLS Licensed Surveying Firm No. 10106502

Date: May 13, 2019
Project No.: 6712-01-0040

**CITY OF HUTTO
MUNICIPAL SERVICE PLAN
FOR PROPOSED ANNEXATION OF**

EXHIBIT “B”

**77.92 acres, more or less, of land, out of the
John Kelsey Survey, Abstract No. 377, and the N.D. Walling Survey, Abstract No. 675, in
Williamson County, Texas.**

The City of Hutto, Texas will provide for the extension of full municipal services into the area proposed to be annexed in accordance with Texas Local Government Code §43.056.

FIRE

Existing Services: Williamson County Emergency Service District #3

Services to be Provided:

Provides fire suppression and emergency services to the area. Primary fire response will be provided by Williamson County Emergency Service District #3, located at the following address: 501 Exchange Boulevard. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

POLICE

Existing Services: Williamson County Sheriff's Department

Services to be Provided:

Upon annexation, the City of Hutto Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriations.

BUILDING INSPECTION

Existing Services: None

Services to be Provided:

The Development Services Department will provide Building Inspection Services and the Hutto Police Department will provide Code Enforcement Services upon annexation. The Development Services Department's role will include issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City of Hutto. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

PLANNING AND ZONING

Existing Services: Review of subdivision development plans under City's Subdivision Ordinance. No municipal zoning or land use controls except for those imposed by State Law.

Services to be Provided:

The Hutto Development Services Department has responsibility for regulating development and land use through the administration of the City of Hutto's Zoning Ordinance, and this will extend to the area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Hutto's Subdivision Ordinance. These services can be provided within the departments' current budgets.

LIBRARY

Existing Services: None

Services to be Provided:

City Library privileges will be available to future residents in this area.

HEALTH DEPARTMENT - HEALTH CODE ENFORCEMENT SERVICE

Existing Services: Williamson Cities and County Health District

Services to be Provided:

Williamson Cities and County Health District will continue to implement enforcement of the health districts regulations on the effective date of annexation. Animal control services will also be provided to the area as needed by Hutto Animal Control Division of the Police Department.

STREET MAINTENANCE

Existing Services: Williamson County

Services to be Provided:

Maintenance and access to adjacent existing street facilities will be provided/overseen by appropriate City of Hutto departments.

STORM WATER MANAGEMENT

Existing Services: Williamson County Flood Plain Administrator

Services to be Provided

Developers will provide storm water drainage facilities as required of their development at their own expense and such will be inspected by the City's engineers at time of completion. The City of Hutto will then maintain the drainage in public rights of way upon approval of the construction. Property owners and/or Home Owner's Associations or similar entities will maintain drainage facilities located on private property. All construction within the flood plain will be through the appropriate Hutto department(s) and will meet FEMA Flood Plain regulations.

STREET LIGHTING

Existing Services: Oncor Electric Delivery

Services to be Provided:

There are no existing street lights in this area. The Developer will be responsible for initial installation and maintenance of street lighting, if required, within the development until such time as any internal streets have been accepted by the City Council.

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided:

The City of Hutto, through its appropriate departments, will be able to provide any necessary additional traffic control devices after the effective date of annexation.

WATER SERVICE

Existing Services: None

Services to be Provided:

Water service to the properties will be provided by Manville W.S.C.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided:

Sanitary sewer service to the properties will be provided by City of Hutto.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided:

Solid waste collection shall be provided to the area of annexation in accordance with current ordinances. Service shall comply with existing City of Hutto policies, beginning with occupancy of structures.

PARKS AND TRAILS

Existing Service: None

Services to be Provided:

All City operated parks and trail systems will be available to the residents of this area upon annexation.

MISCELLANEOUS

Existing Services: None

Services to be Provided:

All other applicable municipal services will be provided to the area in accordance with the City of Hutto's established policies governing extension of municipal services to newly-annexed areas.

NOTE:

Capital improvements sufficient for providing municipal services for the annexed area are in place such that the costs associated with the extension of service lines to proposed building sites within the area will be borne by owners and/or developers.

Regular City Council
AGENDA ITEM
10.J.



To: City Council
Subject: Consideration and possible action on the second and final reading of an ordinance regarding the annexation of the Chandler Corner Subdivision, 26.303 acres, more or less, of land, and to establish base zoning as AG (Agriculture), located at the southwest corner of Chandler Road and FM 1660 North. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

A Municipal Service Plan (MSP) has been drafted per the Council's directive from their regularly scheduled meeting on May 2, 2019.

Upon completion of the second and final reading of the annexation ordinance the annexation process is complete. An annexation ordinance requires a second reading prior to final approval.

RECOMMENDATION:

Staff recommends that the Council approve the second and final reading of the ordinance.

ATTACHMENTS:

[\(Ord\)ChandlerCornerAnnex-26.303ac\(Ord\)Complete](#)

ORDINANCE NO.

AN ORDINANCE ANNEXING CERTAIN HEREINAFTER DESCRIBED ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF HUTTO, TEXAS, TO WIT: 26.303 ACRES, MORE OR LESS, OF LAND, DESCRIBED IN EXHIBIT “A”, ALL OF SAID PROPERTY BEING SITUATED IN WILLIAMSON COUNTY, TEXAS, AND ALL ADJACENT ROADWAYS BEING FOR ANNEXATION; EXTENDING THE BOUNDARY LIMITS OF HUTTO SO AS TO INCLUDE SAID PROPERTY WITHIN HUTTO’S CITY LIMITS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH PROPERTY SHALL BECOME A PART OF THE CITY OF HUTTO AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY NOW IN EFFECT AND THOSE WHICH ARE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the City of Hutto, Texas (the “City”) is a duly constituted home-rule municipality and, as such, is authorized to annex territory subject to the laws of the State of Texas and subject to its Charter, and;

WHEREAS, pursuant to Section 43.028 of the Texas Local Government Code, the owners of a tract of land containing 26.303 acres, more or less, of land, situated in the John Dykes Survey, Abstract No. 186, in Williamson County, Texas (the “Property”), said Property being situated in Williamson County, Texas, and being more particularly described in **Exhibit “A”** attached hereto and made part hereof by reference for all purposes, have petitioned the City Council in writing to annex the Property, and;

WHEREAS, the procedures prescribed by the Charter of the City of Hutto and the applicable laws of the State of Texas have been duly followed with respect to the Property, and;

WHEREAS, the City Council of the City of Hutto by resolution directed the City’s Development Services Director to prepare a service plan that provided for the extension of full municipal services to the Property, and such service plan was duly prepared and described in **Exhibit “B”** attached hereto and made part hereof by reference for all purposes, and;

WHEREAS, such Property is (a) one-half mile or less in width; (b) contiguous to the City; and (c) vacant and without residents or on which fewer than three (3) qualified voters reside, and;

WHEREAS, after considering the public testimony received at each hearing, the City Council of the City of Hutto determines that annexation of the Property is proper in all respects and that such action is in the best interests of the community and its citizens, and;

WHEREAS, and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, concerning public notices, hearings, and other procedural matters has been fully complied with, and;

WHEREAS, the City Council of the City of Hutto determines that the Property for annexation which is more fully described in **Exhibit “A”** should become annexed.

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

SECTION I.

That all of the above recitations are found to be true and correct and are incorporated into the body of this ordinance.

SECTION II.

That the Property described in the attached **Exhibit “A”**, together with adjacent roadways, be and is hereby annexed and brought within the corporate city limits of the City of Hutto, Texas, and same is hereby made an integral part hereof; and that the boundary limits of the City of Hutto be the same are hereby extended to include the above described territory within the city limits of the City of Hutto, and the same shall hereinafter be included within the territorial limits of the City of Hutto, Texas and designated as AG (Agriculture) Zoning District.

SECTION III.

That the owners and present and future inhabitants of the area herein annexed be entitled to all rights and privileges of other citizens and property owners of the City of Hutto, and hereby bound by all acts, ordinances, resolutions and regulations of the City, and all other legal actions now in full force and effect and all those which may be hereafter adopted.

SECTION IV.

That the appropriate city official of the City of Hutto is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official maps and boundaries of the City of Hutto, heretofore adopted and amended, so as to include the aforementioned territory hereby annexed, be and are hereby amended as part of the City of Hutto, Texas, as required by law.

SECTION V.

That the Service Plan providing for extension of municipal services to the areas proposed to be annexed, attached hereto and incorporated herein as **Exhibit “B”**, is hereby approved.

SECTION VI.

That the City Secretary is hereby directed and authorized to file a certified copy of this ordinance in the Office of the County Clerk of Williamson County, Texas.

SECTION VII.

If any section, subsection, sentence, phrase, or word of this ordinance be found to be illegal, invalid or unconstitutional or if any portion of said Property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this ordinance or the application of any other section, sentence, phrase or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this ordinance and would have annexed the valid Property without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION VIII.

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

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

C. That 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 thereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION IX.

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** on first reading on this the **5th** day of **August, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

READ, PASSED and **ADOPTED** on second reading of ordinance this **19th** day of **August, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

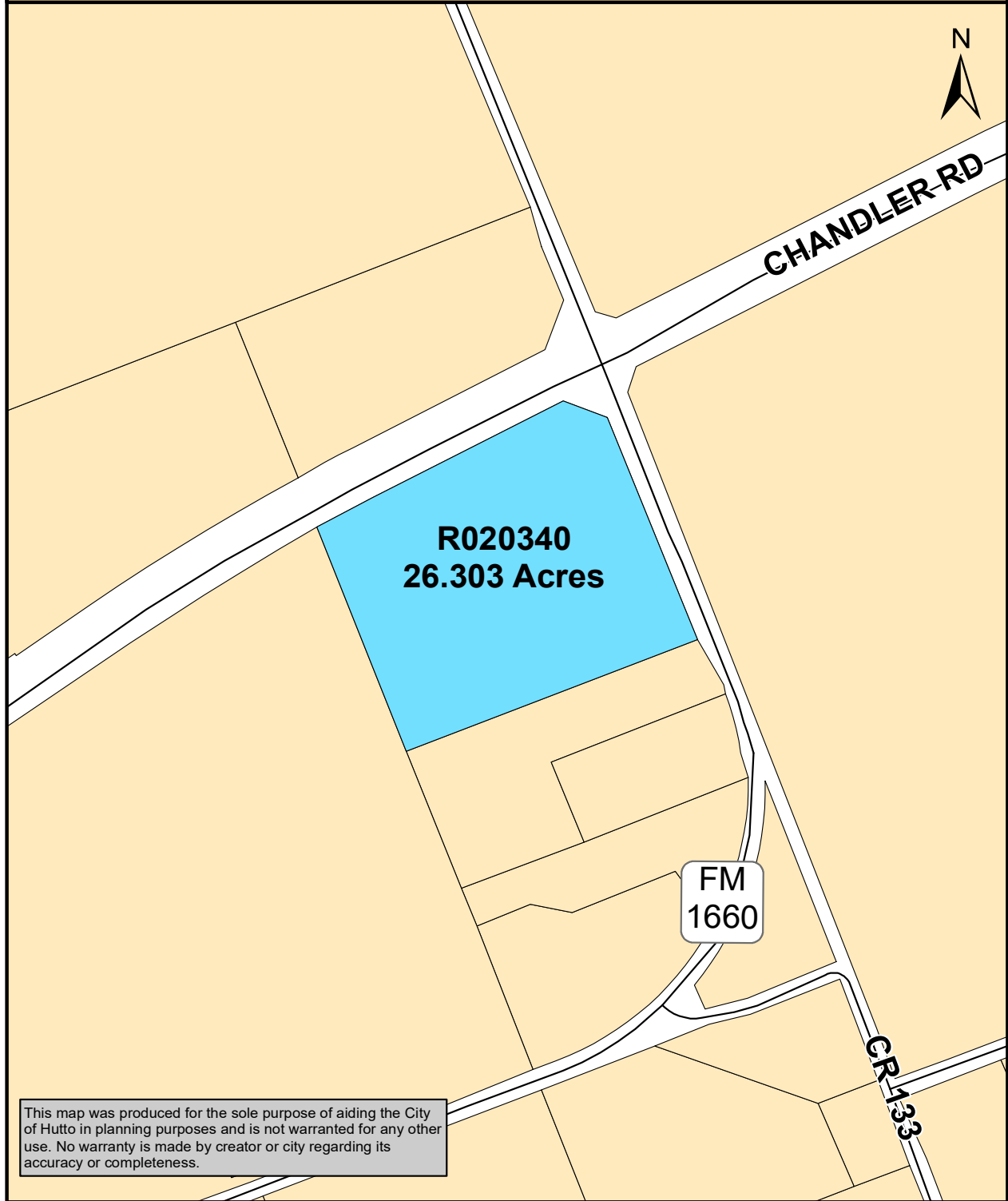
CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Lacie Hale, City Secretary

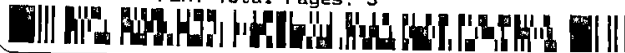
Chase Equities Inc



Map Document: (K:\SITE LOCATION MAPS\2019 Site
Location Maps\Annexation_Maps\Chase_Equities_Inc.mxd)
3/27/2019 -- 4:53:18 PM



0 250 500 1,000
Feet



PLAT MAP RECORDING SHEET

DEDICATOR(s):

CHASE EQUITIES INC

SUBDIVISION NAME: CHANDLER CORNER

PROPERTY IS DESCRIBED AS: 26.31 ACRES JOHN DYKES SURVEY
ABSTRACT NO 186

SUBMITTED BY: HECTOR CONSULTING

DIGITALLY RECORDED

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS 2019000610

PLAT

Fee: \$166.00

01/03/2019 09:33 AM

BMCKENZIE



Nancy E. Rister
Nancy E. Rister, County Clerk
Williamson County, Texas

SCALE: 1" = 100'

ACREAGE: 26.31 ACRES
NO. OF BLOCKS: 1
LINEAR FEET OF NEW STREETS: 0
SUBMITTAL DATE:
DATE OF PLANNING & ZONING COMMISSION REVIEW:
ACREAGE BY LOT TYPE:
LOT 1: 4.39 ACRES COMMERCIAL
LOT 2: 3.00 ACRES COMMERCIAL
LOT 3: 5.12 ACRES COMMERCIAL
LOT 4: 5.80 ACRES COMMERCIAL
LOT 5: 8.00 ACRES COMMERCIAL

PATENT SURVEY: JOHN DYKES SURVEY. ABSTRACT No. 186

JOHN DYKES SURVEY
ABSTRACT No. 186

- Legend

- ⊙ ½" Iron Rod Found
 - ⊙ ½" Iron Pipe Found
 - ⬢ Capped Iron Rod Found
 - ½" Iron Rod Set with plastic cap
imprinted with "Holt Carson, Inc."
 - Concrete Monument Found
- (Record Bearing and Distance)

ENGINEER: KERRI K. PENA
GREEN CIVIL DESIGN, LLC
11130 JOLLYVILLE ROAD SUITE 101
AUSTIN, TEXAS 78759

SURVEYOR: HOLT CARSON, INC.
1904 FORTVIEW ROAD
AUSTIN, TX 78704

SURVEYOR: HOLT CARSON, INC.
1904 FORTVIEW ROAD
AUSTIN, TX 78704

CHANDLER ROAD (200')
Williamson County, Texas

Williamson County, Texas
(5.81 Acres) Special Warranty Deed
Document No. 2006031884

F.M. HIGHWAY No. 1660 (100')

BEARING BASIS
(S21°36'28"E 916.12')

Fuessel Holdings, LLC Special Warranty Deed Document No. 2012081609

at centerline HWY Station PC 174+20.3

Doc # 2017000612

PAGE 1 of 2

William Ernest Albert
remainder tract
Volume 689 Page 813

Ricky D. Kruger, et al (163.89 Acres) Executor's Deed Document No. 2016121073

Waco Tex Mix, Inc. and The Tiger & Snake Partners, L.P. (15.02 Acres) Warranty Deed Document No. 2006042716

STATE OF TEXAS
COUNTY OF WILLIAMSON

KNOW ALL MEN BY THESE PRESENTS

THAT, CHASE EQUITIES, INC., HOLDING TITLE NOMINALLY FOR NAJIB WEHBE, SOLE OWNER OF THE CERTAIN TRACT OF AND SHOWN HEREON, AND DESCRIBED IN DEED RECORDED IN VOLUME No. 20707825 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, AND DO HEREBY STATE THAT THERE ARE NO LIEN HOLDERS OF THE CERTAIN TRACT OF LAND, AND DO HEREBY SUBDIVIDE SAID TRACT AS SHOWN HEREON, AND DO HEREBY CONSENT TO ALL PLAT NOTE REQUIREMENTS SHOWN HEREON, AND DO HEREBY FOREVER DEDICATE TO THE PUBLIC THE ROADS, ALLEYS, RIGHTS-OF-WAY, EASEMENTS AND PUBLIC PLACES SHOWN HEREON FOR SUCH PUBLIC PURPOSES AS WILLIAMSON COUNTY MAY DEEM APPROPRIATE, AND DO HEREBY STATE THAT ALL PUBLIC ROADWAYS AND EASEMENTS AS SHOWN ON THIS PLAT ARE FREE OF LIENS.

THIS SUBDIVISION IS TO BE KNOWN AS **CHANDLER CORNER**
TO CERTIFY WHICH, WITNESS BY MY HAND THIS 24th DAY OF October 2018.

NAJIB WEMBE
CHASE EQUITIES, INC.
3839 Bee Cave Road Suite 200
Austin, Texas 78746

STATE OF TEXAS
COUNTY OF TRAVIS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 24th DAY OF OCTOBER, 2018
BY NASIR WEHAB OF CHASE EQUITIES, INC. ON BEHALF OF SAID _____

NOTARY PUBLIC, STATE OF TEXAS
PRINTED NAME: BRUCE FENDER
MY COMMISSION EXPIRES 3-28-2020

BRUCE M. FENDER
Notary Public, State of Texas
Comm. Expires 03-28-2020
Notary ID 128941582

FINAL PLAT OF

CHANDLER CORNER

STATE OF TEXAS
COUNTY OF TRAVIS

I, HOLT CARSON, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF LAND SURVEYING AND DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND SHOWN HEREON AND THAT THIS SURVEY WAS COMPLETED IN COMPLIANCE WITH THE MINIMUM STANDARDS OF PRACTICE AS PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEY, AND THAT THE CORNER MONUMENTS SHOWN HEREON WERE PROPERLY PLACED UNDER MY DIRECTION AND SUPERVISION. THIS TRACT IS NOT LOCATED WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.

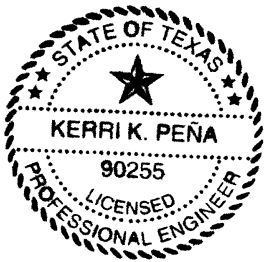
Holt Carson
HOLT CARSON
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5166
HOLT CARSON, INC.
1904 FORTVIEW ROAD
AUSTIN, TEXAS
FIRM REGISTRATION No. 10050700



STATE OF TEXAS
COUNTY OF TRAVIS

THIS IS TO CERTIFY THAT I AM AUTHORIZED TO PRACTICE THE PROFESSION OF ENGINEERING IN THE STATE OF TEXAS. THAT ALL INFORMATION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AS RELATED TO THE ENGINEERING PORTIONS THEREOF.

Kerri K. Pena 10/23/2018
KERRI K. PENNA, P.E. 90255
GREEN CIVIL DESIGN, LLC
TBPE REGISTRATION No. F-17563
11130 JOLLYVILLE ROAD SUITE 101
AUSTIN, TEXAS 78759



BASED UPON THE ABOVE REPRESENTATIONS OF THE ENGINEER OR SURVEYOR WHOSE SEAL IS AFFIXED HERETO, AND AFTER A REVIEW OF THE SURVEY AS REPRESENTED BY THE SAID ENGINEER OR SURVEYOR, I FIND THAT THIS BLUE LINE (SURVEY) COMPLIES WITH THE REQUIREMENTS OF EDWARDS AQUIFER REGULATIONS FOR WILLIAMSON COUNTY AND WILLIAMSON COUNTY ON-SITE SEWAGE FACILITY REGULATIONS. THIS CERTIFICATION IS MADE SOLELY UPON SUCH REPRESENTATIONS AND SHOULD NOT BE RELIED UPON FOR VERIFICATIONS OF THE FACTS ALLEGED. THE WILLIAMSON COUNTY ENGINEER'S OFFICE AND WILLIAMSON COUNTY DISCLAIM ANY RESPONSIBILITY TO ANY MEMBER OF THE PUBLIC FOR INDEPENDENT VERIFICATION OF THE REPRESENTATIONS, FACTUAL OR OTHERWISE, CONTAINED IN THIS BLUE LINE (SURVEY) AND THE DOCUMENTS ASSOCIATED WITH IT.

J. Ferron Everson
J. FERRON EVERTSON, PE, DR., CFM
COUNTY ENGINEER

12/13/18
DATE

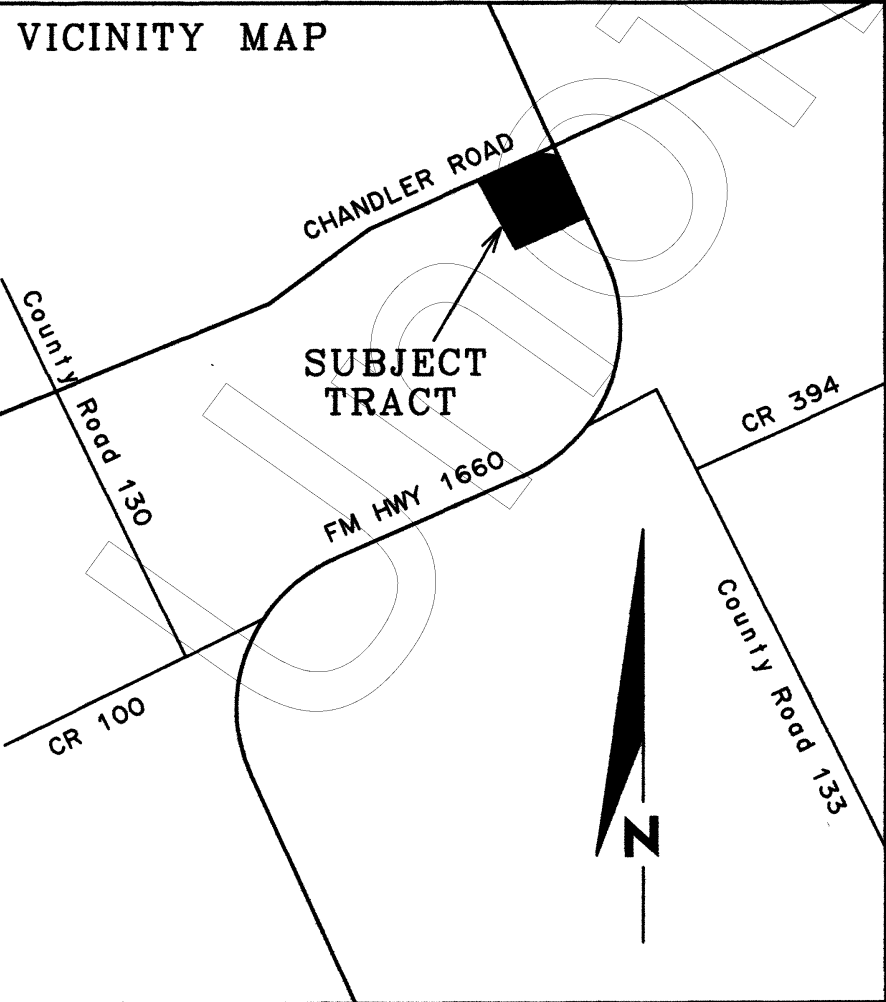
Teresa Baker
WILLIAMSON COUNTY 911 ADDRESSING COORDINATOR
Teresa Baker

10/24/18
DATE

NOTE:
THE COUNTY ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF REPRESENTATIONS BY OTHER PARTIES IN THIS PLAT. FLOODPLAIN DATA, IN PARTICULAR, MAY CHANGE. IT IS FURTHER UNDERSTOOD THAT THE OWNERS OF THE TRACT OF LAND COVERED BY THIS PLAT MUST INSTALL AT THEIR OWN EXPENSE ALL TRAFFIC CONTROL DEVICES AND SIGNAGE THAT MAY BE REQUIRED BEFORE THE ROADS IN THE SUBDIVISION HAVE FINALLY BEEN ACCEPTED FOR MAINTENANCE BY THE COUNTY.

GENERAL NOTES:

- 1) NO PORTION OF THIS TRACT IS ENCLOSED BY A SPECIAL FLOOD HAZARD AREAS INUNDATED BY THE 1% ANNUAL FLOOD AS IDENTIFIED BY THE U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY BOUNDARY MAP (FLOOD INSURANCE RATE MAP) COMMUNITY PANEL NO. 48491C 0510 E DATED SEPTEMBER 26, 2008, FOR WILLIAMSON COUNTY, TEXAS.
- 2) A TEN FOOT (10') P.U.E. ABUTTING AND ALONG THE STREET SIDE PROPERTY LINE IS HEREBY DEDICATED FOR ALL STREET SIDE PROPERTY LOTS SHOWN HEREON.
- 3) NO OBSTRUCTIONS, INCLUDING BUT NOT LIMITED TO FENCING OR STORAGE, SHALL BE PERMITTED IN ANY DRAINAGE EASEMENT SHOWN HEREON.
- 4) WATER SERVICE FOR THIS SUBDIVISION WILL BE PROVIDED BY JONAH WATER SUPPLY CORP. SEWER SERVICE FOR THIS SUBDIVISION WILL BE PROVIDED BY ON-SITE SEWAGE FACILITIES.



FIELD NOTE DESCRIPTION OF 26.312 ACRES OF LAND OUT OF THE JOHN DYKES SURVEY ABSTRACT No. 186 IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (26.303 ACRE) TRACT OF LAND AS CONVEYED TO CHASE EQUITIES, INC. BY WARRANTY DEED RECORDED IN DOCUMENT No. 2017078725 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a capped iron rod found in the West right-of-way line of F.M. Highway No. 1660 for the Southeast corner of that certain (26.303 acre) tract of land as conveyed to Chase Equities, Inc. by Warranty Deed recorded in Document No. 2017078725 of the Official Public Records of Williamson County, Texas, and for the Northeast corner of that certain (15.020 acre) tract of land as conveyed to Waco Tex Mix, Inc., et al by Warranty Deed recorded in Document No. 2006042719 of the Official Public Records of Williamson County, Texas, and being the Southeast corner and PLACE OF BEGINNING of the herein described tract of land.

THENCE leaving the West right-of-way line of F.M. Highway No. 1660 with the common line of said Chase Equities (26.303 acre) tract and said Waco Tex Mix (15.020 acre) tract, S 68 deg. 30' 38" W 171.80 ft. to a 1/2" iron rod found in the East line of that certain (163.80 acre) tract of land as conveyed to Ricky Kruger, et al by Executor's Deed recorded in Document No. 2016121073 of the Official Public Records of Williamson County, Texas, for the Southwest corner of said Chase Equities (26.303 acre) tract and the Northwest corner of said Waco Tex Mix (15.020 acre) tract, and being the Southwest corner of this tract.

THENCE with the West line of said Chase Equities (26.303 acre) tract, N 21 deg. 18' 15" W 923.22 ft. to a capped iron rod found in the curving South right-of-way line of Chandler Road for the Northwest corner of said Chase Equities (26.303 acre) tract and being the Northwest corner of this tract.

THENCE with the South right-of-way line of Chandler Road and with the North line of said Chase Equities (26.303 acre) tract, the following three (3) courses:

- 1) along a curve to the right with a radius of 8437.00 ft. for an arc distance of 238.57 ft. and which chord bears N 61 deg. 42' 00" E 238.56 ft. to a 1/2" iron rod found for a point of tangency.
- 2) N 62 deg. 30' 10" E 803.57 ft. to a 1/2" iron rod set with a plastic cap imprinted with "Holt Carson, Inc."
- 3) S 69 deg. 06' 30" E 177.20 ft. to a capped iron rod found at the point of intersection with the West right-of-way line of F.M. Highway No. 1660 for a Northeasterly angle corner of this tract.

THENCE with the West right-of-way line of F.M. Highway No. 1660 and with the East line of said Chase Equities (26.303 acre) tract, S 21 deg. 36' 28" E 916.17 ft. to the PLACE OF BEGINNING, containing 26.312 acres of land.

WILLIAMSON COUNTY NOTES:

1. THIS SUBDIVISION IS SUBJECT TO THE WILLIAMSON COUNTY SUBDIVISION REGULATIONS LAST REVISED ON JANUARY 18, 2018.
2. RIGHT-OF-WAY EASEMENTS FOR WIDENING ROADWAYS OR IMPROVING DRAINAGE SHALL BE MAINTAINED BY THE LANDOWNER UNTIL ROAD OR DRAINAGE IMPROVEMENTS ARE ACTUALLY CONSTRUCTED ON THE PROPERTY. THE COUNTY HAS THE RIGHT AT ANY TIME TO TAKE POSSESSION OF ANY ROAD WIDENING EASEMENT FOR THE CONSTRUCTION, IMPROVEMENT OR MAINTENANCE OF THE ADJACENT ROAD. THE LANDOWNER ASSUMES ALL RISKS ASSOCIATED WITH IMPROVEMENTS LOCATED IN THE RIGHT-OF-WAY OR ROAD WIDENING EASEMENTS. BY PLACING ANYTHING IN THE RIGHT-OF-WAY OR ROAD WIDENING EASEMENTS, THE LANDOWNER IDENTIFIES AND HOLDS THE COUNTY, ITS OFFICERS, AND EMPLOYEES HARMLESS FROM ANY LIABILITY OWING TO PROPERTY DEFECTS OR NEGLIGENCE NOT ATTRIBUTABLE TO THEM AND ACKNOWLEDGES THAT THE IMPROVEMENTS MAY BE REMOVED BY THE COUNTY AND THAT THE OWNER OF THE IMPROVEMENT SHALL BE RESPONSIBLE FOR THE RELOCATION AND/OR REPLACEMENT OF THE IMPROVEMENT. SUBJECT TO FIRST PAYING ADEQUATE COMPENSATION ACHIEVED THROUGH NEGOTIATIONS OR OTHERWISE AND BASED ON THEN CURRENT VALUE, THE COUNTY HAS THE RIGHT TO TAKE POSSESSION OF THE 50 FEET ROAD WIDENING RESERVATION AREA AS SHOWN ON THIS PLAT. NO STRUCTURES WILL BE PLACED WITHIN THE RESERVED RIGHT-OF-WAY.
3. IT IS THE RESPONSIBILITY OF THE OWNER, NOT THE COUNTY, TO ASSURE COMPLIANCE WITH THE PROVISIONS OF ALL APPLICABLE STATE, FEDERAL AND LOCAL LAWS AND REGULATIONS RELATING TO THE PLATTING AND DEVELOPMENT OF THIS PROPERTY.
4. RURAL MAILBOXES SHALL BE SET THREE FEET FROM THE EDGE OF THE PAVEMENT OR BEHIND THE CURBS, WHEN USED. ALL MAILBOXES WITHIN COUNTY ARTERIAL RIGHT-OF-WAY SHALL MEET THE CURRENT TXDOT STANDARDS. ANY MAILBOX THAT DOES NOT MEET THIS REQUIREMENT MAY BE REMOVED BY WILLIAMSON COUNTY.
5. THIS TRACT IS NOT LOCATED WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
6. ALL SIDEWALKS ARE TO BE MAINTAINED BY EACH OF THE ADJACENT PROPERTY OWNERS.
7. DRIVEWAYS FOR LOTS 1, 2, 3 AND 5 SHALL ONLY TAKE ACCESS FROM CHANDLER ROAD.
8. IMPROVEMENTS WITHIN THE COUNTY ROAD RIGHT-OF-WAY INCLUDING, BUT NOT LIMITED TO, LANDSCAPING, IRRIGATION, LIGHTING AND CUSTOM SIGNS IS PROHIBITED WITHOUT FIRST OBTAINING AN EXECUTED LICENSE AGREEMENT WITH WILLIAMSON COUNTY.
9. THIS SUBDIVISION IS SUBJECT TO STORM-WATER MANAGEMENT CONTROLS AS REQUIRED BY WILLIAMSON COUNTY SUBDIVISION REGULATIONS, SECTION B11.1, ON NEW DEVELOPMENT THAT WOULD EVOKE SUCH CONTROLS BEYOND EXISTING CONDITIONS.
10. A DE FACTO CERTIFICATE OF COMPLIANCE IS HEREBY ISSUED FOR ALL LOTS WITHIN THIS SUBDIVISION. THIS CERTIFICATE IS VALID UNTIL SUCH TIME AS FEMA REVISES OR NEWLY ADOPTS FLOODPLAIN BOUNDARIES IN THIS AREA.
11. EXCEPT IN CERTAIN ISOLATED AREAS REQUIRED TO MEET ACCESSIBILITY REQUIREMENTS, THE MINIMUM FINISHED FLOOR ELEVATION SHALL BE ONE FOOT HIGHER THAN THE HIGHEST SPOT ELEVATION THAT IS LOCATED WITHIN FIVE FEET OUTSIDE THE PERIMETER OF THE BUILDING, OR ONE FOOT ABOVE THE BFE, WHICHEVER IS HIGHER.

STATE OF TEXAS
COUNTY OF WILLIAMSON
KNOW ALL MEN BY THESE PRESENTS:

I, DAN A. GATTIS, COUNTY JUDGE OF WILLIAMSON COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS MAP OR PLAT, WITH FIELD NOTES HEREON, AND SUBDIVISION HAVING BEEN FULLY PRESENTED TO THE COMMISSIONERS' COURT OF WILLIAMSON COUNTY, TEXAS, AND BY THE SAID COURT DULY CONSIDERED, WERE ON THIS DAY APPROVED AND PLAT IS AUTHORIZED TO BE REGISTERED AND RECORDED IN THE PROPER RECORDS OF THE COUNTY CLERK OF WILLIAMSON COUNTY, TEXAS.

BY: Dan A. Gattis
DAN A. GATTIS
COUNTY JUDGE
WILLIAMSON COUNTY, TEXAS

12-31-2018
DATE

THE STATE OF TEXAS
THE COUNTY OF WILLIAMSON
I, Nancy Rister, Clerk of the County Court of said County, do hereby certify that the foregoing Instrument of Writing and its Certificate of Authentication was filed for record in my office on the 3rd day of January, 2019 A.D., at 9:45 o'clock A.M. and duly recorded on the 3rd day of January 2019 A.D., at 1:38 o'clock P.M., in the Official Public Records of said County in Document No. 2019000610

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY this the 3rd day of January 2019 A.D.
NANCY RISTER, COUNTY CLERK WILLIAMSON COUNTY, TEXAS

By: Brenda McKenzie
Deputy Brenda McKenzie



Doc # 2019000610

**CITY OF HUTTO
MUNICIPAL SERVICE PLAN
FOR PROPOSED ANNEXATION OF**

EXHIBIT “B”

**26.303 acres, more or less, of land, out of the
John Dykes Survey, Abstract No. A-186, Williamson County, Texas.**

The City of Hutto, Texas will provide for the extension of full municipal services into the area proposed to be annexed in accordance with Texas Local Government Code §43.056.

FIRE

Existing Services: Williamson County Emergency Service District #3

Services to be Provided:

Provides fire suppression and emergency services to the area. Primary fire response will be provided by Williamson County Emergency Service District #3, located at the following address: 501 Exchange Boulevard. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

POLICE

Existing Services: Williamson County Sheriff's Department

Services to be Provided:

Upon annexation, the City of Hutto Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriations.

BUILDING INSPECTION

Existing Services: None

Services to be Provided:

The Development Services Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City of Hutto. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

PLANNING AND ZONING

Existing Services: Review of subdivision development plans under City's Subdivision Ordinance. No municipal zoning or land use controls except for those imposed by State Law.

Services to be Provided:

The Hutto Development Services Department has responsibility for regulating development and land use through the administration of the City of Hutto's Zoning Ordinance, and this will extend to the area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Hutto's Subdivision Ordinance. These services can be provided within the departments' current budgets.

LIBRARY

Existing Services: None

Services to be Provided:

City Library privileges will be available to future residents in this area.

HEALTH DEPARTMENT - HEALTH CODE ENFORCEMENT SERVICE

Existing Services: Williamson Cities and County Health District

Services to be Provided:

Williamson Cities and County Health District will continue to implement enforcement of the health districts regulations on the effective date of annexation. Animal control services will also be provided to the area as needed by Hutto Animal Control Division of the Police Department.

STREET MAINTENANCE

Existing Services: Williamson County

Services to be Provided:

Maintenance and access to adjacent existing street facilities will be provided/overseen by appropriate City of Hutto departments.

STORM WATER MANAGEMENT

Existing Services: Williamson County Flood Plain Administrator

Services to be Provided

Developers will provide storm water drainage facilities as required of their development at their own expense and such will be inspected by the City's engineers at time of completion. The City of Hutto will then maintain the drainage in public rights of way upon approval of the construction. Property owners and/or Home Owner's Associations or similar entities will maintain drainage facilities located on private property. All construction within the flood plain will be through the appropriate Hutto department(s) and will meet FEMA Flood Plain regulations.

STREET LIGHTING

Existing Services: Oncor Electric Delivery

Services to be Provided:

There are no existing street lights in this area. The Developer will be responsible for initial installation and maintenance of street lighting, if required, within the development until such time as any internal streets have been accepted by the City Council.

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided:

The City of Hutto, through its appropriate departments, will be able to provide any necessary additional traffic control devices after the effective date of annexation.

WATER SERVICE

Existing Services: None

Services to be Provided:

Water service to the properties will be provided by Jonah S.U.D.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided:

Sanitary sewer service to the properties will be provided by City of Hutto.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided:

Solid waste collection shall be provided to the area of annexation in accordance with current ordinances. Service shall comply with existing City of Hutto policies, beginning with occupancy of structures.

PARKS AND TRAILS

Existing Service: None

Services to be Provided:

All City operated parks and trail systems will be available to the residents of this area upon annexation.

MISCELLANEOUS

Existing Services: None

Services to be Provided:

All other applicable municipal services will be provided to the area in accordance with the City of Hutto's established policies governing extension of municipal services to newly-annexed areas.

NOTE:

Capital improvements sufficient for providing municipal services for the annexed area are in place such that the costs associated with the extension of service lines to proposed building sites within the area will be borne by owners and/or developers.

Regular City Council
**AGENDA ITEM
10.K.**



To: City Council
Subject: Consideration and possible action on the second and final reading of the an ordinance regarding the annexation of the Fritz Tract, 5.9753 acres, more or less, of land, and to establish base zoning as AG (Agriculture), located on CR 132. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

A Municipal Service Plan (MSP) has been drafted per the Council's directive from their regularly scheduled meeting on May 2, 2019.

Upon completion of the second and final reading of the annexation ordinance the annexation process is complete. An annexation ordinance requires a second reading prior to final approval.

RECOMMENDATION:

Staff recommends that the Council approve the second and final reading of the ordinance.

ATTACHMENTS:

[\(Ord\)FritzTract-5.9753ac\(Ord\)Complete](#)

ORDINANCE NO.

AN ORDINANCE ANNEXING CERTAIN HEREINAFTER DESCRIBED ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF HUTTO, TEXAS, TO WIT: 5.9753 ACRES, MORE OR LESS, OF LAND, DESCRIBED IN EXHIBIT “A”, ALL OF SAID PROPERTY BEING SITUATED IN WILLIAMSON COUNTY, TEXAS, AND ALL ADJACENT ROADWAYS BEING FOR ANNEXATION; EXTENDING THE BOUNDARY LIMITS OF HUTTO SO AS TO INCLUDE SAID PROPERTY WITHIN HUTTO’S CITY LIMITS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH PROPERTY SHALL BECOME A PART OF THE CITY OF HUTTO AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY NOW IN EFFECT AND THOSE WHICH ARE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the City of Hutto, Texas (the “City”) is a duly constituted home-rule municipality and, as such, is authorized to annex territory subject to the laws of the State of Texas and subject to its Charter, and;

WHEREAS, pursuant to Section 43.028 of the Texas Local Government Code, the owners of a tract of land containing 5.9753 acres, more or less, of land, situated in the J.B. Bealle Survey, Abstract No. 97, in Williamson County, Texas (the “Property”), said Property being situated in Williamson County, Texas, and being more particularly described in **Exhibit “A”** attached hereto and made part hereof by reference for all purposes, have petitioned the City Council in writing to annex the Property, and;

WHEREAS, the procedures prescribed by the Charter of the City of Hutto and the applicable laws of the State of Texas have been duly followed with respect to the Property, and;

WHEREAS, the City Council of the City of Hutto by resolution directed the City’s Development Services Director to prepare a service plan that provided for the extension of full municipal services to the Property, and such service plan was duly prepared and described in **Exhibit “B”** attached hereto and made part hereof by reference for all purposes, and;

WHEREAS, such Property is (a) one-half mile or less in width; (b) contiguous to the City; and (c) vacant and without residents or on which fewer than three (3) qualified voters reside, and;

WHEREAS, after considering the public testimony received at each hearing, the City Council of the City of Hutto determines that annexation of the Property is proper in all respects and that such action is in the best interests of the community and its citizens, and;

WHEREAS, and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, concerning public notices, hearings, and other procedural matters has been fully complied with, and;

WHEREAS, the City Council of the City of Hutto determines that the Property for annexation which is more fully described in **Exhibit “A”** should become annexed.

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

SECTION I.

That all of the above recitations are found to be true and correct and are incorporated into the body of this ordinance.

SECTION II.

That the Property described in the attached **Exhibit “A”**, together with adjacent roadways, be and is hereby annexed and brought within the corporate city limits of the City of Hutto, Texas, and same is hereby made an integral part hereof; and that the boundary limits of the City of Hutto be the same are hereby extended to include the above described territory within the city limits of the City of Hutto, and the same shall hereinafter be included within the territorial limits of the City of Hutto, Texas and designated as AG (Agriculture) Zoning District.

SECTION III.

That the owners and present and future inhabitants of the area herein annexed be entitled to all rights and privileges of other citizens and property owners of the City of Hutto, and hereby bound by all acts, ordinances, resolutions and regulations of the City, and all other legal actions now in full force and effect and all those which may be hereafter adopted.

SECTION IV.

That the appropriate city official of the City of Hutto is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official maps and boundaries of the City of Hutto, heretofore adopted and amended, so as to include the aforementioned territory hereby annexed, be and are hereby amended as part of the City of Hutto, Texas, as required by law.

SECTION V.

That the Service Plan providing for extension of municipal services to the areas proposed to be annexed, attached hereto and incorporated herein as **Exhibit “B”**, is hereby approved.

SECTION VI.

That the City Secretary is hereby directed and authorized to file a certified copy of this ordinance in the Office of the County Clerk of Williamson County, Texas.

SECTION VII.

If any section, subsection, sentence, phrase, or word of this ordinance be found to be illegal, invalid or unconstitutional or if any portion of said Property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this ordinance or the application of any other section, sentence, phrase or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this ordinance and would have annexed the valid Property without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION VIII.

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

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

C. That 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 thereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION IX.

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** on first reading on this the **5th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

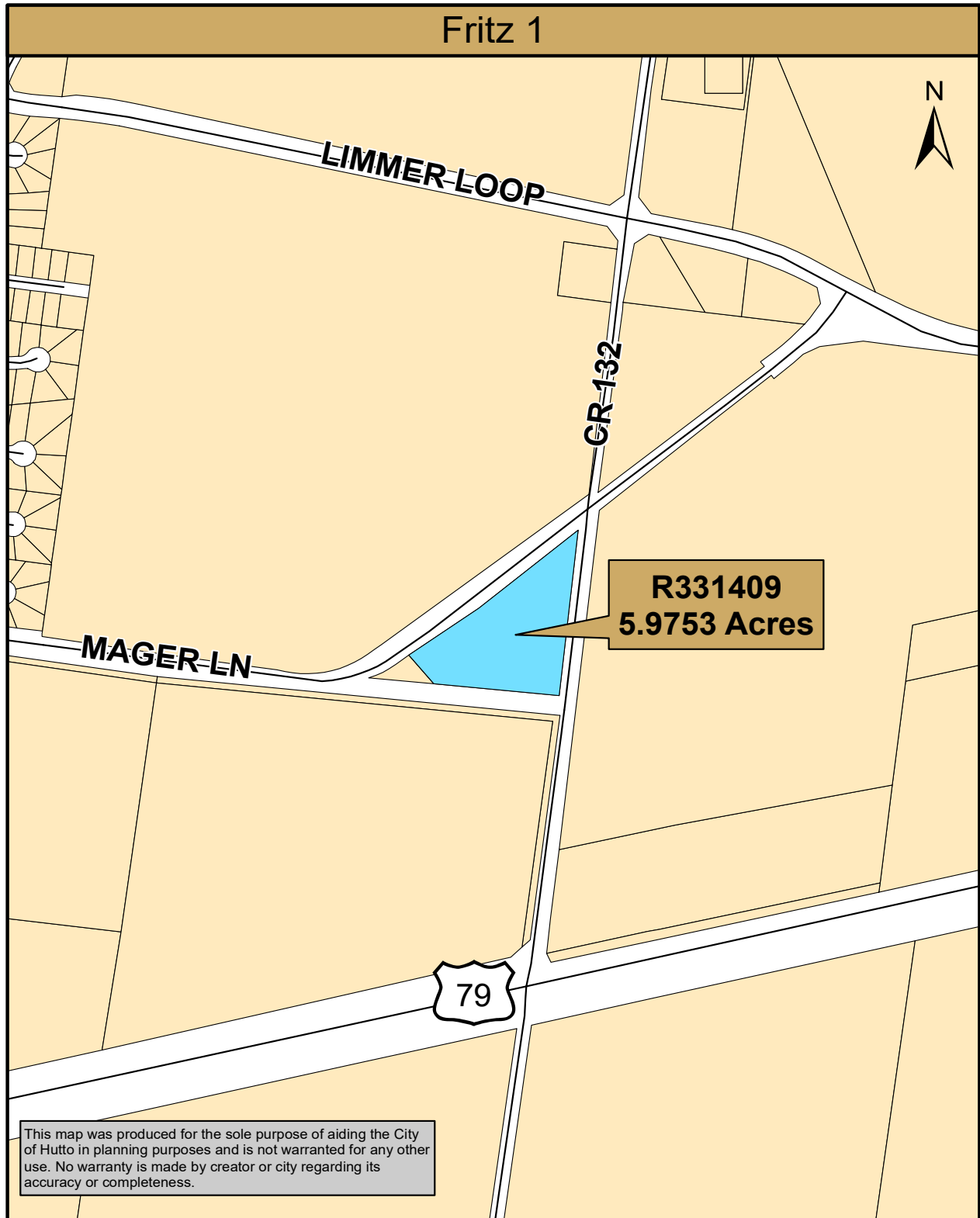
READ, PASSED and **ADOPTED** on second reading of ordinance this **19th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Lacie Hale, City Secretary



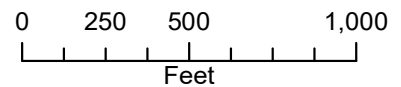
This map was produced for the sole purpose of aiding the City of Hutto in planning purposes and is not warranted for any other use. No warranty is made by creator or city regarding its accuracy or completeness.

Map Document: (K:\SITE LOCATION MAPS\2019 Site

Location Maps\Annexation_Maps\Fritz_1.mxd)

3/29/2019 -- 8:47:20 AM

Page 5 of 8



**CITY OF HUTTO
MUNICIPAL SERVICE PLAN
FOR PROPOSED ANNEXATION OF**

EXHIBIT “B”

**5.9753 acres, more or less, of land, out of the
J. B. Bealle Survey, Abstract No. 97, Williamson County, Texas.**

The City of Hutto, Texas will provide for the extension of full municipal services into the area proposed to be annexed in accordance with Texas Local Government Code §43.056.

FIRE

Existing Services: Williamson County Emergency Service District #3

Services to be Provided:

Provides fire suppression and emergency services to the area. Primary fire response will be provided by Williamson County Emergency Service District #3, located at the following address: 501 Exchange Boulevard. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

POLICE

Existing Services: Williamson County Sheriff's Department

Services to be Provided:

Upon annexation, the City of Hutto Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriations.

BUILDING INSPECTION

Existing Services: None

Services to be Provided:

The Development Services Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City of Hutto. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

PLANNING AND ZONING

Existing Services: Review of subdivision development plans under City's Subdivision Ordinance. No municipal zoning or land use controls except for those imposed by State Law.

Services to be Provided:

The Hutto Development Services Department has responsibility for regulating development and land use through the administration of the City of Hutto's Zoning Ordinance, and this will extend to the area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Hutto's Subdivision Ordinance. These services can be provided within the departments' current budgets.

LIBRARY

Existing Services: None

Services to be Provided:

City Library privileges will be available to future residents in this area.

HEALTH DEPARTMENT - HEALTH CODE ENFORCEMENT SERVICE

Existing Services: Williamson Cities and County Health District

Services to be Provided:

Williamson Cities and County Health District will continue to implement enforcement of the health districts regulations on the effective date of annexation. Animal control services will also be provided to the area as needed by Hutto Animal Control Division of the Police Department.

STREET MAINTENANCE

Existing Services: Williamson County

Services to be Provided:

Maintenance and access to adjacent existing street facilities will be provided/overseen by appropriate City of Hutto departments.

STORM WATER MANAGEMENT

Existing Services: Williamson County Flood Plain Administrator

Services to be Provided

Developers will provide storm water drainage facilities as required of their development at their own expense and such will be inspected by the City's engineers at time of completion. The City of Hutto will then maintain the drainage in public rights of way upon approval of the construction. Property owners and/or Home Owner's Associations or similar entities will maintain drainage facilities located on private property. All construction within the flood plain will be through the appropriate Hutto department(s) and will meet FEMA Flood Plain regulations.

STREET LIGHTING

Existing Services: Oncor Electric Delivery

Services to be Provided:

There are no existing street lights in this area. The Developer will be responsible for initial installation and maintenance of street lighting, if required, within the development until such time as any internal streets have been accepted by the City Council.

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided:

The City of Hutto, through its appropriate departments, will be able to provide any necessary additional traffic control devices after the effective date of annexation.

WATER SERVICE

Existing Services: None

Services to be Provided:

Water service to the properties will be provided by Jonah S.U.D.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided:

Sanitary sewer service to the properties will be provided by Jonah S.U.D.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided:

Solid waste collection shall be provided to the area of annexation in accordance with current ordinances. Service shall comply with existing City of Hutto policies, beginning with occupancy of structures.

PARKS AND TRAILS

Existing Service: None

Services to be Provided:

All City operated parks and trail systems will be available to the residents of this area upon annexation.

MISCELLANEOUS

Existing Services: None

Services to be Provided:

All other applicable municipal services will be provided to the area in accordance with the City of Hutto's established policies governing extension of municipal services to newly-annexed areas.

NOTE:

Capital improvements sufficient for providing municipal services for the annexed area are in place such that the costs associated with the extension of service lines to proposed building sites within the area will be borne by owners and/or developers.

Regular City Council
AGENDA ITEM
10.L.



To: City Council
Subject: Consideration and possible action on the second and final reading of an ordinance regarding the annexation of the M. Moore Family Farms Tracts, 528.774 acres, more or less, of land, and to establish base zoning as AG (Agriculture), located on CR 132 and also on Limmer Loop. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

A Municipal Service Plan (MSP) has been drafted per the Council's directive from their regularly scheduled meeting on May 2, 2019.

Upon completion of the second and final reading of the annexation ordinance the annexation process is complete. An annexation ordinance requires a second reading prior to final approval.

RECOMMENDATION:

Staff recommends that the Council approve the second and final reading of the ordinance.

ATTACHMENTS:

[\(Ord\)M.MooreFam-528.774ac\(Ord\)Complete](#)

ORDINANCE NO.

AN ORDINANCE ANNEXING CERTAIN HEREINAFTER DESCRIBED ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF HUTTO, TEXAS, TO WIT: 528.774 ACRES, MORE OR LESS, OF LAND, DESCRIBED IN EXHIBIT "A", ALL OF SAID PROPERTY BEING SITUATED IN WILLIAMSON COUNTY, TEXAS, AND ALL ADJACENT ROADWAYS BEING FOR ANNEXATION; EXTENDING THE BOUNDARY LIMITS OF HUTTO SO AS TO INCLUDE SAID PROPERTY WITHIN HUTTO'S CITY LIMITS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH PROPERTY SHALL BECOME A PART OF THE CITY OF HUTTO AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY NOW IN EFFECT AND THOSE WHICH ARE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the City of Hutto, Texas (the "City") is a duly constituted home-rule municipality and, as such, is authorized to annex territory subject to the laws of the State of Texas and subject to its Charter, and;

WHEREAS, pursuant to Section 43.028 of the Texas Local Government Code, the owners of a tract of land containing 528.774 acres, more or less, of land, situated in Williamson County, Texas (the "Property"), and being more particularly described in **Exhibit "A"** attached hereto and made part hereof by reference for all purposes, have petitioned the City Council in writing to annex the Property, and;

WHEREAS, the procedures prescribed by the Charter of the City of Hutto and the applicable laws of the State of Texas have been duly followed with respect to the Property, and;

WHEREAS, the City Council of the City of Hutto by resolution directed the City's Development Services Director to prepare a service plan that provided for the extension of full municipal services to the Property, and such service plan was duly prepared and described in **Exhibit "B"** attached hereto and made part hereof by reference for all purposes, and;

WHEREAS, such Property is (a) one-half mile or less in width; (b) contiguous to the City; and (c) vacant and without residents or on which fewer than three (3) qualified voters reside, and;

WHEREAS, after considering the public testimony received at each hearing, the City Council of the City of Hutto determines that annexation of the Property is proper in all respects and that such action is in the best interests of the community and its citizens, and;

WHEREAS, and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, concerning public notices, hearings, and other procedural matters has been fully complied with, and;

WHEREAS, the City Council of the City of Hutto determines that the Property for annexation which is more fully described in **Exhibit "A"** should become annexed.

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

SECTION I.

That all of the above recitations are found to be true and correct and are incorporated into the body of this ordinance.

SECTION II.

That the Property described in the attached **Exhibit “A”**, together with adjacent roadways, be and is hereby annexed and brought within the corporate city limits of the City of Hutto, Texas, and same is hereby made an integral part hereof; and that the boundary limits of the City of Hutto be the same are hereby extended to include the above described territory within the city limits of the City of Hutto, and the same shall hereinafter be included within the territorial limits of the City of Hutto, Texas and designated as AG (Agriculture) Zoning District.

SECTION III.

That the owners and present and future inhabitants of the area herein annexed be entitled to all rights and privileges of other citizens and property owners of the City of Hutto, and hereby bound by all acts, ordinances, resolutions and regulations of the City, and all other legal actions now in full force and effect and all those which may be hereafter adopted.

SECTION IV.

That the appropriate city official of the City of Hutto is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official maps and boundaries of the City of Hutto, heretofore adopted and amended, so as to include the aforementioned territory hereby annexed, be and are hereby amended as part of the City of Hutto, Texas, as required by law.

SECTION V.

That the Service Plan providing for extension of municipal services to the areas proposed to be annexed, attached hereto and incorporated herein as **Exhibit “B”**, is hereby approved.

SECTION VI.

That the City Secretary is hereby directed and authorized to file a certified copy of this ordinance in the Office of the County Clerk of Williamson County, Texas.

SECTION VII.

If any section, subsection, sentence, phrase, or word of this ordinance be found to be illegal, invalid or unconstitutional or if any portion of said Property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this ordinance or the application of any other section, sentence, phrase or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this ordinance and would have annexed the valid Property without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION VIII.

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

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

C. That 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 thereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION IX.

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** on first reading on this the **5th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

READ, PASSED and **ADOPTED** on second reading of ordinance this **19th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

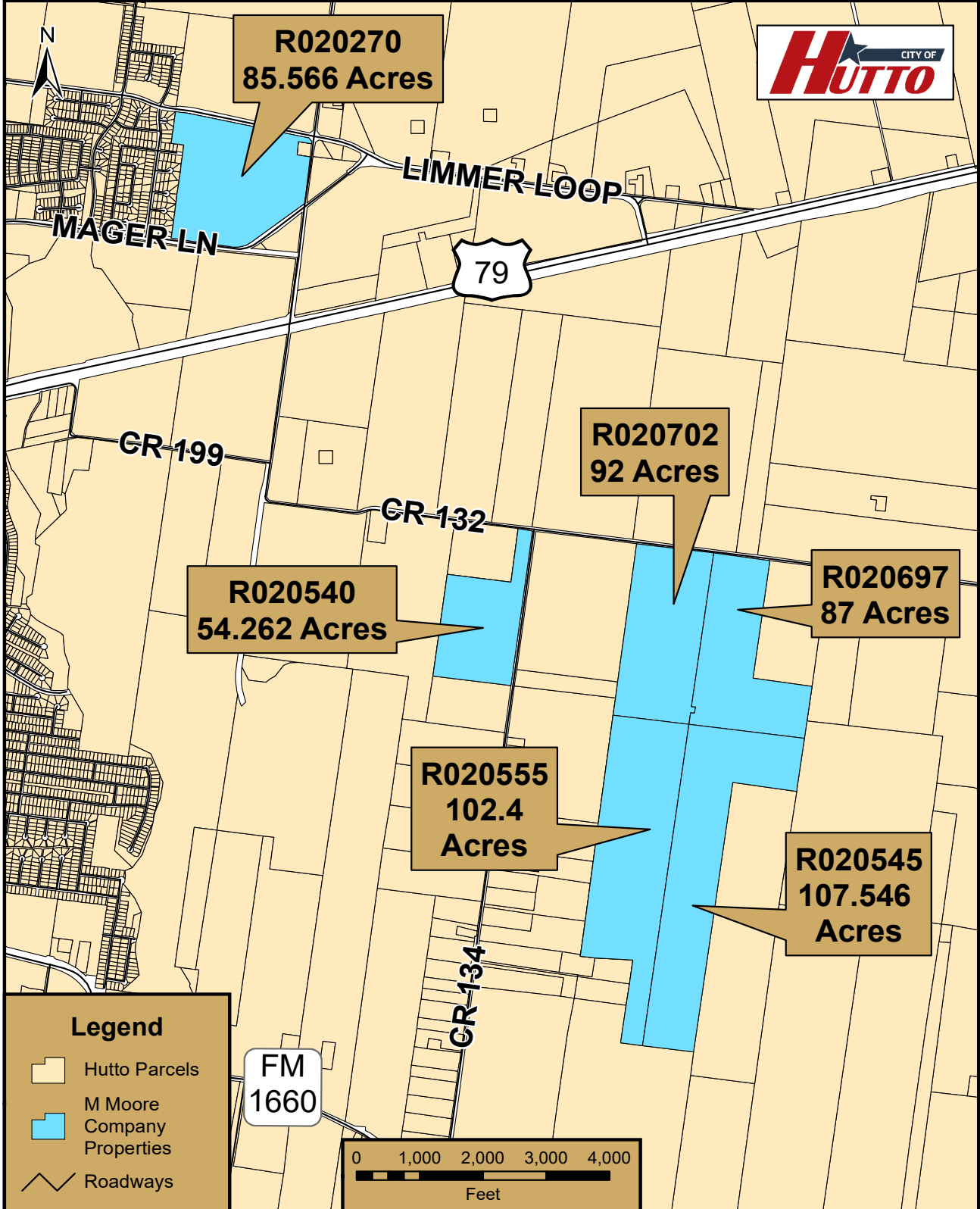
CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Lacie Hale, City Secretary

M Moore Company Overall Map



**CITY OF HUTTO
MUNICIPAL SERVICE PLAN
FOR PROPOSED ANNEXATION OF**

EXHIBIT “B”

**528.774 acres, more or less, of land, out of the
John Kuykendall Survey, Abstract No. 378, the M. Farley Survey, Abstract No. 238, the Josias B.
Bealle Survey, Abstract No. 97, the James Hickman Survey, Abstract No. 291, and the J.H.
Fredenburgh Survey, Abstract No. 237, in Williamson County, Texas.**

The City of Hutto, Texas will provide for the extension of full municipal services into the area proposed to be annexed in accordance with Texas Local Government Code §43.056.

FIRE

Existing Services: Williamson County Emergency Service District #3

Services to be Provided:

Provides fire suppression and emergency services to the area. Primary fire response will be provided by Williamson County Emergency Service District #3, located at the following address: 501 Exchange Boulevard. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

POLICE

Existing Services: Williamson County Sheriff's Department

Services to be Provided:

Upon annexation, the City of Hutto Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriations.

BUILDING INSPECTION

Existing Services: None

Services to be Provided:

The Development Services Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City of Hutto. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

PLANNING AND ZONING

Existing Services: Review of subdivision development plans under City's Subdivision Ordinance. No municipal zoning or land use controls except for those imposed by State Law.

Services to be Provided:

The Hutto Development Services Department has responsibility for regulating development and land use through the administration of the City of Hutto's Zoning Ordinance, and this will extend to the area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Hutto's Subdivision Ordinance. These services can be provided within the departments' current budgets.

LIBRARY

Existing Services: None

Services to be Provided:

City Library privileges will be available to future residents in this area.

HEALTH DEPARTMENT - HEALTH CODE ENFORCEMENT SERVICE

Existing Services: Williamson Cities and County Health District

Services to be Provided:

Williamson Cities and County Health District will continue to implement enforcement of the health districts regulations on the effective date of annexation. Animal control services will also be provided to the area as needed by Hutto Animal Control Division of the Police Department.

STREET MAINTENANCE

Existing Services: Williamson County

Services to be Provided:

Maintenance and access to adjacent existing street facilities will be provided/overseen by appropriate City of Hutto departments.

STORM WATER MANAGEMENT

Existing Services: Williamson County Flood Plain Administrator

Services to be Provided

Developers will provide storm water drainage facilities as required of their development at their own expense and such will be inspected by the City's engineers at time of completion. The City of Hutto will then maintain the drainage in public rights of way upon approval of the construction. Property owners and/or Home Owner's Associations or similar entities will maintain drainage facilities located on private property. All construction within the flood plain will be through the appropriate Hutto department(s) and will meet FEMA Flood Plain regulations.

STREET LIGHTING

Existing Services: Oncor Electric Delivery

Services to be Provided:

There are no existing street lights in this area. The Developer will be responsible for initial installation and maintenance of street lighting, if required, within the development until such time as any internal streets have been accepted by the City Council.

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided:

The City of Hutto, through its appropriate departments, will be able to provide any necessary additional traffic control devices after the effective date of annexation.

WATER SERVICE

Existing Services: None

Services to be Provided:

Water service to the properties will be provided by Jonah S.U.D.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided:

Sanitary sewer service to the properties will be provided by City of Hutto.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided:

Solid waste collection shall be provided to the area of annexation in accordance with current ordinances. Service shall comply with existing City of Hutto policies, beginning with occupancy of structures.

PARKS AND TRAILS

Existing Service: None

Services to be Provided:

All City operated parks and trail systems will be available to the residents of this area upon annexation.

MISCELLANEOUS

Existing Services: None

Services to be Provided:

All other applicable municipal services will be provided to the area in accordance with the City of Hutto's established policies governing extension of municipal services to newly-annexed areas.

NOTE:

Capital improvements sufficient for providing municipal services for the annexed area are in place such that the costs associated with the extension of service lines to proposed building sites within the area will be borne by owners and/or developers.

Regular City Council
AGENDA ITEM
10.M.



To: City Council
Subject: Consideration and possible action on the second and final reading of an ordinance regarding the annexation of the TK Industrial Park, 35.51 acres, more or less, of land, and to establish base zoning as AG (Agriculture), located on CR 108. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

A Municipal Service Plan (MSP) has been drafted per the Council's directive from their regularly scheduled meeting on May 2, 2019.

Upon completion of the second and final reading of the annexation ordinance the annexation process is complete. An annexation ordinance requires a second reading prior to final approval.

RECOMMENDATION:

Staff recommends that the Council approve the second and final reading of the ordinance.

ATTACHMENTS:

[\(Ord\)TKIndustrialPark-35.51ac\(Ord\)Complete](#)

ORDINANCE NO.

AN ORDINANCE ANNEXING CERTAIN HEREINAFTER DESCRIBED ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF HUTTO, TEXAS, TO WIT: 35.51 ACRES, MORE OR LESS, OF LAND, DESCRIBED IN EXHIBIT “A”, ALL OF SAID PROPERTY BEING SITUATED IN WILLIAMSON COUNTY, TEXAS, AND ALL ADJACENT ROADWAYS BEING FOR ANNEXATION; EXTENDING THE BOUNDARY LIMITS OF HUTTO SO AS TO INCLUDE SAID PROPERTY WITHIN HUTTO’S CITY LIMITS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH PROPERTY SHALL BECOME A PART OF THE CITY OF HUTTO AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY NOW IN EFFECT AND THOSE WHICH ARE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the City of Hutto, Texas (the “City”) is a duly constituted home-rule municipality and, as such, is authorized to annex territory subject to the laws of the State of Texas and subject to its Charter, and;

WHEREAS, pursuant to Section 43.028 of the Texas Local Government Code, the owners of a tract of land containing 35.51 acres, more or less, of land, being a subdivision in Williamson County, Texas (the “Property”), said Property being more particularly described in **Exhibit “A”** attached hereto and made part hereof by reference for all purposes, have petitioned the City Council in writing to annex the Property, and;

WHEREAS, the procedures prescribed by the Charter of the City of Hutto and the applicable laws of the State of Texas have been duly followed with respect to the Property, and;

WHEREAS, the City Council of the City of Hutto by resolution directed the City’s Development Services Director to prepare a service plan that provided for the extension of full municipal services to the Property, and such service plan was duly prepared and described in **Exhibit “B”** attached hereto and made part hereof by reference for all purposes, and;

WHEREAS, such Property is (a) one-half mile or less in width; (b) contiguous to the City; and (c) vacant and without residents or on which fewer than three (3) qualified voters reside, and;

WHEREAS, after considering the public testimony received at each hearing, the City Council of the City of Hutto determines that annexation of the Property is proper in all respects and that such action is in the best interests of the community and its citizens, and;

WHEREAS, and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, concerning public notices, hearings, and other procedural matters has been fully complied with, and;

WHEREAS, the City Council of the City of Hutto determines that the Property for annexation which is more fully described in **Exhibit “A”** should become annexed.

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

SECTION I.

That all of the above recitations are found to be true and correct and are incorporated into the body of this ordinance.

SECTION II.

That the Property described in the attached **Exhibit “A”**, together with adjacent roadways, be and is hereby annexed and brought within the corporate city limits of the City of Hutto, Texas, and same is hereby made an integral part hereof; and that the boundary limits of the City of Hutto be the same are hereby extended to include the above described territory within the city limits of the City of Hutto, and the same shall hereinafter be included within the territorial limits of the City of Hutto, Texas and designated as AG (Agriculture) Zoning District.

SECTION III.

That the owners and present and future inhabitants of the area herein annexed be entitled to all rights and privileges of other citizens and property owners of the City of Hutto, and hereby bound by all acts, ordinances, resolutions and regulations of the City, and all other legal actions now in full force and effect and all those which may be hereafter adopted.

SECTION IV.

That the appropriate city official of the City of Hutto is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official maps and boundaries of the City of Hutto, heretofore adopted and amended, so as to include the aforementioned territory hereby annexed, be and are hereby amended as part of the City of Hutto, Texas, as required by law.

SECTION V.

That the Service Plan providing for extension of municipal services to the areas proposed to be annexed, attached hereto and incorporated herein as **Exhibit “B”**, is hereby approved.

SECTION VI.

That the City Secretary is hereby directed and authorized to file a certified copy of this ordinance in the Office of the County Clerk of Williamson County, Texas.

SECTION VII.

If any section, subsection, sentence, phrase, or word of this ordinance be found to be illegal, invalid or unconstitutional or if any portion of said Property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this ordinance or the application of any other section, sentence, phrase or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this ordinance and would have annexed the valid Property without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION VIII.

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

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

C. That 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 thereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION IX.

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** on first reading on this the **5th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

READ, PASSED and **ADOPTED** on second reading of ordinance this **19th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

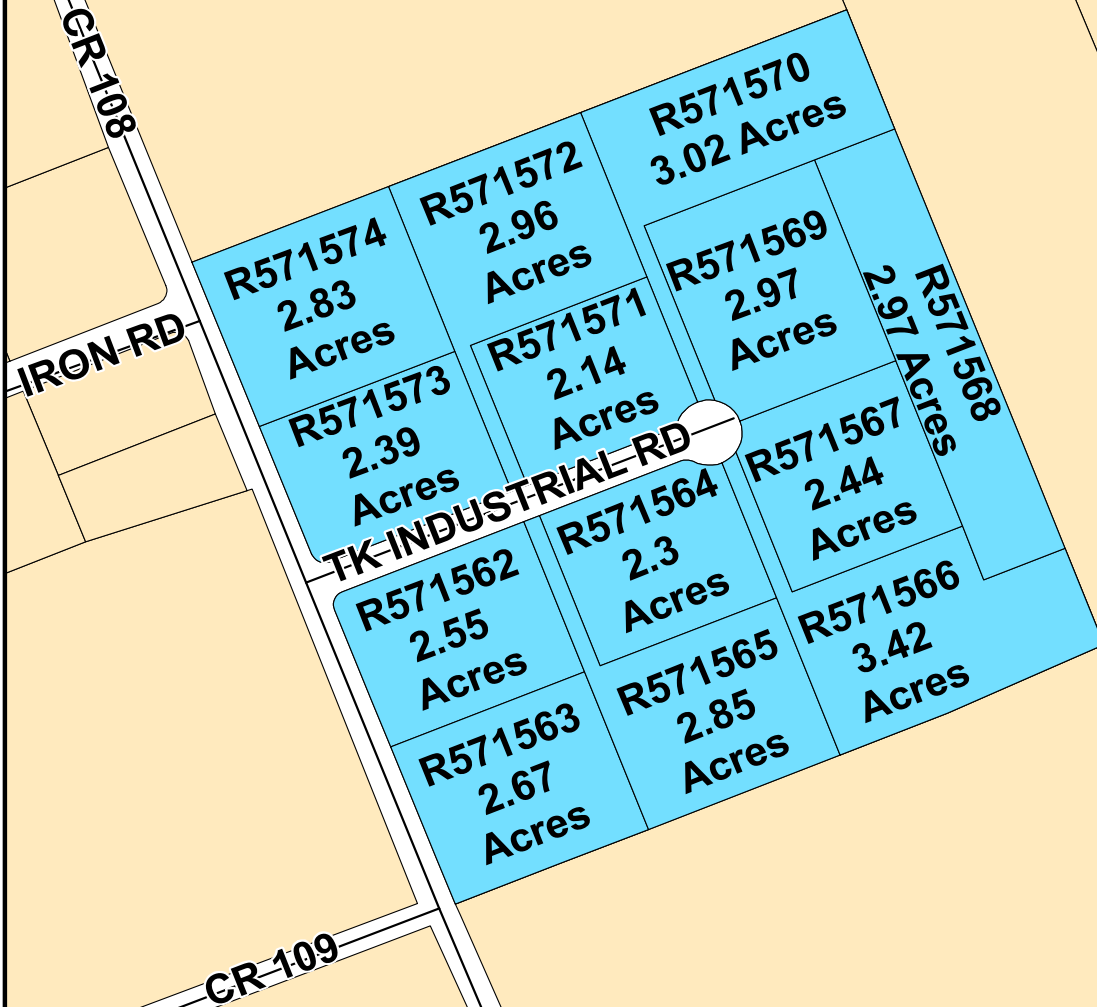
CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

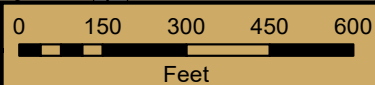
Lacie Hale, City Secretary

108 Tenant LLC & DPK Ventures LLC Overall Map



Legend

-  108 Tenant LLC & DPK Ventures LLC Properties
-  Hutto Parcels
-  Roadways





2018062874 PLAT Total Pages: 3



PLAT MAP RECORDING SHEET

DEDICATOR(s):

108 TENANT LLC
DPK VENTURES LLC

SUBDIVISION NAME: TK INDUSTRIAL PARK

PROPERTY IS DESCRIBED AS: 36.7332 AARON ARMSTRONG SURVEY
ABSTRACT NO 26

SUBMITTED BY: BINKLEY & BARFIELD

DIGITALLY RECORDED

FILED AND RECORDED

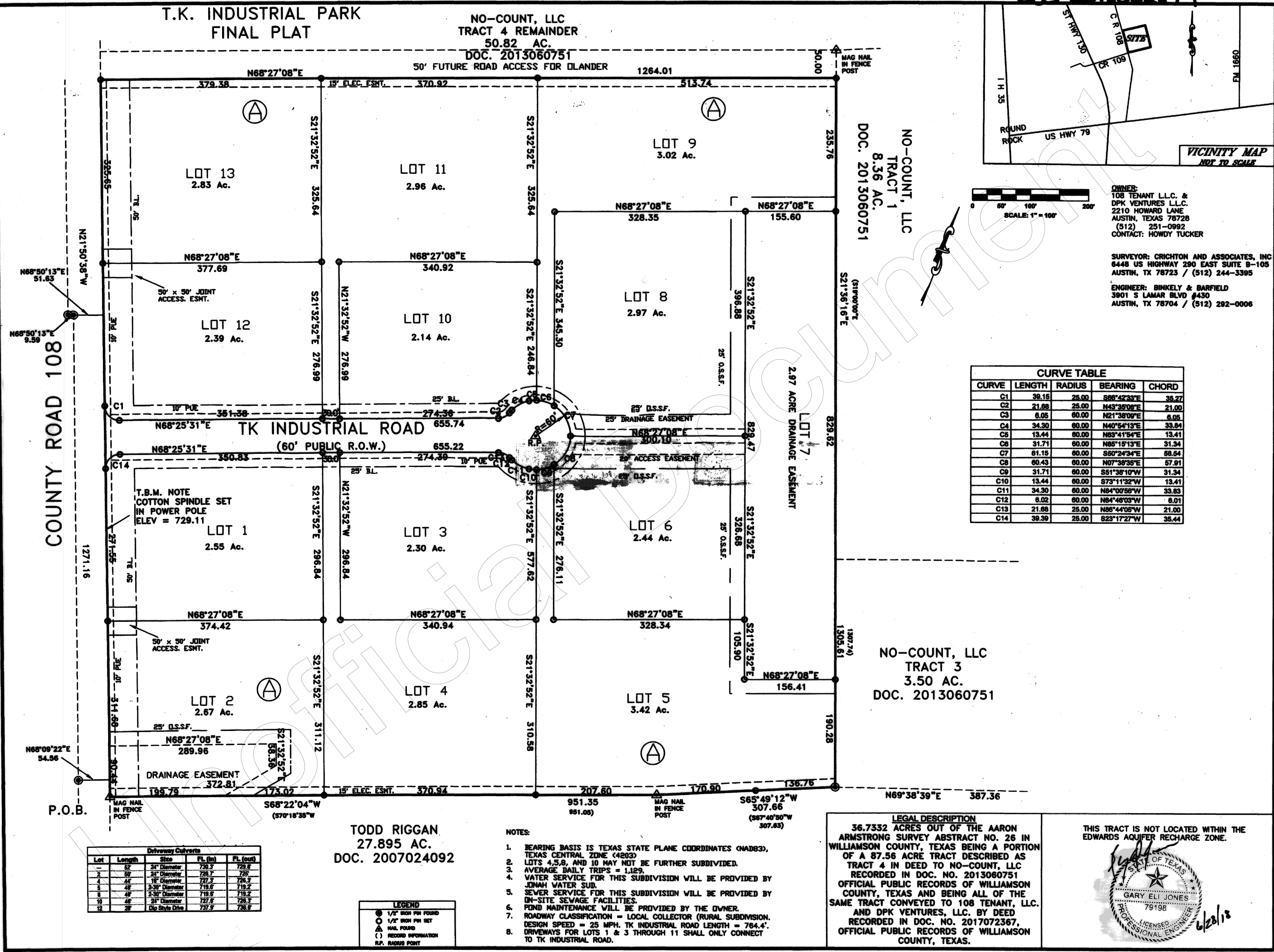
OFFICIAL PUBLIC RECORDS 2018062874

PLAT Fee: \$241.00
07/17/2018 02:38 PM CPHELPS



Nancy E. Rister
Nancy E. Rister, County Clerk
Williamson County, Texas

Doc# 2018062874



T.K. INDUSTRIAL PARK
FINAL PLATSTATE OF TEXAS
COUNTY OF WILLIAMSON

108 TENANT, LLC AND DPK VENTURES, LLC. ACTING HEREIN THROUGH ITS MANAGER, HOWDY TUCKER, BEING OWNER OF THAT CERTAIN 36.7332 ACRE TRACT OUT OF THE AARON ARMSTRONG SURVEY, ABSTRACT NO. 26, IN WILLIAMSON COUNTY, TEXAS, SHOWN HEREON AND DESCRIBED IN DOCUMENT NO. 2017072367 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND DO HEREBY STATE THAT THERE ARE NO LIEN HOLDERS OF THE CERTAIN TRACT OF LAND AS SHOWN HEREON AND DO HEREBY CONSENT TO ALL PLAT NOTE REQUIREMENTS SHOWN HEREON, AND DO HEREBY FOREVER DEDICATE TO THE PUBLIC THE ROADS, ALLEYS, RIGHT-OF-WAY, EASEMENTS AND PUBLIC PLACES SHOWN HEREON FOR SUCH PUBLIC PURPOSES AS WILLIAMSON COUNTY MAY DEEM APPROPRIATE, AND DO HEREBY STATE THAT ALL PUBLIC ROADWAYS AND EASEMENT AS SHOWN ON THIS PLAT ARE FREE OF LIENS. THIS SUBDIVISION IS TO BE KNOWN AS "T.K. INDUSTRIAL PARK"

WITNESS MY HAND THIS 27th DAY OF JUNE, 2018 A.D.

HOWDY TUCKER

BEFORE ME, A NOTARY PUBLIC, ON THIS DAY PERSONALLY APPEARED HOWDY TUCKER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

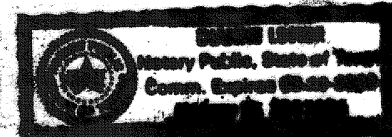
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 27th DAY OF JUNE, A.D., 2018

DIANNE LESTER
NOTARY PUBLIC SIGNATURE

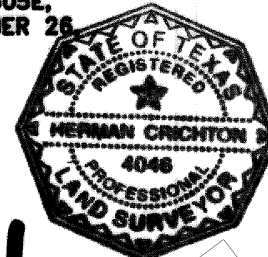
NOTARY PUBLIC PRINTED OR TYPED NAME

MY COMMISSION EXPIRES: 8/30/2020

SURVEYED BY:
CRICHTON AND ASSOCIATES
6448 HIGHWAY 290 EAST B-105
AUSTIN, TEXAS 78723



I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION. THE PROPERTY SHOWN HEREON IS LOCATED WITHIN ZONE "X", AREAS OUTSIDE OF THE 500 YEAR FLOODPLAIN AS SHOWN ON PANEL 48491C10505E, PREPARED FOR THE WILLIAMSON COUNTY, TEXAS, DATED SEPTEMBER 28, 2008



Herman Crichton 06/27/18
HERMAN CRICHTON R.P.L.S. 4046 DATE:

BASED UPON THE ABOVE REPRESENTATIONS OF THE ENGINEER OR SURVEYOR WHOSE SEAL IS AFFIXED HERETO, AND AFTER A REVIEW OF THE SURVEY AS REPRESENTED BY THE SAID ENGINEER OR SURVEYOR, I FIND THAT THIS BLUE LINE (SURVEY) COMPLIES WITH THE REQUIREMENTS OF THE EDWARDS AQUIFER REGULATIONS FOR WILLIAMSON COUNTY AND WILLIAMSON COUNTY ON-SITE SEWAGE FACILITY REGULATIONS. THIS CERTIFICATION IS MADE SOLELY UPON SUCH REPRESENTATIONS AND SHOULD NOT BE RELIED UPON FOR VERIFICATIONS OF THE FACTS ALLEGED. THE WILLIAMSON COUNTY ENGINEER'S OFFICE AND WILLIAMSON COUNTY DISCLAIM ANY RESPONSIBILITY TO ANY MEMBER OF THE PUBLIC FOR INDEPENDENT VERIFICATION OF THE REPRESENTATIONS, FACTUAL OR OTHERWISE, CONTAINED IN THIS BLUE LINE (SURVEY) AND THE DOCUMENTS ASSOCIATED WITH IT.

Roger Hickman 06/27/18
J. TERRY EVERSON, P.E., DR., CFM
DATE
COUNTY ENGINEER
Roger Hickman

RECORDERS MEMORANDUM
All or parts of the text on this page was not
clearly legible for satisfactory recording.

1) A DE FACTO CERTIFICATE OF COMPLIANCE IS HEREBY ISSUED FOR ALL LOTS WITHIN THIS SUBDIVISION. THIS CERTIFICATE IS VALID UNTIL SUCH TIME AS FEMA REVISES OR NEWLY ADOPTS FLOODPLAIN BOUNDARIES IN THIS AREA.

2) THIS SUBDIVISION IS SUBJECT TO STORM-WATER MANAGEMENT CONTROLS AS REQUIRED BY WILLIAMSON COUNTY SUBDIVISION REGULATIONS SECTION B11.1 ON NEW DEVELOPMENT THAT WOULD EVOKE SUCH CONTROLS BEYOND EXISTING CONDITIONS.

5) RIGHT-OF-WAY EASEMENTS FOR WIDENING ROADWAYS OR IMPROVING DRAINAGE SHALL BE MAINTAINED BY THE LANDOWNER UNTIL ROAD OR DRAINAGE IMPROVEMENTS ARE ACTUALLY CONSTRUCTED ON THE PROPERTY. THE COUNTY HAS THE RIGHT AT ANY TIME TO TAKE POSSESSION OF ANY ROAD WIDENING EASEMENT FOR THE CONSTRUCTION, IMPROVEMENT OR MAINTENANCE OF THE ADJACENT ROAD.

THE LANDOWNER ASSUMES ALL RISKS ASSOCIATED WITH IMPROVEMENTS LOCATED IN THE RIGHT-OF-WAY OR ROAD WIDENING EASEMENTS. BY PLACING ANYTHING IN THE RIGHT-OF-WAY OR ROAD WIDENING EASEMENTS, THE LANDOWNER INDEMNIFIES AND HOLDS THE COUNTY, ITS OFFICERS, AND EMPLOYEES HARMLESS FROM ANY LIABILITY OWING TO PROPERTY DEFECTS OR NEGLIGENCE NOT ATTRIBUTABLE TO THEM AND ACKNOWLEDGES THAT THE IMPROVEMENTS MAY BE REMOVED BY THE COUNTY AND THAT THE OWNER OF THE IMPROVEMENT SHALL BE RESPONSIBLE FOR THE RELOCATION AND/OR REPLACEMENT OF THE IMPROVEMENT.

6) IN APPROVING THIS PLAT BY THE COMMISSIONER'S COURT OF WILLIAMSON COUNTY, TEXAS, IT IS UNDERSTOOD THAT THE BUILDING OF ALL ROADS, AND OTHER PUBLIC THOROUGHFARES AND ANY BRIDGES OR CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IS THE RESPONSIBILITY OF THE OWNER(S) OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONER'S COURT OF WILLIAMSON COUNTY, TEXAS. SAID COMMISSIONER'S COURT ASSUMES NO OBLIGATION TO BUILD ANY OF THE ROADS, OR OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT, OR OF CONSTRUCTING ANY OF THE BRIDGES OR DRAINAGE IMPROVEMENTS IN CONNECTION THEREWITH. THE COUNTY WILL ASSUME NO RESPONSIBILITY FOR DRAINAGE WAYS OR EASEMENTS IN THE SUBDIVISION, OTHER THAN THOSE DRAINING OR PROTECTING THE ROAD SYSTEM.

7) IT IS THE RESPONSIBILITY OF THE OWNER, NOT THE COUNTY, TO ASSURE COMPLIANCE WITH THE PROVISIONS OF ALL APPLICABLE STATE, FEDERAL AND LOCAL LAWS AND REGULATIONS RELATING TO THE PLATTING AND DEVELOPMENT OF THIS PROPERTY.

8) THE COUNTY ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF REPRESENTATIONS BY OTHER PARTIES IN THIS PLAT. FLOODPLAIN DATA, IN PARTICULAR, MAY CHANGE. IT IS FURTHER UNDERSTOOD THAT THE OWNERS OF THE TRACT OF LAND COVERED BY THIS PLAT MUST INSTALL AT THEIR OWN EXPENSE ALL TRAFFIC CONTROL DEVICES AND SIGNAGE THAT MAY BE REQUIRED BEFORE THE ROADS IN THE SUBDIVISION HAVE FINALLY BEEN ACCEPTED FOR MAINTENANCE BY THE COUNTY.

9) RURAL MAILBOXES SHALL BE SET THREE FEET FROM THE EDGE OF THE PAVEMENT OR BEHIND CURBS, WHEN USED. ALL MAILBOXES WITHIN COUNTY ARTERIAL RIGHT-OF-WAY SHALL MEET THE CURRENT TxDOT STANDARDS. ANY MAILBOX THAT DOES NOT MEET THIS REQUIREMENT MAY BE REMOVED BY WILLIAMSON COUNTY.

10) WATER SERVICE WILL BE SUPPLIED BY JONAH WATER SPECIAL UTILITY DISTRICT. AS REQUIRED BY JONAH WATER SUD'S RATE ORDER, ANY APPLICANT FOR NON-STANDARD SERVICE WILL BE REQUIRED TO ENTER INTO A NON-STANDARD SERVICE AGREEMENT WITH JONAH WATER SUD PRIOR TO RECEIVING A BINDING COMMITMENT FOR SERVICE OR FIRE FLOW.

11) SEWER SERVICE FOR THIS SUBDIVISION WILL BE PROVIDED BY ON-SITE SEWAGE FACILITIES.

12) IMPROVEMENTS WITHIN THE COUNTY ROAD RIGHT-OF-WAY INCLUDING, BUT NOT LIMITED TO, LANDSCAPING, IRRIGATION LIGHTING, CUSTOM SIGNS, IS PROHIBITED WITHOUT FIRST OBTAINING AN EXECUTED LICENSE AGREEMENT WITH WILLIAMSON COUNTY.

13) ALL SIDEWALKS ARE TO BE MAINTAINED BY EACH OF THE ADJACENT PROPERTY OWNERS.

14) NO MORE THAN 3 LOTS MAY SHARE USE OF A JOINT ACCESS DRIVEWAY.

FIELD NOTES FOR 36.7332 ACRES OUT OF THE AARON ARMSTRONG SURVEY ABSTRACT NO. 26 IN WILLIAMSON COUNTY, TEXAS BEING A PORTION OF A 67.56 ACRE TRACT DESCRIBED AS TRACT 4 IN DEED TO NO-COUNT, LLC RECORDED IN DOC. NO. 2013080751 OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND BEING ALL OF THE SAME TRACT CONVEYED TO 108 TENANT, LLC AND DPK VENTURES, LLC BY DEED RECORDED IN DOC. NO. 2017072367, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a mag nail found in a fence post on the East R.O.W. of County Road 108 being the Northwest corner of a 27.895 acre tract conveyed to Todd Riggan in Doc. No. 2007034092, Official Records of Williamson County, Texas also being the Southwest corner of the said 57.56 acre and 36.7332 acre tracts for the Southwest corner of this tract and the POINT OF BEGINNING.

THENCE N21°50'35"W with the East R.O.W. of County Road 108, a distance of 1,271.16 feet to a 1/2" iron pin set for the Northwest corner of said 36.7332 acre tract and this tract.

THENCE N68°27'08"E through the interior of said 57.56 acre tract, with the North line of said 36.7332 acre tract and this tract, a distance of 1,264.01 feet to a 1/2" iron pin set being on the common line of said 57.56 acre tract and a 8.36 acre tract called Tract 1 in said Doc. No. 2013080751 for the Northeast corner of said 36.7332 acre tract and this tract, from which a mag nail found in a fence post at the Northwest corner of said 8.36 acre tract bears N 21° 36' 16" W, 50.00 feet.

THENCE S21°36'16"E with the East line of said 57.56 acre tract, same being the East line of said 36.7332 acre tract and this tract, passing the West common corner of said 8.36 acre tract and a 3.50 acre tract called Tract 3 in said Doc. No. 2013080751, in all a distance of 1,255.61 feet to a 1/2" iron pin found on the North line of said 27.895 acre tract, at the Southwest corner of said 3.50 acre tract, same being the Southeast corner of the said 57.56 acre and 36.7332 acre tracts, for the Southeast corner of this tract.

THENCE with the common line of said 57.56 acre tract and said 27.895 acre tract, same being the south line of said 36.7332 acre tract and this tract, the following two (2) courses:

- 1) S65°49'12"W, a distance of 307.66 feet to a mag nail in a fence post found.
- 2) S68°22'04"W, a distance of 951.35 feet to the POINT OF BEGINNING and containing 36.7332 acres, more or less.

ROAD NAME AND 911 ADDRESSING APPROVAL

ROAD NAME AND ADDRESS ASSIGNMENTS VERIFIED THIS THE 5th DAY OF JULY, 2018 A.D.

Teresa Baker Teresa Baker
WILLIAMSON COUNTY ADDRESSING COORDINATOR

The property shown hereon is located in Zone "X" AREA OUTSIDE THE 500 YEAR FLOOD PLAIN as shown on Community Panel Number 48491C10505E of the FLOOD INSURANCE RATE MAP prepared for WILLIAMSON COUNTY, TEXAS by the Federal Insurance Administration Department, H.U.D. Effective Date: SEPT. 28, 2008

STATE OF TEXAS:
KNOW ALL MEN BY THESE PRESENTS,
COUNTY OF WILLIAMSON

I, DAN A. GATTIS, COUNTY JUDGE OF WILLIAMSON COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS MAP OR PLAT, WITH FIELD NOTES HEREON, FOR A SUBDIVISION HAVING BEEN FULLY PRESENTED TO THE COMMISSIONER'S COURT OF WILLIAMSON COUNTY, TEXAS, AND BY THE SAID COURT DULY CONSIDERED, WERE ON THIS DAY APPROVED AND THAT THIS PLAT IS AUTHORIZED TO BE REGISTERED AND RECORDED IN THE PROPER RECORDS OF THE COUNTY CLERK OF WILLIAMSON COUNTY, TEXAS.

Dan A. Gattis 7-17-2018
DAN A. GATTIS, COUNTY JUDGE DATE
WILLIAMSON COUNTY, TEXAS

STATE OF TEXAS:
KNOW ALL MEN BY THESE PRESENTS,
COUNTY OF WILLIAMSON

I, NANCY E. RISTER, CLERK OF THE COUNTY COURT OF SAID COUNTY,
DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IN WRITING, WITH

ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 17th DAY OF JULY, 2018 A.D., AT 2:30O'CLOCK, P.M., AND DULY RECORDED THIS THE DAY OF JULY 17th, 2018 A.D., AT 2:38O'CLOCK, P.M., IN THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY IN INSTRUMENT NO. 2018062874

TO CERTIFY WHICH, WITNESS MY HAND AND SEAL AT THE COUNTY COURT OF SAID COUNTY, AT MY OFFICE IN GEORGETOWN, TEXAS, THE DATE LAST SHOWN ABOVE WRITTEN. NANCY E. RISTER, CLERK COUNTY COURT OF WILLIAMSON COUNTY, TEXAS

BY: Connie Phelps DEPUTY
Connie Phelps



**CITY OF HUTTO
MUNICIPAL SERVICE PLAN
FOR PROPOSED ANNEXATION OF**

EXHIBIT “B”

**35.51 acres, more or less, of land, being a subdivision in Williamson County, Texas,
according to the map or plat of record in Document No. 2018062874,
Official Public Records of Williamson County, Texas.**

The City of Hutto, Texas will provide for the extension of full municipal services into the area proposed to be annexed in accordance with Texas Local Government Code §43.056.

FIRE

Existing Services: Williamson County Emergency Service District #3

Services to be Provided:

Provides fire suppression and emergency services to the area. Primary fire response will be provided by Williamson County Emergency Service District #3, located at the following address: 501 Exchange Boulevard. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

POLICE

Existing Services: Williamson County Sheriff's Department

Services to be Provided:

Upon annexation, the City of Hutto Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriations.

BUILDING INSPECTION

Existing Services: None

Services to be Provided:

The Development Services Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City of Hutto. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

PLANNING AND ZONING

Existing Services: Review of subdivision development plans under City's Subdivision Ordinance. No municipal zoning or land use controls except for those imposed by State Law.

Services to be Provided:

The Hutto Development Services Department has responsibility for regulating development and land use through the administration of the City of Hutto's Zoning Ordinance, and this will extend to the area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Hutto's Subdivision Ordinance. These services can be provided within the departments' current budgets.

LIBRARY

Existing Services: None

Services to be Provided:

City Library privileges will be available to future residents in this area.

HEALTH DEPARTMENT - HEALTH CODE ENFORCEMENT SERVICE

Existing Services: Williamson Cities and County Health District

Services to be Provided:

Williamson Cities and County Health District will continue to implement enforcement of the health districts regulations on the effective date of annexation. Animal control services will also be provided to the area as needed by Hutto Animal Control Division of the Police Department.

STREET MAINTENANCE

Existing Services: Williamson County

Services to be Provided:

Maintenance and access to adjacent existing street facilities will be provided/overseen by appropriate City of Hutto departments.

STORM WATER MANAGEMENT

Existing Services: Williamson County Flood Plain Administrator

Services to be Provided

Developers will provide storm water drainage facilities as required of their development at their own expense and such will be inspected by the City's engineers at time of completion. The City of Hutto will then maintain the drainage in public rights of way upon approval of the construction. Property owners and/or Home Owner's Associations or similar entities will maintain drainage facilities located on private property. All construction within the flood plain will be through the appropriate Hutto department(s) and will meet FEMA Flood Plain regulations.

STREET LIGHTING

Existing Services: Oncor Electric Delivery

Services to be Provided:

There are no existing street lights in this area. The Developer will be responsible for initial installation and maintenance of street lighting, if required, within the development until such time as any internal streets have been accepted by the City Council.

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided:

The City of Hutto, through its appropriate departments, will be able to provide any necessary additional traffic control devices after the effective date of annexation.

WATER SERVICE

Existing Services: None

Services to be Provided:

Water service to the properties will be provided by Jonah S.U.D.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided:

Sanitary sewer service to the properties will be provided by City of Hutto.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided:

Solid waste collection shall be provided to the area of annexation in accordance with current ordinances. Service shall comply with existing City of Hutto policies, beginning with occupancy of structures.

PARKS AND TRAILS

Existing Service: None

Services to be Provided:

All City operated parks and trail systems will be available to the residents of this area upon annexation.

MISCELLANEOUS

Existing Services: None

Services to be Provided:

All other applicable municipal services will be provided to the area in accordance with the City of Hutto's established policies governing extension of municipal services to newly-annexed areas.

NOTE:

Capital improvements sufficient for providing municipal services for the annexed area are in place such that the costs associated with the extension of service lines to proposed building sites within the area will be borne by owners and/or developers.

Regular City Council
AGENDA ITEM
10.N.



To: City Council
Subject: Consideration of a public hearing and possible action on the first reading of an ordinance amending the Code of Ordinances (2014 Edition, as amended), Chapter 6 Building Regulations: Article 6.02; Chapter 10 Fire Prevention and Protection: Article 10.02; and Chapter 24 Utilities: Article 24.05, by adopting the 2018 editions of the International Codes (I-Codes), including appendices and listed amendments as regulations for buildings and structures. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

Current Adopted Codes: 2009 International Codes and the 2008 National Electric Code

Proposed Code Adoption: 2018 International Codes and the 2017 National Electric Code

The City of Hutto currently has the 2009 International Family of Codes adopted for all construction, and the 2008 National Electric Code adopted for all electrical work within the jurisdiction. In order to encourage the latest innovations in building it is proposed to adopt 2018 International Family of Codes to include the following:

- International Building Code
- International Residential Code
- International Fire Code
- International Existing Building Code
- International Plumbing Code
- International Mechanical Code
- International Fuel Gas Code
- International Energy Conservation Code
- International Property Maintenance Code

As well as the 2017 National Electrical Code

On August 27, 2018 a public meeting was scheduled and builders were invited to attend and review the codes and proposed amendments.

The proposed amendments to the Codes remain relatively the same. However there are a few exceptions. All local amendments related to the limiting of building materials were removed in accordance with Texas House Bill 2439. Additionally, the height of tall weeds and grass was decreased from 12 inches to 9 inches.

The adoption of the proposed codes will bring Hutto to the most current codes, and allow for a more favorable ISO rating.

The Building Standards Commission recommended approval to City Council on September 10, 2019. The motion was unanimous.

Per Texas Local Government Code Section 211.006 a notice was run in the Taylor Daily Press.

RECOMMENDATION:

Staff recommends that the Council approve the ordinance.

ATTACHMENTS:

[2018-ICodesAdoption\(Notice\)CC\(1st\)](#)

[2018-ICodesAdoption\(Ordinance\)1st](#)

**PUBLIC NOTICE
NOTICE OF A PUBLIC HEARING**

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO CITY COUNCIL WILL HOLD A PUBLIC HEARING REGARDING:

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE CODE OF ORDINANCES (2014 EDITION, AS AMENDED), CHAPTER 6 BUILDING REGULATIONS: ARTICLE 6.02; CHAPTER 10 FIRE PREVENTION AND PROTECTION: ARTICLE 10.02; AND CHAPTER 24 UTILITIES: ARTICLE 24.05, BY ADOPTING THE 2018 EDITIONS OF THE INTERNATIONAL CODES (I-CODES), INCLUDING APPENDICES AND LISTED AMENDMENTS AS REGULATIONS FOR BUILDINGS AND STRUCTURES, PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES.

A public hearing will be held on September 19, 2019 at 7:00 p.m.

Hutto City Hall
500 W. Live Oak Street, Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE CODE OF ORDINANCES (2014 EDITION, AS AMENDED), CHAPTER 6 BUILDING REGULATIONS: ARTICLE 6.02; CHAPTER 10 FIRE PREVENTION AND PROTECTION: ARTICLE 10.02; AND CHAPTER 24 UTILITIES: ARTICLE 24.05, BY ADOPTING THE 2018 EDITIONS OF THE INTERNATIONAL CODES (I-CODES), INCLUDING APPENDICES AND LISTED AMENDMENTS AS REGULATIONS FOR BUILDINGS AND STRUCTURES, PROVIDING PENALTIES FOR VIOLATIONS, PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, an amendment has been presented to the City Council of the City of Hutto, Texas to amend the Chapter 6, Article 6.02; Chapter 10, Article 10.02; and Chapter 24, Article 24.05 of the City of Hutto Code of Ordinances; and;

WHEREAS, on the 19th day of September, 2019, after proper notification, the City Council held a public hearing on the proposed amendment, and;

WHEREAS, on the 3rd day of October, 2019, after proper notification, the City Council held a public hearing on the proposed amendment, and;

WHEREAS, the City Council determines that the amendments provided for herein promote the health, safety, morals and protects and preserves the general welfare of the community, and;

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code concerning public notices, hearings, and other procedural matters has been fully complied with.

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

SECTION I.

1.

That Chapter 6, Article 6.02, Division 2, Code of Ordinances of the City of Hutto, Texas, entitled Building Code, is hereby amended to read as follows:

Sec. 6.02.051 Adopted

A certain document, one (1) copy of which is on file in the office of the city secretary of Hutto, being marked and designated as the International Building Code, 2018 edition, including appendices, as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Hutto, in the State of Texas for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of

the regulations, provisions, penalties, conditions, and terms of said Building Code on file in the City of Hutto are hereby referred to, adopted, and made part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance.

Sec. 6.02.052 Amendments

Delete section in its entirety and replace with the following:

The International Building Code, 2015 edition, is amended to read as follows:

- (1) Section 101.1: Insert: City of Hutto, Texas.
- (2) Section 113. Board of Appeals:
Any appeal from any decision, application, or interpretation of this Code shall be made directly to the Building and Standards Commission. All Building and Standards Commission decisions are final.
- (3) Section 1612.3. Insert: City of Hutto, Texas, 3/5/2001
- (4) All jack trusses (open ended scissor truss) in excess of three (3) feet bottom cord length that intersects a main truss at forty five (45) degrees or more shall have an appropriate hanger for support. Ledger is allowed.
- (5) Trusses that have splits in the bottom cord and are ganged together with another truss, the split in the bottom cord must be offset a minimum of twenty four (24) inches from any other split in the other trusses. This refers to double, triple or larger truss configurations only.
- (6) Driveways, sidewalks, and approaches must be dowelled together. Approach to street must be dowelled a minimum of every twenty-four (24) inches to street curb. Driveway to home must be dowelled a minimum of every twenty-four (24) inches to the home. Driveway expansion joints must be dowelled every twenty-four (24) inches. Sidewalk expansion joints must have a minimum of two (2) dowels at each joint.
- (7) Thermal expansion tanks shall be installed on the cold water side of a water heater.
- (8) Plumbing for a future water softener installation shall have the P-trap installed at plumbing set out on new construction. The drain riser shall be a minimum of twelve (12) inches tall and capped.
- (9) Any concrete slab in excess of four-hundred (400) square feet shall be designed, sealed and stamped by a current State of Texas registered engineer. This refers to building foundation slabs only. Driveways, sidewalks, and patios are not required to be engineered.
- (10) Any appliance with a permanent power connection shall have a disconnect within sight of said appliance.
- (11) All plumbing clean-outs, except those located within the right-of-way, shall be cut down to within three (3) inches of finished grade.
- (12) Plumbing air arrestors shall be installed at the following locations: one per bathroom group, kitchen sink, and washing machine boxes.
- (13) Double check valve assemblies are allowed on lawn irrigation systems.
- (14) Driveway, sidewalk, uncovered patio and covered patio construction requirements:
 - a. Contractor is responsible for all repairs to any asphalt that may be removed or damaged in the street while removing the curb and gutter.
 - b. The driveway, sidewalk, uncovered and covered patio, except the driveway apron, shall be constructed of one of the following improved surfaces:

- i. Five (5) inches of granular rock base with two (2) inches of asphaltic concrete, or
 - ii. Seven (7) inches of granular rock with a double asphaltic prime and seal, or
 - iii. Five (5) inches of full depth asphaltic concrete/engineered blacktop, or
 - iv. Four (4) inches of reinforced [elevated #3 rebar sixteen (16) inches x sixteen (16) inches on center] Portland cement concrete, with three (3) inch x three (3) inch or four (4) inch x four (4) inch concrete brick at sixteen (16) inches x sixteen (16) inches on center, or
 - v. Or materials that conform to the City of Hutto adopted Unified Development Code (UDC) and Standard Driveway Approach Specifications.
- c. The curb and gutter section shall be separated from the driveway apron by a one-half inch minimum expansion joint. This expansion joint may be fiber, treated lumber, or redwood. This expansion joint may be used to establish the line and elevation of the back of curb. With this joint in place, the curb and gutter may be poured at the same time as the driveway.
- (15) All load bearing slab based foundations on grade will be required to be designed by a Texas State certified Professional Engineer.
- (16) A clear, direct, and accessible path not impeded by construction debris or equipment shall be provided on all jobsites for the duration of the permitting and construction process.
- (17) Construction debris on all building and construction job sites within the corporate limits of the City shall be contained with either dumpsters, roll-off containers or a wire mesh fenced area with a mesh that a four inch sphere cannot pass through. A temporary dumpster sturdily constructed of one-half inch oriented strand board (OSB) or equivalent material may also be used. The owner, contractor and all other persons on the building or construction job site shall take all reasonable measures to prevent trash or construction debris from being blown out of a dumpster, container or other confined area.
- (18) Erosion controls will be present and in operating condition at the construction site for the duration of the permit process.
- (19) Fall protection will be provided on site for the duration of the permitting and inspection process that conforms to the requirements outlined by the Occupational Safety and Health Administration (OSHA) §1956.501(a) through §1956.501(c)(2), as amended.
- (20) Construction restroom facilities will be provided as per the Occupational Health and Safety Administration (OSHA) §1926.51(c) through §1926.51(c)(3)(iv), as amended.

Sec. 6.02.053 Permits and permit fees

Delete section in its entirety and replace with the following:

- (a) Generally. Permits and fees per current city fee schedule.
- (b) “Move-in” structures shall be reviewed on a case-by-case basis, and if a permit is granted it is understood that the owner of the lot upon which it is to be placed shall put up a performance bond in an amount sufficient to guarantee completion and must demonstrate adequate financial responsibility.

2.

That Chapter 6, Article 6.02, Division 3, Code of Ordinances of the City of Hutto, Texas, entitled Residential Code, is hereby amended to read as follows:

Sec. 6.02.101 Adopted

A certain document, one (1) copy of which is on file in the office of the city secretary of Hutto, being marked and designated as the International Residential Code, 2018 edition, including appendices, as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Hutto, in the State of Texas for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single family dwellings (townhomes) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Residential Code on file in the City of Hutto are hereby referred to, adopted, and made part hereof, as fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance.

Sec. 6.02.102 Amendments

The International Residential Code, 2015 edition, is amended to read as follows:

Section R101.1. Insert: City of Hutto, Texas.

Section R105.2. Work exempt from permit.

5. Sidewalks that are not more than thirty (30) inches (762 mm) above grade at any point and do not serve the exit door required by Section R311.4.

Section R112. Board of Appeals

Any appeal from any decision, application, or interpretation of this Code shall be made directly to the Building and Standards Commission. All Building and Standards Commission decisions are final.

Section R301.1.1. Alternative provisions

5. All jack trusses (open ended scissor truss) in excess of three (3) feet bottom cord length that intersects a main truss at forty five (45) degrees or more shall have an appropriate hanger for support. Ledger is allowed.
7. Trusses that have splits in the bottom cord and are ganged together with another truss, the split in the bottom cord must be offset a minimum of twenty four (24) inches from any other split in the other trusses. This refers to double, triple or larger truss configurations only.
8. Driveways, sidewalks, and approaches must be dowelled together. Approach to street must be dowelled a minimum of every twenty-four (24) inches to street curb. Driveway to home must be dowelled a minimum of every twenty-four (24) inches to the home. Driveway expansion joints must be dowelled every twenty-four (24) inches. Sidewalk expansion joints must have a minimum of two (2) dowels at each joint.
9. Thermal expansion tanks shall be installed on the cold water side of a water heater.
10. Plumbing for a future water softener installation shall have the P-trap installed at plumbing set out on new construction. The drain riser shall be a minimum of twelve (12) inches tall and capped.
11. Any concrete slab in excess of four-hundred (400) square feet shall be designed, sealed and stamped by a current State of Texas registered engineer. This refers to building foundation slabs only. Driveways, sidewalks, and patios are not required to be engineered.
12. Any appliance with a permanent power connection shall have a disconnect within sight of said appliance.
13. All plumbing clean-outs, except those located within the right-of-way, shall be cut down to within three (3) inches of finished grade.

14. Plumbing air arrestors shall be installed at the following locations: one per bathroom group, kitchen sink, and washing machine boxes.
15. Double check valve assemblies are allowed on lawn irrigation systems.
16. Driveway, sidewalk, uncovered patio and covered patio construction requirements:
 - a. Contractor is responsible for all repairs to any asphalt that may be removed or damaged in the street while removing the curb and gutter.
 - b. The driveway, sidewalk, uncovered and covered patio, except the driveway apron, shall be constructed of one of the following improved surfaces:
 - i. Five (5) inches of granular rock base with two (2) inches of asphaltic concrete, or
 - ii. Seven (7) inches of granular rock with a double asphaltic prime and seal, or
 - iii. Five (5) inches of full depth asphaltic concrete/engineered blacktop, or
 - iv. Four (4) inches of reinforced [elevated #3 rebar sixteen (16) inches x sixteen (16) inches on center] Portland cement concrete, with three (3) inch x three (3) inch or four (4) inch x four (4) inch concrete brick at sixteen (16) inches x sixteen (16) inches on center, or
 - v. Or materials that conform to the City of Hutto adopted Unified Development Code (UDC) and Standard Driveway Approach Specifications.
 - c. The curb and gutter section shall be separated from the driveway apron by a one-half inch minimum expansion joint. This expansion joint may be fiber, treated lumber, or redwood. This expansion joint may be used to establish the line and elevation of the back of curb. With this joint in place, the curb and gutter may be poured at the same time as the driveway.
17. The City of Hutto will recognize and enforce the Recommended Practice for the Design of Residential Foundations Version 1 (2002 edition) by the Texas Section American Society of Civil Engineers. All load bearing slab based foundations on grade will be required to be designed by a Texas State certified Professional Engineer.
18. A clear, direct, and accessible path not impeded by construction debris or equipment shall be provided on all jobsites for the duration of the permitting and construction process.
19. Construction debris on all building and construction job sites within the corporate limits of the City shall be contained with either dumpsters, roll-off containers or a wire mesh fenced area with a mesh that a four inch sphere cannot pass through. A temporary dumpster sturdily constructed of one-half inch oriented strand board (OSB) or equivalent material may also be used. The owner, contractor and all other persons on the building or construction job site shall take all reasonable measures to prevent trash or construction debris from being blown out of a dumpster, container or other confined area.
20. Erosion controls will be present and in operating condition at the construction site for the duration of the permit process.
21. Fall protection will be provided on site for the duration of the permitting and inspection process that conforms to the requirements outlined by the Occupational Safety and Health Administration (OSHA) §1956.501(a) through §1956.501(c)(2), as amended.
22. Construction restroom facilities will be provided as per the Occupational Health and Safety Administration (OSHA) §1926.51(c) through §1926.51(c)(3)(iv), as amended.

Table R301.2(1). Insert design criteria:

Ground Snow Load: 5
Wind Speed (mph): 90
Seismic Design Category: A
Weathering: Negligible

Frost Line Depth: 12
Termite: Moderate to Heavy
Winter Design Temp: 28
Ice Barrier Underlayment Required: No
Flood Hazards: dated 03/05/2001
Air Freezing Index: 30
Mean Annual Temp: 69.4

Section P2603.5.1. Insert: N/A, N/A

3.

That Chapter 6, Article 6.02, Division 4, Code of Ordinances of the City of Hutto, Texas, entitled Electrical Code, is hereby amended to read as follows:

Sec. 6.02.151 Adopted

The National Electrical Code (NEC), NFPA 70, 2017 edition, or the most current edition, and latest revisions thereto, as amended, is hereby adopted as part of this code to the same effect as if it were copied verbatim herein and shall be in effect except as it may be in conflict with the provisions of this code or the Texas Local Government Code, section 214.214.

4.

That Chapter 6, Article 6.02, Division 5, Code of Ordinances of the City of Hutto, Texas, entitled Plumbing Code, is hereby amended to read as follows:

Sec. 6.02.201 Adopted

A certain document, one (1) copy of which is on file in the office of the city secretary of Hutto, being marked and designated as the International Plumbing Code, 2018 edition, including appendices, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Hutto, in the State of Texas for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Plumbing Code on file in the City of Hutto are hereby referred to, adopted, and made part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance.

Sec. 6.02.202 Amendments

The International Plumbing Code, 2018 edition, is amended to read as follows:

Section 101.1. Insert: City of Hutto, Texas.

Section 106.6.2. Insert: Permits and fees per current City of Hutto Fee Schedule.

Section 106.6.3. Insert: 100% / 100%

Section 108.4. Insert: Shall be guilty of a misdemeanor and punishable in accordance with general penalty found in Section 1.01.009 of the Hutto Code of Ordinances

Section 108.5. Insert: \$500.00/\$2,000.00

Section 109. Means of Appeal

Any appeal from any decision, application, or interpretation of this Code shall be made directly to the Building and Standards Commission. All Building and Standards Commission decisions are final.

Section 305.4.1. Insert: Twelve (12) inches / Twelve (12) inches

Section 903.1. Insert: Twelve (12) inches

5.

That Chapter 6, Article 6.02, Division 6, Code of Ordinances of the City of Hutto, Texas, entitled Mechanical Code, is hereby amended to read as follows:

Sec. 6.02.251 Adopted

A certain document, one (1) copy of which is on file in the office of the city secretary of Hutto, being marked and designated as the International Mechanical Code, 2018 edition, including appendices, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Hutto, in the State of Texas regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Mechanical Code on file in the City of Hutto are hereby referred to, adopted, and made part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance.

Sec. 6.02.252 Amendments

The International Mechanical Code, 2018 edition, is amended to read as follows:

Section 101.1. Insert: City of Hutto, Texas.

Section 106.5.2. Insert: Permits and fees per current City of Hutto Fee Schedule.

Section 106.5.3. Insert: 100%/100%

Section 108.4. Insert: Shall be guilty of a misdemeanor and punishable in accordance with general penalty found in Section 1.01.009 of the Hutto Code of Ordinances

Section 108.5. Insert: \$500.00/\$2,000.00

Section 109. Means of Appeal

Any appeal from any decision, application, or interpretation of this Code shall be made directly to the Building and Standards Commission. All Building and Standards Commission decisions are final.

6.

That Chapter 6, Article 6.02, Division 7, Code of Ordinances of the City of Hutto, Texas, entitled Fuel Gas Code, is hereby amended to read as follows:

Sec. 6.02.301 Adopted

A certain document, one (1) copy of which is on file in the office of the city secretary of Hutto, being marked and designated as the International Fuel Gas Code, 2018 edition, including appendices, as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City of Hutto, in the State of Texas regulating and governing fuel gas systems and gas-fired appliances, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of

said Fuel Gas Code on file in the City of Hutto are hereby referred to, adopted, and made part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance.

Sec. 6.02.302 Amendments

The International Fuel Gas Code, 2018 edition, is amended to read as follows:

Section 101.1. Insert: City of Hutto, Texas.

Section 106.6.2. Insert: Permits and fees per current City of Hutto Fee Schedule.

Section 106.6.3. Insert: 100%/100%

Section 108.4. Insert: Shall be guilty of a misdemeanor and punishable in accordance with general penalty found in Section 1.01.009 of the Hutto Code of Ordinances

Section 108.5. Insert: \$500.00/\$2,000.00

Section 109. Means of Appeal

Any appeal from any decision, application, or interpretation of this Code shall be made directly to the Building and Standards Commission. All Building and Standards Commission decisions are final.

7.

That Chapter 6, Article 6.02, Division 8, Code of Ordinances of the City of Hutto, Texas, entitled Energy Conservation Code, is hereby amended to read as follows:

Sec. 6.02.351 Adopted

A certain document, one (1) copy of which is on file in the office of the city secretary of Hutto, being marked and designated as the International Energy Conservation Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Energy Conservation Code of the City of Hutto, in the State of Texas for regulating and governing energy efficient building envelopes and installation of energy-efficient mechanical, lighting and power systems, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Energy Conservation Code on file in the City of Hutto are hereby referred to, adopted, and made part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance.

Sec. 6.02.352 Amendments

The International Energy Conservation Code, 2018 edition, is amended to read as follows:

Section C101.1. Insert: City of Hutto, Texas.

Section R101.1. Insert: City of Hutto, Texas.

Section C109. Board of Appeals

Any appeal from any decision, application, or interpretation of this Code shall be made directly to the Building and Standards Commission. All Building and Standards Commission decisions are final.

Section R109. Board of Appeals

Any appeal from any decision, application, or interpretation of this Code shall be made directly to the Building and Standards Commission. All Building and Standards Commission decisions are final.

8.

That Chapter 6, Article 6.02, Division 9, Code of Ordinances of the City of Hutto, Texas, entitled Property Maintenance Code, is hereby amended to read as follows:

Sec. 6.02.401 Adopted

A certain document, one (1) copy of which is on file in the office of the city secretary of Hutto, being marked and designated as the International Property Maintenance Code, 2018 edition, including appendices, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Hutto, in the State of Texas for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code on file in the City of Hutto are hereby referred to, adopted, and made part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance.

Sec. 6.02.402 Amendments

The International Property Maintenance Code, 2018 edition, is amended to read as follows:

Section 101.1. Insert: City of Hutto, Texas.

Section 103.5. Insert: Permits and fees per current City of Hutto Fee Schedule.

Section 106.4. Violation penalties

Any person, who shall Violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted and fined in accordance with the general penalty provision found in Section 1.01.009 of the Code of Ordinances of the City of Hutto or within the limits provided by state or local laws. Each day that the violation continues after due notice has been served shall be deemed a separate offense.

Section 111. Means of Appeal

Any appeal from any decision, application, or interpretation of this Code shall be made directly to the Building and Standards Commission. All Building and Standards Commission decisions are final.

Section 112.4. Insert: \$500.00/\$2,000.00

Section 302.4. Insert: twelve (9) inches.

Section 302.7 Accessory Structures: Amend to read:

Accessory Structures. All accessory structures, including detached garages, carport, awnings, patio covers, garages, sheds, storage buildings or any other accessory structure shall be maintained structurally sound and free from deterioration. All accessory structures shall be protected from the elements by periodic painting, staining, or other weatherproofing or surface protection.

Section 304.14. Insert: January 1 through December 31.

Section 602.3. Insert: October 1 through April 1.

Section 602.4. Insert: October 1 through April 1.

Sec. 6.02.403 Additional restrictions

The International Property Maintenance Code, 2018 edition, is amended to read as follows:

Section 302.10. Fences

- (1) All fences shall be maintained reasonably plumb and structurally sound, each structural and decorative member of a fence shall be free of deterioration and be compatible in size, material, and appearance with the remainder of the fence.
- (2) A fence that has deteriorated to a condition that is likely to fall shall be repaired or replaced. In areas where fences are not required, fences may be removed.
- (3) Fences shall not be externally or internally braced in lieu of replacing or repairing post, columns, or other structural members.

Section 302.11. Animals and Pens.

- (1) All animal pens, runs, exercise areas, fenced areas, houses, structures, and enclosures shall be kept clean, sanitary, free from odor and excrement and any other unsightly or objectionable matter which constitutes a public nuisance or is otherwise detrimental to the public health, safety and welfare.
- (2) Cleaning, skinning, and processing of game shall be screened from view from streets and all resulting waste shall be disposed of in a sanitary manner.

Section 302.12. Trees, shrubs, and other plants

- (1) Trees, shrubs, and other plants that are dead or which are hazardous to persons or property shall be removed. Any tree, shrub, or plant that appears to have lost more than seventy-five percent (75%) of its living foliage shall be considered dead.

(2) Minimum clearance of trees in sidewalk areas.

It shall be unlawful for the owner or occupant of any property in the city to maintain or permit limbs of trees growing thereon to overhang or grow above the area between his property line and the curb line of any abutting street, unless such limbs and all branches and foliage thereon are kept trimmed and pruned to a minimum clearance of eight feet above the street level at the nearest curb line.

(3) Authority of City Manager to trim, remove, etc.

The City Manager is hereby authorized to remove, or cause to be removed, any trees or plants found between the opposite curb lines in any street in the city and to trim branches, limbs, or foliage of any tree or plant which overhangs or grows above the area which lies between the opposite curb lines of any street, so as to provide a minimum clearance of eight feet above the street level at the curb line and so as to be graduated toward the center of the street to a clearance of 13-feet above the street level at the center of the street.

Section 302.13. Outdoor Storage

It shall be unlawful for any person to allow, permit, conduct, or maintain any outdoor storage on any portion of a lot or tract, outside of an enclosed structure, under a carport, covered patio, covered porch, or other protecting overhang, for a continuous period in excess of seven (7) days during a calendar year within the city. Each day during which outdoor storage occurs shall constitute a separate offence. Prohibited outdoor storage shall include, but not limited to, the following items stored in a manner other than in an enclosed building.

- a. Commercial construction and/or building material not associated to home renovation or repair of the structure(s) on the premises.
- b. Supplies, materials, or other matter associated with a home occupation.
- c. Supplies, materials, or other matter associated with a nonresidential activity.
- d. Chemicals.
- e. Household furniture not designed for outdoor use or discarded furniture.
- f. Household appliances not designed for outdoor use or discarded or inoperable appliances.
- g. Appliance designed for outdoor use but not currently installed.
- h. Tools, mobile and/or mechanical equipment not connected with residential use.

- i. Motor vehicle parts and/or accessories including but not limited to engines, transmissions, electrical parts, suspension parts, vehicle body parts, batteries, tires, wheels, hubcaps, and other vehicle parts.
- j. Vehicles which are operable or inoperable and unlicensed or inspection expired for which the primary purpose is for storage of junk, trash, debris, or other storage.
- k. Other items or personal property which are not customarily used or stored outside and which are not made of a material that is resistant to damage or deterioration from exposure to the outside elements.
- l. Trash, garbage or other refuse.

9.

That Chapter 6, Article 6.02, Division 10, Code of Ordinances of the City of Hutto, Texas, entitled Existing Building Code, is hereby amended to read as follows:

Sec. 6.02.451 Adopted

A certain document, one (1) copy of which is on file in the office of the city secretary of Hutto, being marked and designated as the International Existing Building Code, 2018 edition, including appendices, as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the City of Hutto, in the State of Texas regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of existing buildings as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Existing Building Code on file in the City of Hutto are hereby referred to, adopted, and made part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance.

Sec. 6.02.452 Amendments

The International Existing Building Code, 2018 edition, is amended to read as follows:

Section 101.1. Insert: City of Hutto, Texas.

Section 112. Means of Appeal

Any appeal from any decision, application, or interpretation of this Code shall be made directly to the Building and Standards Commission. All Building and Standards Commission decisions are final.

10.

That Chapter 10, Article 10.02, Code of Ordinances of the City of Hutto, Texas, entitled Fire Code, is hereby amended to read as follows:

Sec. 10.02.001 Adopted

A certain document, one (1) copy of which is on file in the office of the city secretary of Hutto, being marked and designated as the International Fire Code, 2018 edition, including appendices, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Hutto, in the State of Texas regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the

occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Fire Code on file in the City of Hutto are hereby referred to, adopted, and made part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance.

Sec. 10.02.002 Amendments

The International Fire Code, 2018 edition, is amended to read as follows:

Section 101.1. Insert: City of Hutto, Texas.

Section 108. Board of Appeals

Any appeal from any decision, application, or interpretation of this Code shall be made directly to the City Council. All City Council decisions are final.

Section 109.4. Defer to Williamson County Emergency Services District #3

Section 111.4. Defer to Williamson County Emergency Services District #3

Section 903.2.8. Group R.

An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area, including the attic, except those classified as Group R-3.

Section 1103.5.2. Defer to Williamson County Emergency Services District #3

Section 5806.2. Insert: Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the city limits, with the exception of areas zoned for industrial use. Storage of flammable cryogenic fluids may be permitted at the discretion of the fire chief following his or her review of the proposed location and the fire protection for the storage area. Storage shall not be allowed within one hundred feet (100') of the property line of any group E, I, or R occupancies.

Section 5704.2.9.6.1. Insert: The storage of flammable or combustible liquids in outside aboveground tanks is prohibited within each and every zoning district within the city with the exception of those districts which are zoned for industrial use. Installation of aboveground tanks in industrial districts shall be permitted at the discretion of the fire chief following his or her review of the proposed installation location and the fire protection for the storage area. When used in conjunction with chapter 2, aboveground storage will be allowed at the discretion of the fire chief. Tanks shall not be located within one hundred feet (100') of the property line on any group E, I, or R occupancies.

Section 5706.2.4.4. Insert: Storage of class I and II liquids in aboveground tanks is prohibited within the city limits, with the exception of areas that are zoned for industrial use. Storage of class I and II liquids may be permitted at the discretion of the fire chief following his or her review of the proposed location and the fire protection for the storage area. Storage shall not be allowed within one hundred feet (100') of the property line of any group E, I, or R occupancies.

Section 6104.2. Exception. Insert: Tanks shall not be located within one hundred feet (100') of the property line of any group E, I, or R occupancies.

11.

That Chapter 24, Article 24.05, Code of Ordinances of the City of Hutto, Texas, entitled Private Sewage Disposal Code, is hereby amended to read as follows:

Sec. 24.05.001 Adopted

A certain document, one (1) copy of which is on file in the office of the city secretary of Hutto, being marked and designated as the International Private Sewage Disposal Code, 2018 edition, including appendices, as published by the International Code Council, be and is hereby adopted as the Private Sewage Disposal Code of the City of Hutto, in the State of Texas regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of individual sewage disposal systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Private Sewage Disposal Code on file in the City of Hutto are hereby referred to, adopted, and made part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance.

Sec. 24.05.002 Amendments

The International Private Sewage Disposal Code, 2018 edition, is amended to read as follows:

Section 101.1. Insert: City of Hutto, Texas.

Section 106.4.2. Insert: Permits and fees per current City of Hutto Fee Schedule.

Section 106.4.3. Insert: This section is deleted.

Section 108.4. Insert: Shall be guilty of a misdemeanor and punishable in accordance with general penalty found in Section 1.01.009 of the Hutto Code of Ordinances.

Section 108.5. Insert: \$500.00 / \$2,000.00

Section 109. Means of Appeal

Any appeal from any decision, application, or interpretation of this Code shall be made directly to the Building and Standards Commission. All Building and Standards Commission decisions are final.

Section 405.2.5. Insert: No dates entered.

Section 405.2.6. Insert: No dates entered.

SECTION II. Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION III. Severability Clause

The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION IV. Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION V. Open Meeting Clause

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

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

C. That 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 thereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION VI. Effective Date

This ordinance shall take effect and be in force on November 1, 2019.

READ and **APPROVED** on first reading on this the **19th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

READ, PASSED and **ADOPTED** on second reading of ordinance this **3rd** day of **October, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Lacie Hale, City Secretary

Regular City Council
AGENDA ITEM
10.O.



To: City Council
Subject: Consideration of a public hearing and possible action on the first reading of an ordinance amending the Hutto 2040 Comprehensive Plan. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

The Development Services Department initiated an amendment to the Hutto 2040 Comprehensive Plan to provide updates regarding the new master plans that have been approved by the City Council. Those master plans include the Parks, Trails and Open Space Master Plan, the Mobility Master Plan, the Drainage Master Plan, and the Water/Wastewater Master Plan. This item has been on the Planning and Zoning Commission agenda nine (9) times dating back to February 2019.

Staff also began updating some of the demographic data as well as permitting numbers to more accurately reflect Hutto in 2019.

Staff has planned for a comprehensive update beginning in early 2020, but wanted to update the plan to show the growth that Hutto has experienced since the last update in 2015.

The Planning and Zoning Commission recommended approval to City Council on September 3, 2019.

Per Texas Local Government Code Section 211.006 a notice was run in the Taylor Daily Press.

RECOMMENDATION:

Staff recommends that the Council approve the ordinance. The Council may dispense with the second reading of the ordinance.

ATTACHMENTS:

[Hutto2040UpdateNoticeCC091919](#)
[\(Ord\)Hutto2040-CompPlan-Amend\(Ord\)Complete](#)

**PUBLIC NOTICE
NOTICE OF A PUBLIC HEARING**

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO CITY COUNCIL WILL HOLD A PUBLIC HEARING REGARDING:

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE HUTTO
2040 COMPREHENSIVE PLAN, REPEALING CONFLICTING ORDINANCES
AND RESOLUTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

A public hearing will be held on September 19, 2019 at 7:00 p.m.

Hutto City Hall
500 W. Live Oak Street, Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov

Publication Date: September 1, 2019

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE HUTTO 2040 COMPREHENSIVE PLAN, TO WIT: AMENDING THE PLAN TO INCLUDE CITY COUNCIL APPROVED UPDATES TO THE PARKS, TRAILS AND OPEN SPACE MASTER PLAN, MOBILITY MASTER PLAN, DRAINAGE MASTER PLAN, AND THE WATER AND WASTEWATER MASTER PLAN; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an amendment has been presented to the City Council of the City of Hutto, Texas to amend the Hutto 2040 Comprehensive Plan, being incorporated herein, and;

WHEREAS, on the 3rd day of September, 2019, after proper notification, the Planning and Zoning Commission held a public hearing on the proposed amendment, and;

WHEREAS, the Planning and Zoning Commission recommended approval of the proposed amendment on the 3rd day of September, 2019, and;

WHEREAS, on the 19th day of September, 2019, after proper notification, the City Council held a public hearing on the proposed amendment, and;

WHEREAS, the City Council determines that the amendment provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community, and;

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code concerning public notices, hearings, and other procedural matters has been fully complied with, Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

SECTION I.

That the Hutto 2040 Comprehensive Plan is hereby amended to incorporate herein, the council approved Parks, Trails and Open Space Master Plan, Mobility Master Plan, Drainage Master Plan, and the Water and Wastewater Master Plan, being attached hereto and made part hereof, as **Exhibit "A"**.

SECTION II. Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION III. Severability Clause

The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION IV. Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION V. Open Meeting Clause

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 hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION VI. Effective Date

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** on first reading on this the **19th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

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

READ, PASSED and **ADOPTED** on first reading of ordinance this **19th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

Attest:

Lacie Hale, City Secretary



HUTTO

2040

a comprehensive plan

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Acknowledgments

Mayor Doug Gaul

Mayor Pro Tem Tom Hines | Place 2

City Council

Scott Rose | Place 1

Mike Snyder | Place 3

Peter Gordon | Place 4

Patti Turner | Place 5

Tanner Rose | Place 6

Planning and Zoning Commission

Jessica Romigh, Chair

Tony Wertz, Vice Chair

Davey Robinson

Randal Clark

Rick Hudson

Kyle Lovinggood

Susanna Boyer

City Manager/CEO

Odis Jones

Assistant City Managers

Byron Frankland

Michel Sorrel

City Staff

Ashley Lumpkin, AICP | Executive Director of Development Services

Ashby Grundman | Development Services Director

Special thanks to the residents of
Hutto for engaging in the
conversation and providing
invaluable input on the future
of our community.



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About the Comprehensive Plan

Cities have the ability to write and adopt a comprehensive plan based on Section 213 of the Texas Local Government Code. The powers granted under this chapter are for the purpose of promoting sound development of municipalities and promoting public health, safety, and welfare. The comprehensive plan does not constitute zoning regulations or establish zoning district boundaries, but rather describes the vision of the residents and stakeholders that participated in the planning process. This plan includes provisions on land use, transportation, and public facilities, and will be used to coordinate and guide the establishment of development regulations that implement the shared vision.

A comprehensive plan may be adopted or amended by ordinance following a hearing at which the public is given the opportunity to give testimony and present written evidence and review by the Planning and Zoning Commission and City Council. Each municipality establishes, in its charter or by ordinance, procedures for adopting and amending their comprehensive plan. Hutto 2040 will be updated as needed, at least every five years.

Hutto 2040, as amended in 2019, makes reference to adopted plans, such as the Thoroughfare Plan, Mobility Master Plan, Wastewater Master Plan, Water Master Plan, Parks, Trails and Open Space Master Plan, and others. While Hutto 2040 sets big-picture goals for the next 20 years, these plans are focused on specific subject matter, and include a high level of detail relative to certain projects. As these plans are implemented and amended, they will continue to support the vision and goals of Hutto 2040.

The Hutto City Council unanimously approved adoption of Hutto 2040 in May 7, 2015, and was amended on XX XXX, 2019 This amendment serves to update the original 2040 plan to incorporate recently adopted master plans.



About Zoning

Zoning is a tool used by cities for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance. Section 211 of the Texas Local Government Code gives cities the power to regulate the location, bulk, size, and use of buildings, as well as impervious cover, size of yards and open spaces, and population density.

Zoning regulations are adopted in accordance with a comprehensive plan and must be designed to clearly benefit the public by securing safety, promoting health and welfare, providing adequate light and air, preventing overcrowding, avoiding undue concentration of population and facilitating the provision of public utilities and resources.

In the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures. In Old Town Hutto, the Historic Preservation Commission fulfills this role by overseeing the architectural review of new development and re-development within the district.

Historical Context

The Early Years

The International-Great Northern Railroad, the first railroad in Williamson County, reached the site of Hutto in 1876 and purchased five acres of land for Hutto Station from James Emory Hutto, a local rancher. The following year, the community, which soon changed its name to Hutto, had a railroad depot, a post office, a general store, and a lumber business. By 1884, Hutto had 200 inhabitants, a school, three churches, and five gins that shipped cotton and grain. A bank and a hotel opened in the early 1890s, and the population reached 700 in 1896, when Hutto was described as an “important cotton market” by the Texas State Gazetteer. Many of the inhabitants and the local farmers were German, Danish, or Swedish immigrants, and the town had a Swedish church in 1896. In the 1890s Hutto had two weekly papers, the Church Helper and the Hutto Enterprise.

The 1900s

The City of Hutto was incorporated in 1911. After reaching a peak population of 900 in 1928, Hutto was hard-hit by the Great Depression and the decline of the cotton industry. The next 70 years were marked by a fluctuating population and economy. By 1931 the population had fallen to 538. In the 1960s the population dropped to 400, and the town had only nine businesses in 1970. The community revived over the next two decades with a population of over 800 and seventeen businesses in 1988. In 1990, the population was 630. By 2000, the population had almost doubled to 1,250, an early indicator of the transformative growth to follow.

Adapted from: Clara Stearns Scarbrough, *Land of Good Water: A Williamson County History* (Georgetown, Texas: Williamson County Sun Publishers, 1973).

The Co-Op District

The City of Hutto embraced its history by maintaining its course and planning for innovation and growth. The City leadership built on City Council’s vision by creating a public-private partnership, and the Co-Op District was born. The planning department brought life to the City leaders’ desire to see Hutto grow into a destination.

The Development Services Department worked with community residents and businesses to develop a concept plan and vision for the redevelopment project. This 35-acre mixed-use development is the first Public

Improvement District (PID) and Tax Increment Reinvestment Zone (TIRZ) for the City, all centered on making the redevelopment of the site a feasible project. The Co-Op District is home to the new City Hall and City Library with Southside Market & Barbecue, Top Notch Burgers, Flix Brewhouse, and other businesses. The vision is to create a live, work, play environment for residents and visitors alike. The Co-Op District exemplifies the commitment to maintaining the community's vision and utilization of innovative planning and financing structures to make the vision a reality.



http://www.williamson-county-historical-commission.org/Hutto/Hutto_Texas_Williamson_County.htm

Ecology

The Blackland Prairie has a special mix of soil and mineral deposits creating a rich dark soil sometimes described as black velvet. The region's high agricultural productivity comes from abundant invertebrate animals and fungal flora found in the soil. The soil has much calcium carbonate, creating a very alkaline growing medium.

Hutto is in the Blackland Prairie Ecosystem, an area much changed by man. Very little native prairie remains as the early settlers plowed the land for crops and later ranchers planted coastal hay for grazing and haying. The Ecoregion starts south of San Antonio and extends as a relatively small strip of land reaching the

Oklahoma border. In the early 1800s, the land was covered with tall-grass prairie with riparian zones and trees around the stream courses.

Source: http://www.thehuttonews.com/lifestyles/article_1e0cc1d8-e75c-11e1-89a4-0019bb2963f4.html

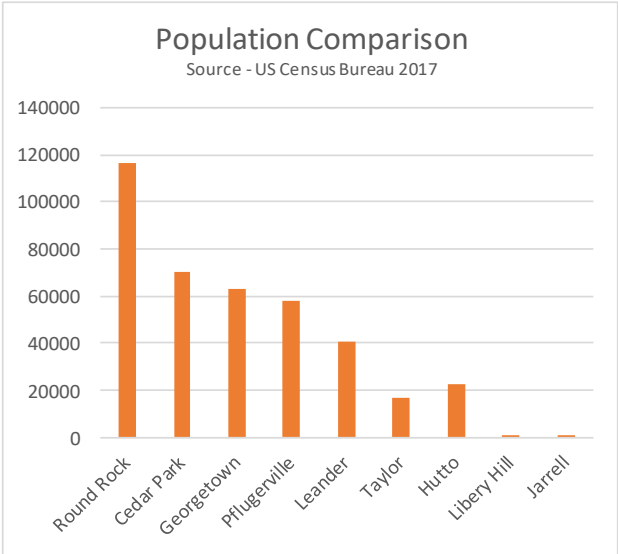
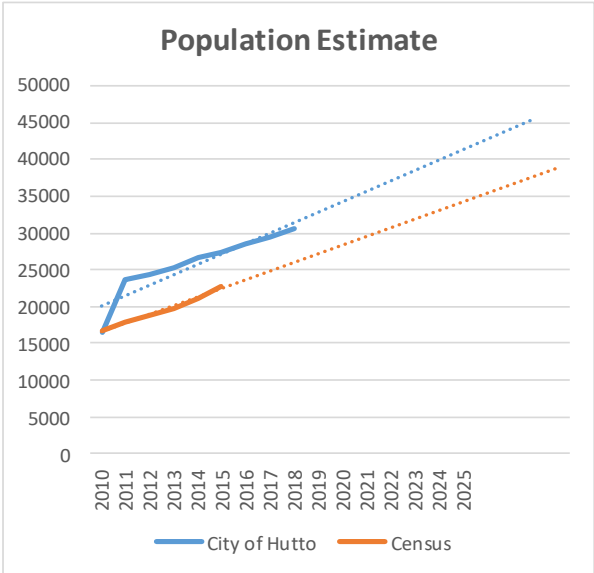
Population

The City produces annual population estimates that tend to be more accurate than Census counts. This in-house estimate is based on a calculation that factors the number of housing units, demolition permits with the current occupancy ratio and household size.

Sources: City of Hutto, US Census Bureau

DECEMBER 2018 POPULATION ESTIMATE: 30,662

TOTAL POPULATION
[Housing units identified in the 2010 U.S. Census + new housing units – Demo Permits] [Occupancy Ratio] [Average Household Size]



The accuracy of population counts hit an all-time high with the 2010 Census, though the numbers for Hutto were still well below in-house estimates. The 2010 Census listed Hutto's population at 14,698, while the City's 2010 estimate was 16,756. The U.S. Census commonly underestimates a city's population, since it is nearly impossible to achieve a perfect response rate. Though inconsistent with local estimates, the Census data provides us the ability to compare Hutto to nearby cities.



City of Hutto

Future population estimates vary greatly depending on methodology. If we grow at a pace similar to the years 2013 through 2018, about 336 residential permits per year, the population will be nearly 60,000 by 2040. If we grow at a pace similar to 2018, with around 400 residential permits per year, the approximate population in 2040 exceeds 65,000. And finally, issuing 800 permits per year, higher than Hutto's record growth year of 2006, would result in a population of over 80,000 people. These estimates assume a household size of 3.51 persons.

Population forecasts based on permits do not account for migration or natural fluctuations due to births and deaths. The Texas Water Development Board produces population forecasts considering these factors, as well as regional growth patterns and resource availability.

According to the Texas Office of the State Demographer, Williamson County is projected to be Texas' fourth-fastest growing county between 2014 and 2050 (by percentage). The county population is projected to grow by 367.7 percent with the addition of 1.5 million new residents by 2050.

Demographics

Age

Since Hutto's population began booming in the early 2000s, the city has attracted many young families. In fact, Hutto has a larger proportion of adults in their 30's and children under 15 than Williamson County as a whole. The presence of young families is evident in Hutto's demographics. For example, adults 30 to 40 years old account for 22.6% of Hutto's population but only 16.7% of Williamson County. Children age 14 and under make up one-third of Hutto's population, but only a quarter of Williamson County.

In comparison to surrounding communities, Hutto's population demographics are most similar to Leander, due to high proportion of 30-34-year olds and children, with low proportion of 20-24-year olds. The population demographics of Williamson County, Round Rock, Cedar Park and Pflugerville have a slightly more balanced mix of ages in the communities. Georgetown's demographics indicate a more equal age distribution.

Household Composition

Families with children under the age of 18 make up 52% of all Hutto households. Of those, 75% are married couple families, 20% are single mother households, and 5% are single father households. While Hutto is known to be a family-oriented community, it is notable that almost half of the city's households do not include children under the age of 18. These households are made up of married couples without children, families with children over the age of 18, and individuals living alone.

Race and Ethnicity

A two-person household making less than about \$16,000 is considered to be living in poverty. For a three-person household this threshold is around \$19,000, and \$24,000 for a four-person household. It is estimated that 4% of the total population lives below the poverty line and 5.5% of those under the age of 18. Poverty rates among Hutto females are substantially higher than those of Hutto males with 9.7% of females living in

poverty compared to just 3% of males. This number is also higher than Williamson County totals, which estimate 7.3% of females living in poverty.

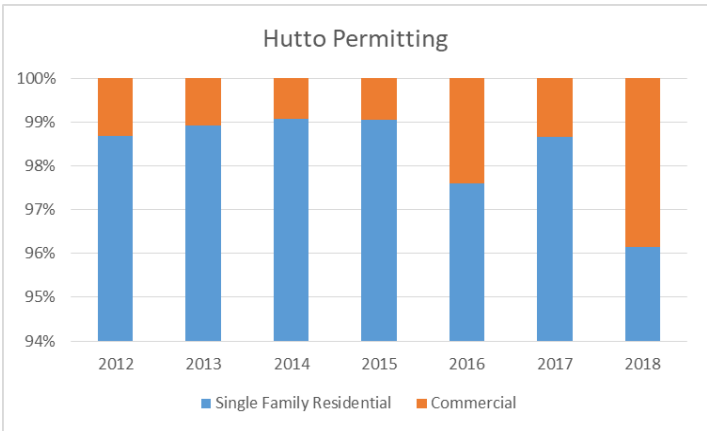
White, non-Hispanics make up over 50% of Hutto’s population. Hispanics and Latinos of any race make up one-third of the population, and African Americans just under 15%. The remaining 1.7% of the population is comprised of Asians, individuals with a race not specified, and individuals of two or more races.

Income

Hutto’s median household income is estimated to be \$76,433 as of 2017. This is an increase from the median household income of \$72,044 in 2015.

Permits

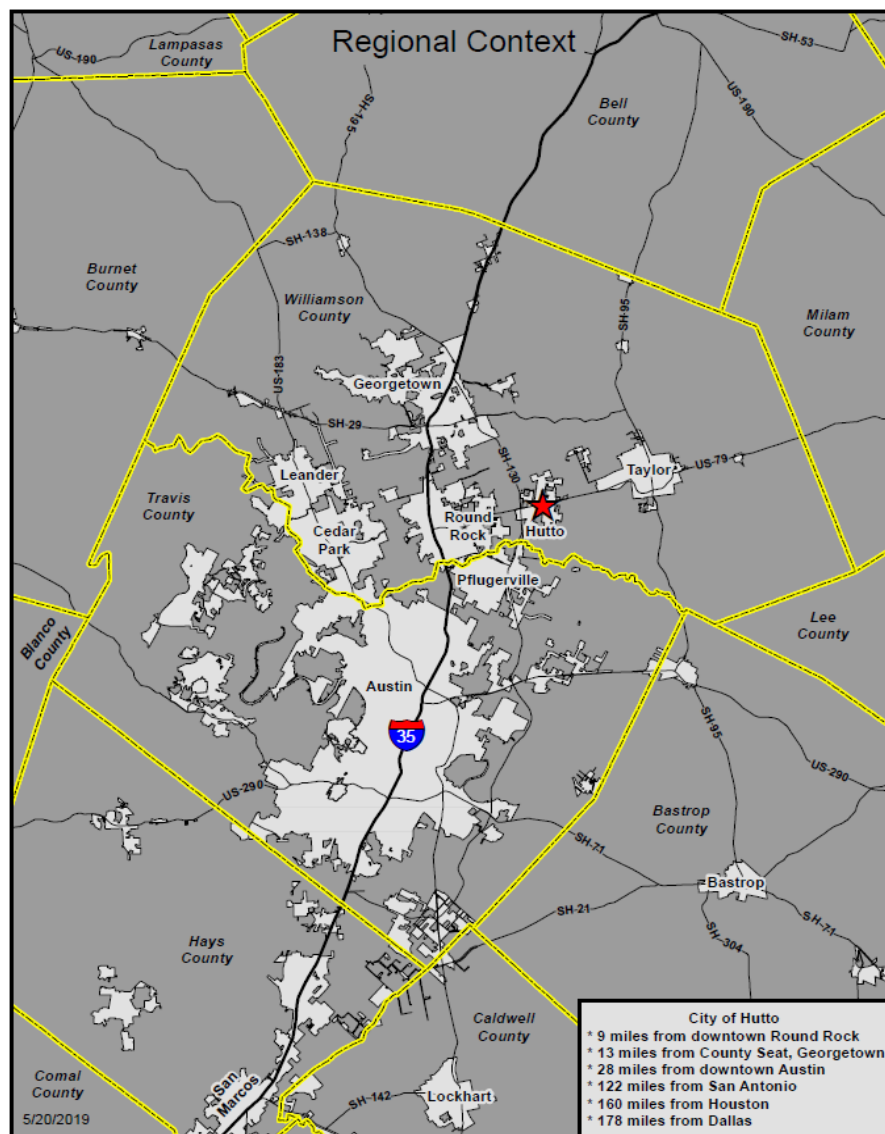
Single Family residential permits are one of the most telling indicators of the growth Hutto has become known for, although commercial permits are now on the rise. Homes were built at an increasingly rapid pace during the early 2000s. Hutto has issued a total of 2,470 residential permits since 2012.



The fluctuation was mirrored at the county level as well, with permits remaining lower after 2006 and rebounding after 2011. Hutto’s share of Williamson County growth remained relatively stable between 2009 and 2013, varying from 11% to 14% throughout. In 2013, single-family permits in all of Williamson County totaled 2,862, over 360 of which were homes in Hutto.

Regional Context

Hutto is located in south-central Williamson County, one of the fastest-growing counties in America.



Public Involvement

The citizens of Hutto played an invaluable role in the development of the comprehensive plan. From workshops to online engagement, various methods were used to understand the overall vision and needs for the future of Hutto.



Setting the Table for the Future

More than 50 residents participated in a community workshop on September 24, 2014, held at the East Williamson County Higher Education Center. The event, titled “Setting the Table for the Future,” was hosted by the City of Hutto to gain input on various topics related to future development.

Choosing Your Course for the Future

On February 13, 2015, over 25 residents attended “Choosing Your Course for the Future,” a follow-up to the September workshop. At this gathering, planning staff shared updates on the comprehensive plan development, specifically how public feedback had informed the plan so far. Further input was necessary from residents to affirm the draft goals, and determine specific objectives for the goals.

Citizen Survey

In order to more effectively address concerns with growth and to more efficiently service citizens, the City conducts a bi-annual survey of residents. Now that multiple surveys have been conducted, trends can be examined and used to shed additional light on citizen satisfaction, demands, and preferences. The 2018 survey was distributed to 2,000 randomly selected homes in May of 2018. Residents had the option of completing the survey either in the traditional paper format or a new online option. About 15 percent of the

sampled residents returned their completed surveys. The response rate was slightly higher than the 2012 version, at 12%, and the 2014 survey was able to capture a more representative sample of the population. The findings of this report must be interpreted with caution. The study of perceptions is difficult because people's perceptions are not objective reality. In addition, satisfaction can only be fully understood in the context of a person's expectations and expectations are not measured in this study for methodological as well as conceptual reasons. It is, however, reasonable to compare the degrees of public satisfaction on the same service over time and with similar services.

Additional Ways Citizens Can Participate

The City of Hutto offers a number of ways that citizens can participate. Programs that are offered include Hutto Citizens' University, Hutto Citizens Police Academy, and applying to be on a board or commission.



Strategic Plan

Goals

The Strategic Plan and Execution Guide has helped the City of Hutto embrace a results-oriented philosophy and entrepreneurial business philosophy in fulfillment of the vision set forth by City Council. Through the execution of the City's strategic plan, Hutto is now branded as open for business in the business community.

There are five strategic focus areas that were adopted as part of the City Council's vision for the City of Hutto are, Well Balanced and Diversified Economy, Public Safety, Fiscal Responsibility, Quality of Life & Services and Infrastructure & Growth.

Well Balanced and Diversified Economy

- Create an "open for business" culture
- Create an aggressive, progressive economic development strategy for the community
- Enhance mobility within the City
- Enhance the overall governance of the community
- Maintain an environment and quality of life that encompasses a safe, friendly, and an entertaining atmosphere for all ages

Public Safety

- Enhance mobility within the City
- Generate a strategic path forward for enhancing the public safety apparatus including police, fire, and emergency medical services
- Enhance the overall governance of the community
- Maintain a positive and inspired workforce
- Maintain an environment and quality of life that encompasses a safe, friendly and an entertaining atmosphere for all ages

Quality of Life and Services

- Construct and maintain infrastructure to provide identified levels of services
- Create an aggressive, progressive economic development strategy for the community
- Enhance mobility within the City
- Generate a strategic path forward for enhancing the public safety apparatus including police, fire, and emergency medical services
- Enhance the overall governance of the community
- Maintain a positive and inspired workforce
- Maintain an environment and quality of life that encompasses a safe, friendly, and an entertaining atmosphere for all ages

Fiscal Responsibility

- Enhance the overall governance of the community
- Construct and maintain infrastructure to provide identified levels of services
- Create an aggressive, progressive, economic development strategy for the community
- Ensure responsible fiscal stewardship through transparency and reporting

Infrastructure & Growth

- Construct and maintain infrastructure to provide identified levels of services
- Create an aggressive, progressive economic development strategy for the community
- Enhance mobility within the City
- Enhance the overall governance of the community
- Maintain an environment and quality of life that encompasses a safe, friendly, and an entertaining atmosphere for all ages

Quality of Life Goals

Hutto 2040 is known for a high quality of life, due to our unique character, rich history and plentiful open space.

Acquire and Develop Open Space of Various Scales for Active, Passive, and Programmed Use

- Acquire desirable parkland.
- Add playground equipment, shade structures, benches, picnic tables, and other improvements to parkland.
- Develop Hutto's park system in accordance with the Parks, Trails and Open Space Master Plan

Promote Hutto as a Destination

- Create destination attractions and venues.
- Market the City using various partnerships and media resources.
- Evaluate the need for a Convention and Visitors Bureau.
- Attract a full-service hotel and meeting space to accommodate community and tourism needs.

Cultivate an Expansive Urban Tree Canopy

- Expand the City's tree canopy through landscaping and targeted tree planting efforts.
- Ensure health of trees through standards and species selection.
- Educate the public on native planting and maintenance best practices.

Increase Economic Viability of Downtown Hutto

- Attract and retain a mix of residential, retail, restaurant and office uses.
- Host events which attract both residents and visitors downtown.
- Follow the Heart of Hutto Old Town Master Plan*.
- e an aggressive, progressive, economic development strategy for the community
- Ensure responsible fiscal stewardship through

Celebrate Hutto's Heritage and Preserve Our History for Future Generations

- Preserve designated historic structures and other historically or culturally significant areas.
- Require that form and character of downtown Hutto persist in new construction and redevelopment.
- Connect residents to the arts, including music and performing arts.
- Provide a platform for display and promotion of local art.
- Highlight Hutto's unique identity and heritage through murals and public art.

Hutto's parks and open space contribute greatly to Quality of Life. Hutto currently has about 250 acres of open space, 175 of which are developed parkland. As the City continues to grow, parkland acquisition and development will ensure ample park access for all Hutto residents.



Opportunity for enhanced green space is not confined to parks and trails. A citywide tree canopy provides a host of benefits, both measurable and immeasurable, and is closely linked to quality of life. Through targeted planting efforts, careful species selection and continued care education, Hutto will increase its citywide tree canopy. The current canopy is estimated to be about 4.7%. Landscaping standards of the current development codes will naturally increase tree canopy as both commercial and residential properties develop. However, intentional tree planting efforts will be necessary to increase canopy in public areas, parks, and existing developments.

The arts are another element of a community with a high quality of life. In fostering the arts community, Hutto will strive to increase residents' access and exposure to the performing and visual arts. Future public facilities can feature art on rotating display, adding flair while promoting local work. Murals and strategically-located public art installations will enhance Hutto's unique identity, reinforcing our history and values while infusing creativity and fun into the City.

The City of Hutto has received multiple awards including designations as Tree City USA, Scenic City and multiple Planning Excellence achievements through the Texas American Planning Association.

The 1911 Historic District is the Heart of Hutto and home to some of the most visible reminders of our past. Downtown has proven its resiliency by sustaining historic highs and lows with flexible buildings, human-scaled design, and lovable architecture. Preservation efforts are crucial to ensure that these buildings stay intact for future generations to utilize, learn from and enjoy. In addition, new construction will complement this form and character to ensure compatibility and enhance downtown's potential.

Historic preservation is not the sole reason for channeling efforts downtown. Downtown Hutto is home to our most productive development pattern in terms of property value per acre. Each of these elements will contribute to making Hutto a destination. The addition of destination attractions and venues to the City will also help Hutto stand out. The City will utilize a broad network of partnerships and media resources to promote its most attractive elements, including but not limited to safe neighborhoods, parks, trails, arts and history.

2019 BENCHMARKS

Total acres of parkland: 250

Acres of developed parkland: 175

Community events with 2,000+ attendees:
Olde Tyme Days, Christmas Tree Lighting,
Downtown Christmas Fair, Crawfish
Festival, Spring-A-Palooza, Sunset Block
Party Bash, 4th of July, KOKE Fest
Treats on East Street, Downtown
Christmas Fair, Crawfish Festival, Olde
Tyme Days

2018 Hotel Occupancy Tax Revenue:
\$271,386.72

Tree canopy: 4.7%

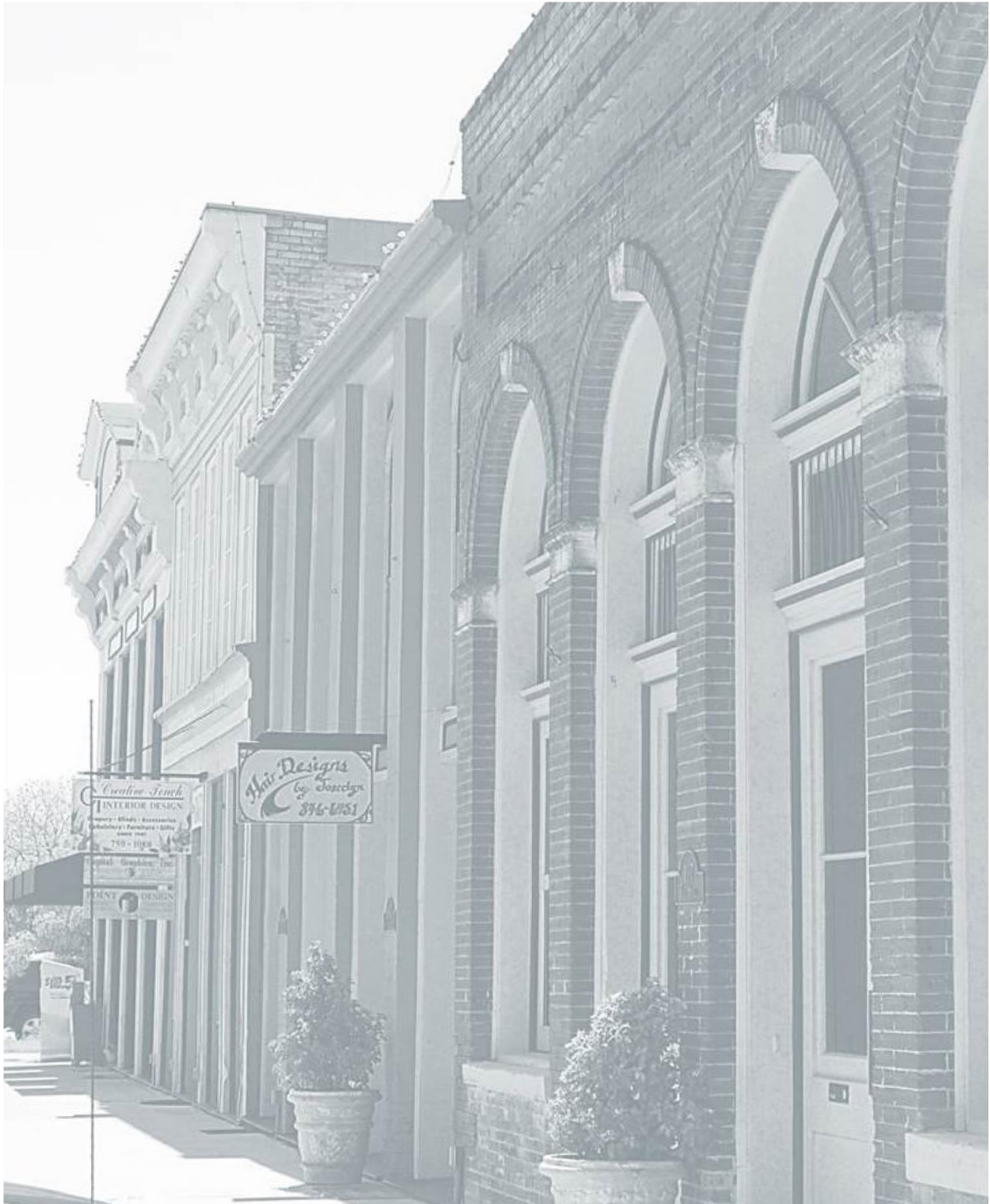
Number of murals: 2

Source: City of Hutto









Mobility Goals

Develop a transportation network which safely accommodates drivers, pedestrians and cyclists

- Explore innovative mitigation of significant community barriers such as the railroad.
- Build the City's street and road networks in accordance with the Mobility Master Plan*.
- Expand the City's sidewalk network in accordance with the Pedestrian Mobility Plan*.
- Develop a Transportation Master Plan.

Ensure that transportation projects respect and preserve surround character to the greatest extent practical

- Design new streets to the surrounding areas and planned in context to ensure appropriate geometry and design speed.
- Collaborate with state and regional entities to ensure that roadway design balances regional mobility goals with the unique needs and character of Hutto.

Support efforts to serve Hutto with regional public transit, such as bus or rail

- Maintain an active and cooperative relationship with entities such as Lone Star Rail, CAMPO and CapMetro.
- Establish a Park-and-Ride location in Hutto.
- Promote existing services, such as CARTS, to citizens with special needs or without automobiles.

Provide a developed trail system to connect neighborhoods, commercial areas, schools and downtown to one another

- Develop Hutto's trails system in accordance with the Parks, Trails and Open Space Master Plan*.
- Maintain active participation in the regional trail planning efforts.

*as amended

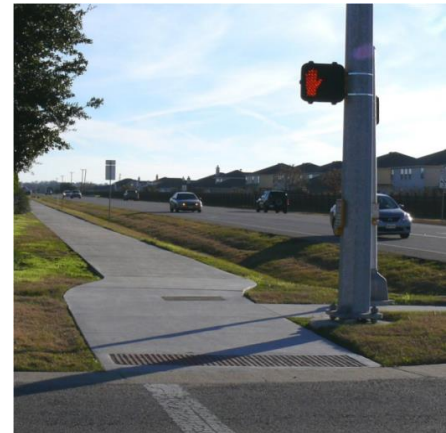
Mobility

Hutto 2040’s **growing transportation** network ensures safe, efficient multi-modal mobility throughout our city.

Whether by car, bus, bike or foot, it is imperative that Hutto residents are able to travel safely and efficiently around town. Streets and roads constructed in accordance with adopted plans will enhance the overall travel network for automobiles, while also accommodating pedestrians and, in some cases, bikes. Sidewalks added to existing streets will provide the missing links in the system, allowing more people to walk for recreation or transportation purposes. Regardless of the mode of transportation, several barriers to connectivity exist today. The railroad is the primary barrier dividing Hutto into north and south, heavily restricting access between the two. Three vehicular crossings exist within the city limits, with an additional seven lying in the extra-territorial jurisdiction. The lack of additional crossings and frequency of passing trains create significant delays at peak travel times. US 79 perpetuates this divide with between four and seven fast-moving lanes and inadequate pedestrian infrastructure at intersections. As a result, residents who live walking distance from a destination across the tracks, such as a school or event, will most likely drive due to safety concerns. The City will continue working with the appropriate entities on innovative mitigation methods, such as traffic calming, underpasses, and additional crossings.

As thoroughfare plans are implemented, roadways will respect the surrounding context and ensure appropriate geometry and design speed. In the case of state and county roadways, collaboration with other entities will ensure that projects balance regional mobility goals with unique needs and condition of our community. For example, the design of lower-speed US 79 traveling through the historic district should differ from the 60mph rural section east of town.

At some point in the future, Hutto will likely be served by regional public transit. Maintaining an ongoing relationship with bus and rail entities



2015 BENCHMARKS

Existing Transportation Network

Roadway¹: 65 miles

Sidewalk²: 65 miles*

Trail²: 9 miles

Note: A one-mile stretch of roadway with sidewalks on both sides has two miles of sidewalk.

Railroad crossings²

Three in the City Limits

Seven additional in ETJ

Commuting modeshare³

81.8% drive alone

11.8% carpool

5% work from home

Travel to school modeshare⁴

38% of students are bussed

62% arrive by car, bike or walk

1 Source: City of Hutto 2014 CAFR

2 Source: City of Hutto

3 Source: US Census Bureau

Source: Hutto ISD

will enable Hutto to plan and garner support for any upcoming transportation investments. In the meantime, the City will continue to support existing services and connect residents with all available transit options.

An extensive trail system, as outlined in the adopted master plans, will provide additional mobility options and offer new recreational opportunities to residents. Trails will connect neighborhoods, commercial areas, schools and downtown to one another, providing safe walking and biking opportunities separate from traffic. Participation in regional trail planning efforts will ensure coordination with other cities' trail projects and incorporation into the broader network.

Transportation projects will be implemented according to the adopted plans, as amended. The Thoroughfare Plan identifies new roadways and their planned character. The Pedestrian Mobility Plan identifies missing sidewalks and calls out specific projects that would significantly impact mobility and connectivity. The Safe Routes to School plan identifies safe, convenient, and fun opportunities for children to bicycle and walk to and from school, and assists in obtaining funding for such projects.

The Transportation Master Plan will provide detailed traffic data to paint a picture of Hutto's overall transportation system.



Resiliency Goals

Pursue a financially-sustaining development pattern

- Increase the proportion of non-residential assessed property value in the City.
- Encourage infill development to maximize use of existing

Reduce retail and job leakage

- Attract and retain higher-wage, higher skill jobs.
- Achieve a citywide jobs-housing balance
- Nurture new and existing local businesses and their operations and growth.
- Advance Hutto as an economic hub for rail-served industry.

Improve environmental performance

- Ensure development minimizes the impact on natural features and environmentally sensitive areas.
- Reduce energy consumption and encourage the use of alternative and renewable energy sources.
- Increase recycling participation while reducing waste stream volumes.
- Employ green practices throughout city projects and events, leading by example.

Consistently maintain infrastructure to extend the lifespan of the City's assets

- Create and update standards, specifications and design criteria to provide quality service while minimizing maintenance costs.
- Develop process for proactively maintaining infrastructure.
- Develop a pavement management system.

Ensure utility capacity and availability for current and future users

- Construct the City's water system according to the Water Master Plan*.
- Develop the City's wastewater system according to the Wastewater Master Plan*.
- Manage stormwater in accordance with the Drainage Master Plan*.

Ensure that neighborhoods will hold value and remain safe

- Require high quality housing products,
- Facilitate community-led beautification projects that add value to neighborhoods.
- Create a program promoting home and yard maintenance and code compliance.
- Maintain neighborhood integrity through rental registration and inspections.

*as amended

Resiliency

Hutto 2040 is a resilient city, where sustainable and productive growth creates local jobs and diversifies our tax base.

Resiliency refers to Hutto's self-sufficiency, as well as the City's capacity to withstand both inevitable and unforeseeable challenges of the future. In order to be resilient, Hutto will pursue a financially-sustainable development pattern. Generally, the tax revenues generated by subdivisions of low-density, single-family homes do not cover the cost to serve and maintain them in perpetuity. However, as the City grows, so will the demand for congestion relief, infrastructure maintenance, and other costly services. Using a calculation recognized by the International City/County Management Association (ICMA), the City can estimate the cost of serving each consumer. The calculation divides the General Fund and General Debt Service expenses by the number of consumers. Consumers include city residents and the estimated additional daytime population. Similarly, the revenues per consumer can also be calculated by plugging General Fund revenues and General Debt Service revenues into the same formula. One measure of resiliency is to have the General Fund revenues meet or exceed the cost of providing City services.



Cost per Service Consumer	
Gen. Fund Budget	\$10,152,023
Gen. Debt Service	\$1,173,560
Population	21,992
Work Force	1,800
Cost	\$497.87

Revenue per Service Consumer	
Gen. Fund Revenue	\$8,869,175
Gen. Debt Svc. Revenue	\$1,080,544
Population	21,992
Work Force	1,800
Revenue	\$418.20

$PSC = (General\ Fund\ Budget + GF\ Debt\ Service) / (Population + (Workforce \times 42\%))$

The General Fund relies heavily on property and sales tax, and will serve as an indicator for growth in both sectors. To build value, Hutto will capitalize on infill opportunities with productive, mixed-use development. The city will also work toward a balance in the tax

2015 BENCHMARKS

Median household income¹ \$72,044

Jobs per household¹ .66

Jobs: 4,800 (FT and PT)

Households: 7,200

Commuting data¹

Workers leaving town to work: 88%

Mean travel time to work: 27.5 minutes

Top Employers³ (2014) in descending order

Hutto ISD, Home Depot, Lowes, YMCA

Assessed value³

\$776,158,000 in residential value

\$229,919,159 in commercial value

\$35,567,372 in agricultural value

Cost per Public Consumer \$497.87

Revenue per Public Consumer \$418.20

² Source: US Census Bureau

³ Source: Sustainable Places Project

³ Source: City of Hutto 2014 CAFR

base. Balance is achieved when Hutto's total assessed commercial value resembles the total assessed residential value. In 2014, the City's total assessed residential value was \$776,158,000, while the commercial value was only \$229,919,159. Reaching a balance today would require over \$500 million in additional commercial value. In increasing the non-residential tax base, we will also increase local jobs. Hutto will achieve a citywide jobs-housing balance, where there is at least one job for every household within the City. This ensures that job growth keeps up with residential growth, and that Hutto residents can work where they live. Using data from the Census and the Economic Development Corporation, Hutto's jobs-housing balance is determined to be .66. The City will also nurture existing businesses in their operations and growth, and foster the development of more small, local businesses. Dollars spent at local businesses tend to provide the most benefit to the community, and business owners are often Hutto residents.

In 2015, the City was ranked fourth in the Top 5 Safest Cities in Texas, based on low numbers of violent and property crimes per 100,000 residents. In 2018 Hutto was ranked the number 2 safest city with a population under 50,000 residents. Safety remains a top priority into the future, ensuring the endurance of this prestigious recognition. As distinct community units, often with additional governing bodies, neighborhoods play a vital role in upholding both safety and value. Through the use of high-quality housing products, beautification projects, and active promotion of property maintenance, Hutto will prevent deterioration that could lead to increased crime and decreased property values.



Environmental resiliency is also an important consideration as the City matures. The City will improve environmental performance by ensuring that development minimizes the impact on natural features and sensitive areas. In both new construction and existing development, alternative and renewable energy sources can be used to reduce energy consumption. The City will also strive to reduce waste stream volumes and increase recycling participation. These and other green initiatives can be implemented through incentive programs, publicity efforts, and amendments to development and building codes.

City assets, specifically infrastructure, are another key to Hutto's resiliency. The City will perform consistent, proactive maintenance to extend the lifespan of our utility lines, roads and other infrastructure. Continuous review, and when necessary, update of standards, specifications and design criteria will ensure a high level of service while minimizing long-term maintenance costs. By implementing the Water Master Plan and the Wastewater Master Plan, the City will ensure capacity and availability for current and future users. Stormwater runoff effects will be mitigated using the current best management practices.



Community Goals

Offer a variety of housing products to serve the needs of a diverse population through all stages of life

- Prioritize differentiated product from Hutto’s existing housing stock.
- Attract higher-end move-up housing.
- Support various scales of attached and multifamily housing.

Strengthen connections between residents

- Build community cohesion through continuous open communication.
- Facilitate safe transportation within and between neighborhoods, both existing and new.

Advance Hutto as a place for a qualified, diverse workforce

- Support Hutto ISD as a schools system of choice.
- Broaden awareness of the Higher Education Center.
- Maximize potential of intellectual capital.

Facilitate a diverse mix of uses to **serve Hutto’s residents**

- Use zoning to ensure harmony and avoid adverse impacts to surrounding thoroughfares and development.
- Build community character and compatibility through architectural design.
- Ensure proper multi-modal circulation to and through all new development.

Develop the Co-Op site as a vibrant, mixed-use district

- Pursue public-private partnership for continued development of the Co-Op.
- Provide public gathering opportunities through programming of existing facilities.

Community

Hutto 2040 is a cohesive, connected community where visitors want to live and residents want to stay.

Hutto is a welcoming, inclusive community. No matter their age, marital or household status, everyone should feel at home in Hutto. To ensure this, a variety of housing types must be available to residents. Currently, single-family detached homes comprise over 98% of the City’s housing. While the availability and affordability of these homes has attracted thousands of new residents over the past decade, they are not for everyone. Several segments of the population, including seniors, singles, and young professionals, tend to prefer housing types that are not currently available in Hutto. Apartments, condos, and townhomes are appealing to those looking for a high quality of life and community connectedness, without the burden of yard and home maintenance. In order to maintain a balanced population throughout every stage of life, Hutto will prioritize a differentiated housing product than that which currently exists.

Connections between residents are what make a community. Informed, engaged residents are more invested in the future of the City, building essential social capital. Not only should neighborhoods be cohesive internally, but they should be connected with one another. The City will continue to provide platforms for continuous open communication, such as regular meetings with neighborhood groups. Hutto neighborhoods should



2015
BENCHMARKS

Median home price²

\$149,153

Single Family housing % of total¹

98%+

Housing by price range¹

Less than 9% below \$100,000

85% between \$100,000 and \$200,000

Less than 7% above \$200,000

Housing by number of bedrooms¹

90% of housing units have 3-4 bedrooms

Fewer than 5% have 1-2 bedrooms

Zoning³ (City Limits only)

Residential: 3,672 acres, 82.4%

Non-residential: 785 acres, 17.6%

Future Land Use³ (City Limits, ETJ, Growth Area)

Residential: 20,179 acres, 62.9%

Non-residential: 12,244 acres, 37.1%

1

Source: US Census American Community Survey, 2013

2

Source: Williamson Central Appraisal District. 2014

3

Source: City of Hutto

also be physically connected by safe sidewalks or trails. This principle can be achieved in new neighborhoods through street design, street network, and greenlinks. For existing neighborhoods, new connections may arise through street improvement projects, new trails, or construction of missing links.

These neighborhood connections will allow residents to travel safely within and between each other, and will also provide connections to nearby schools, parks and shopping areas. A diverse mix of uses throughout the community ensures that all parts of town have access to goods and services. Zoning will continue to ensure harmony between uses, and avoid adverse impacts to the surrounding areas and the environment. Local character will be reinforced through architectural design, ensuring that the buildings, not only the uses, contribute to Hutto's built environment. Multi-modal circulation will be accounted for, both to and through all developments. Whether driving from across town, or walking from their home down the street, residents using all modes of transportation will be safely accommodated.



Each of these goals will help advance Hutto as a place for a qualified and diverse workforce to call home. Quality of schools is a primary consideration when families are deciding where to plant their roots. Therefore, through continued partnerships, the City will continue to support Hutto ISD and promote the district as a school system of choice. Hutto will also broaden awareness of the Higher Education Center, which delivers the opportunity for affordable post-secondary education, conveniently located within the city limits. The Higher Education Center also provides opportunities for facilities and programs that maximize the potential of the intellectual capital.



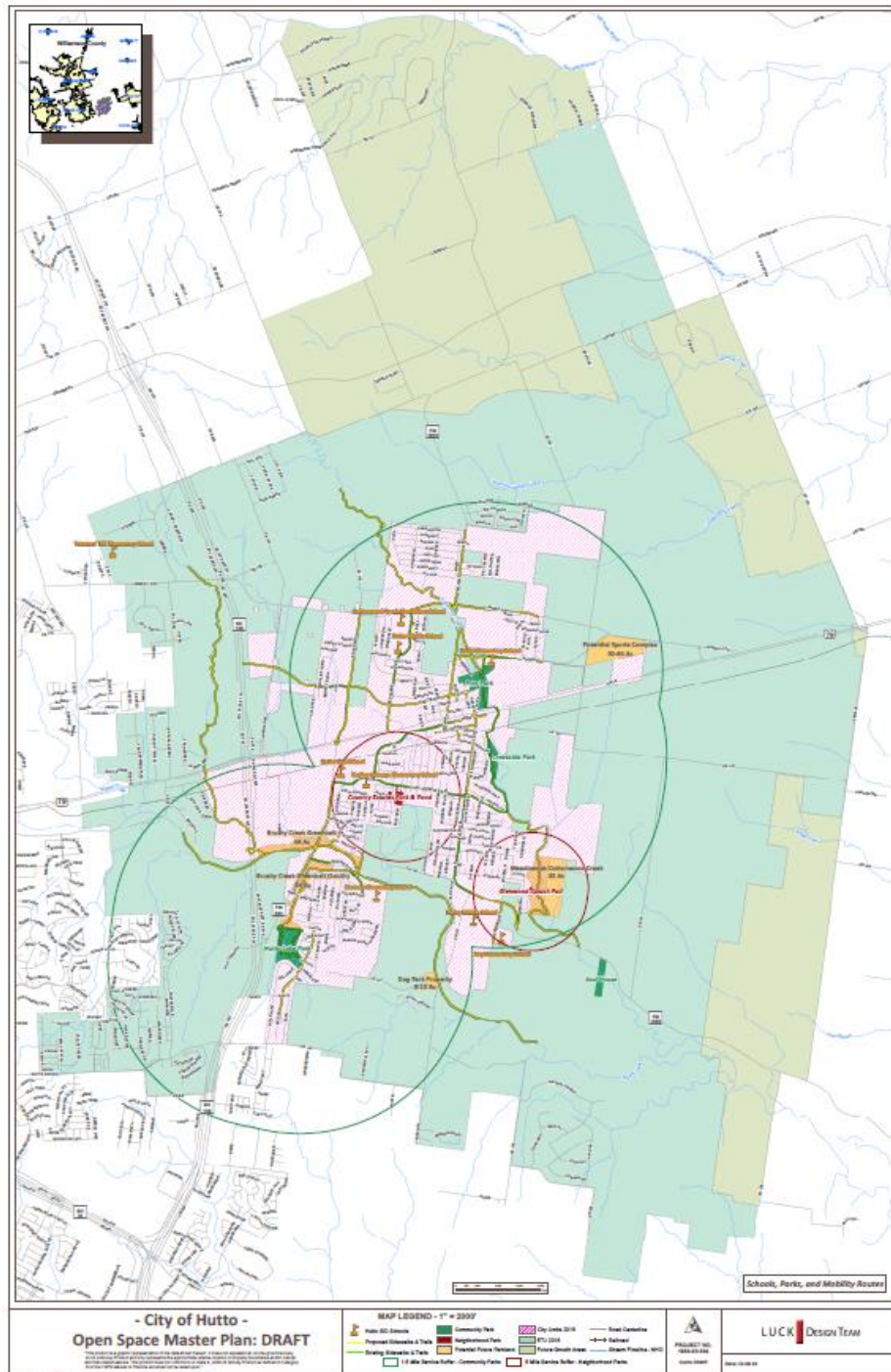
Master Plans

The City of Hutto has approved five additional master plans as supplements to the Hutto 2040 Comprehensive Plan.

Parks, Trails and Open Space Master Plan

The City of Hutto Parks, Recreation, Open Space and Trails Master Plan was last updated in 2015. This plan serves as the City of Hutto's guide to the growth of the system of parks, trails, programs and services.



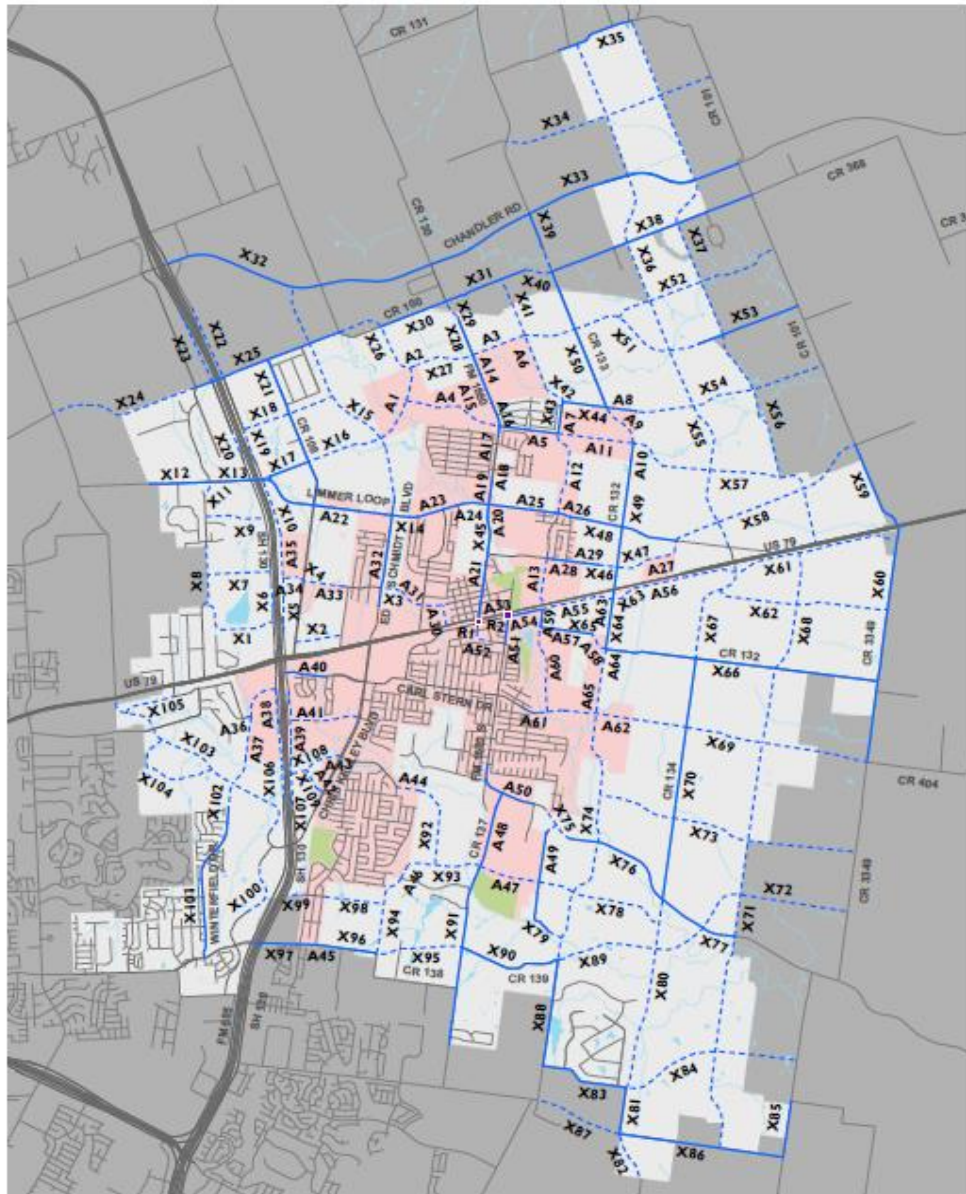


Source: City of Hutto Parks, Recreation, Open Space & Trails Master Plan (2015)



Mobility Master Plan

The Mobility Master Plan (MMP) was approved in 2018 by the City Council. The MMP is a long-range plan that sets the vision for a community's transportation system for the next 20 years. The vision was developed through community and stakeholder input and is based on the system's needs, opportunities and anticipated available funding.



Legend

Roadway and Rail Projects

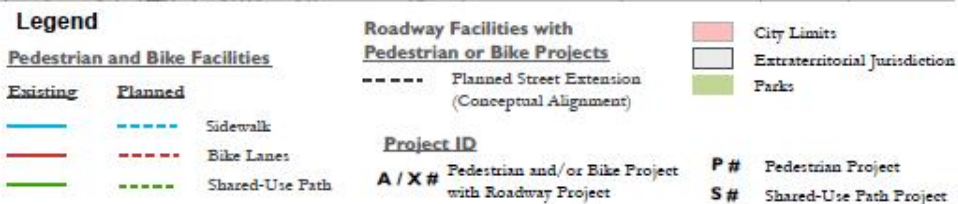
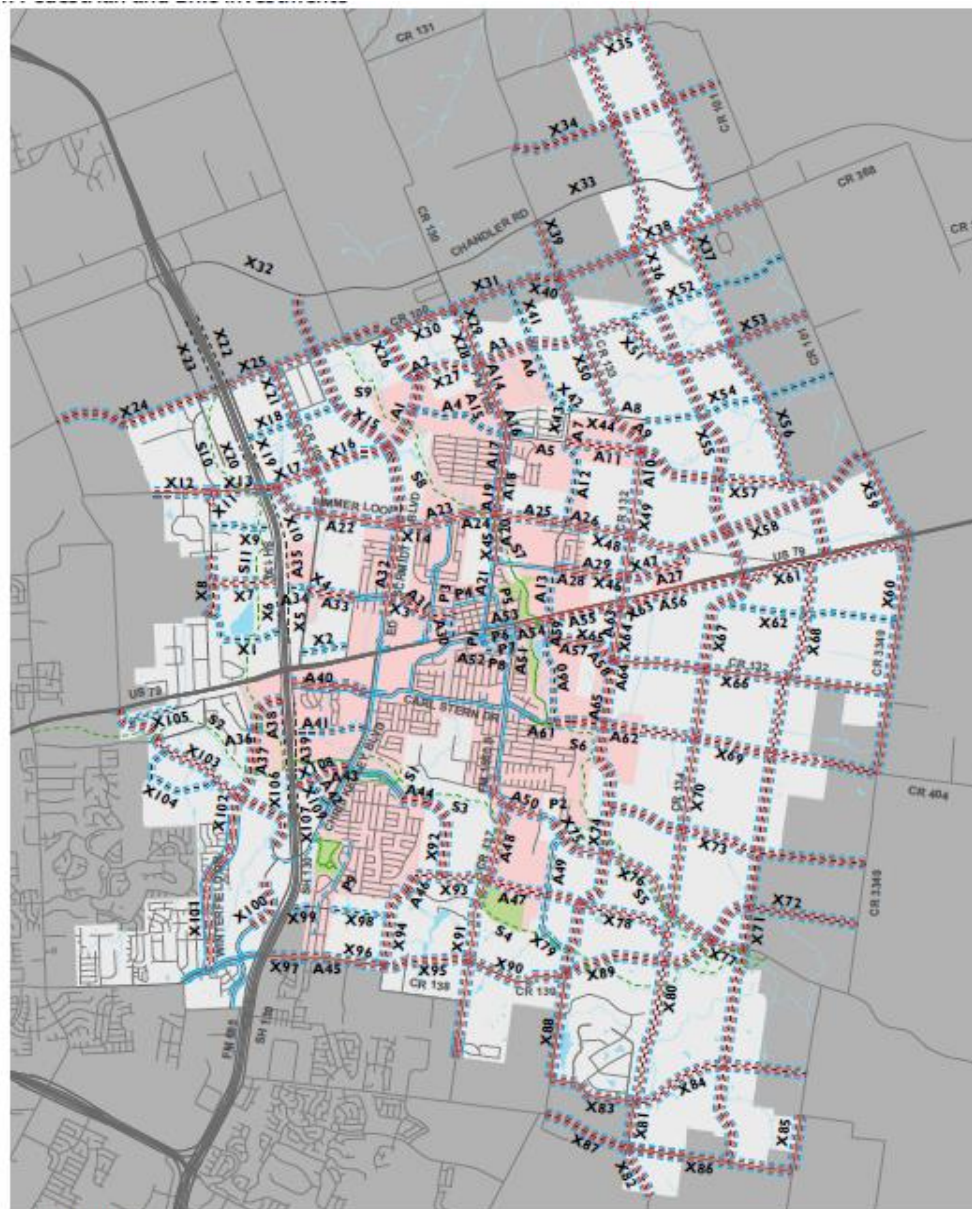
- Planned Roadway Improvement
- - - Planned Roadway Extension (conceptual alignment)
- Planned Railroad Crossing Improvement

Project ID

- A #** Roadway Project inside city limits
- X #** Roadway Project outside city limits
- R #** Railroad Crossing Project

- City Limits
- Extrajurisdictional Jurisdiction
- Parks

Source: City of Hutto 2018 Mobility Master Plan.

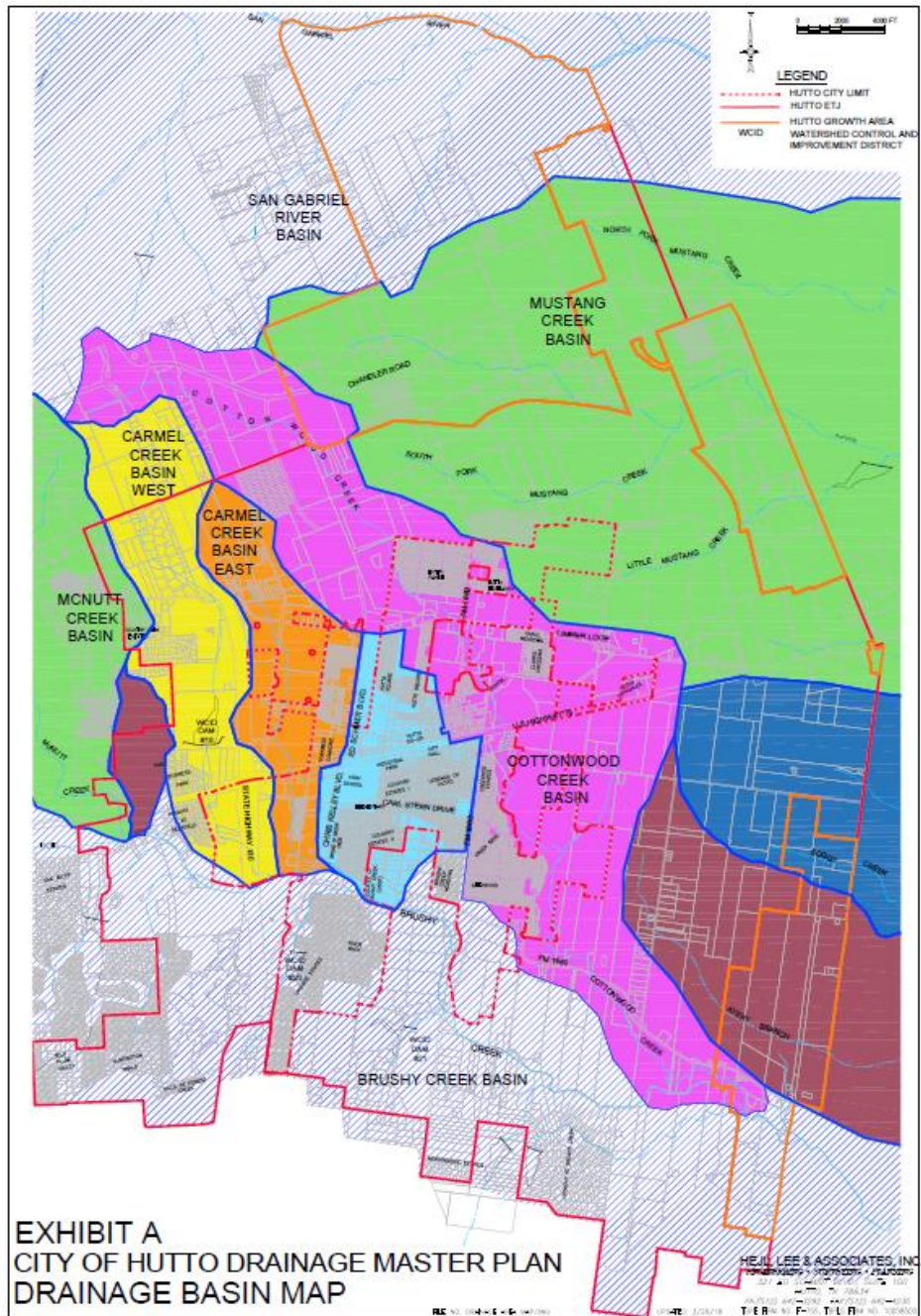


Source: City of Hutto 2018 Mobility Master Plan.



Drainage Master Plan

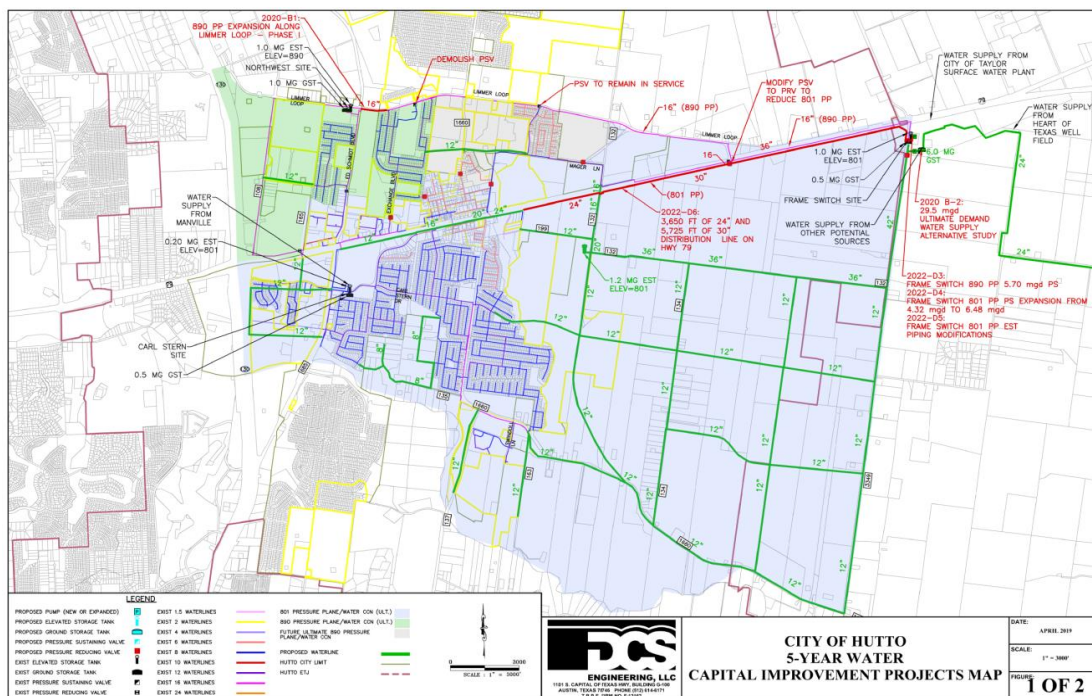
The City of Hutto authorized the City's first ever Drainage Master Plan in 2018. The purpose of the Drainage Master Plan is to assess and collect drainage information throughout the City.



Source: City of Hutto Drainage Master Plan (2018).

Water Master Plan

The purpose of the Water Master Plan (WMP), was to perform an evaluation of the City of Hutto's public water system, inclusive of the storage, pumping, and distribution system which is the first time the City has formally undertaken this type of study for its water system. As the City's population continues to grow updating the WMP will be warranted to accommodate the latest land use and population projection changes and help ensure the current and future water demands are met.



Source: City of Hutto Water Master Plan (2016).



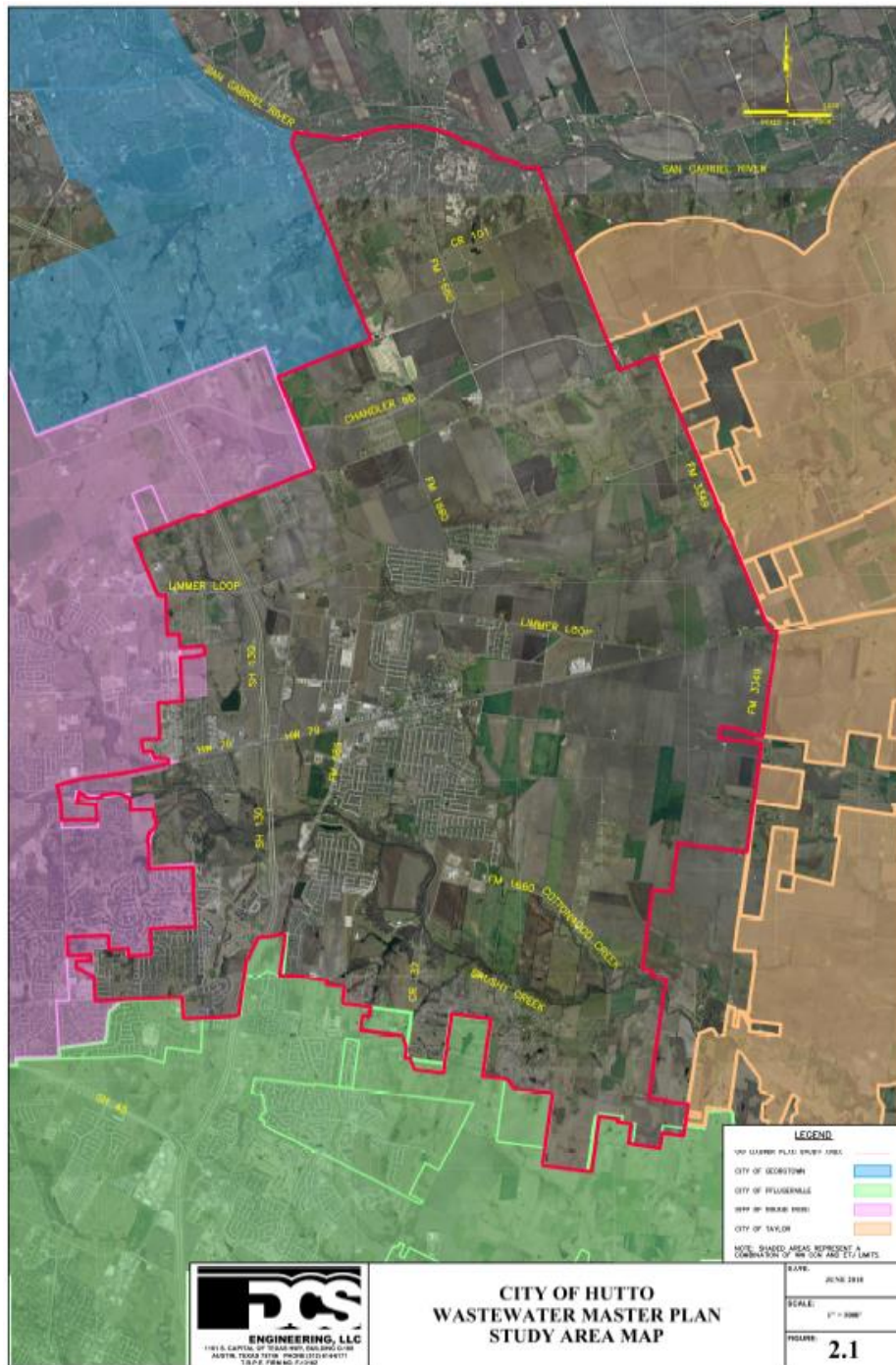
**CITY OF HUTTO
5-YEAR WATER
CAPITAL IMPROVEMENT PROJECTS MAP**

DATE:	APRIL 2019
SCALE:	1" = 4000'
FIGURE:	2 OF 2



Wastewater Master Plan

The purpose of the Wastewater Master Plan (WWMP) is to perform an evaluation of the City of Hutto's wastewater collection and treatment system inclusive of the current and ultimate conditions.



Source: City of Hutto Wastewater Master Plan (2018).

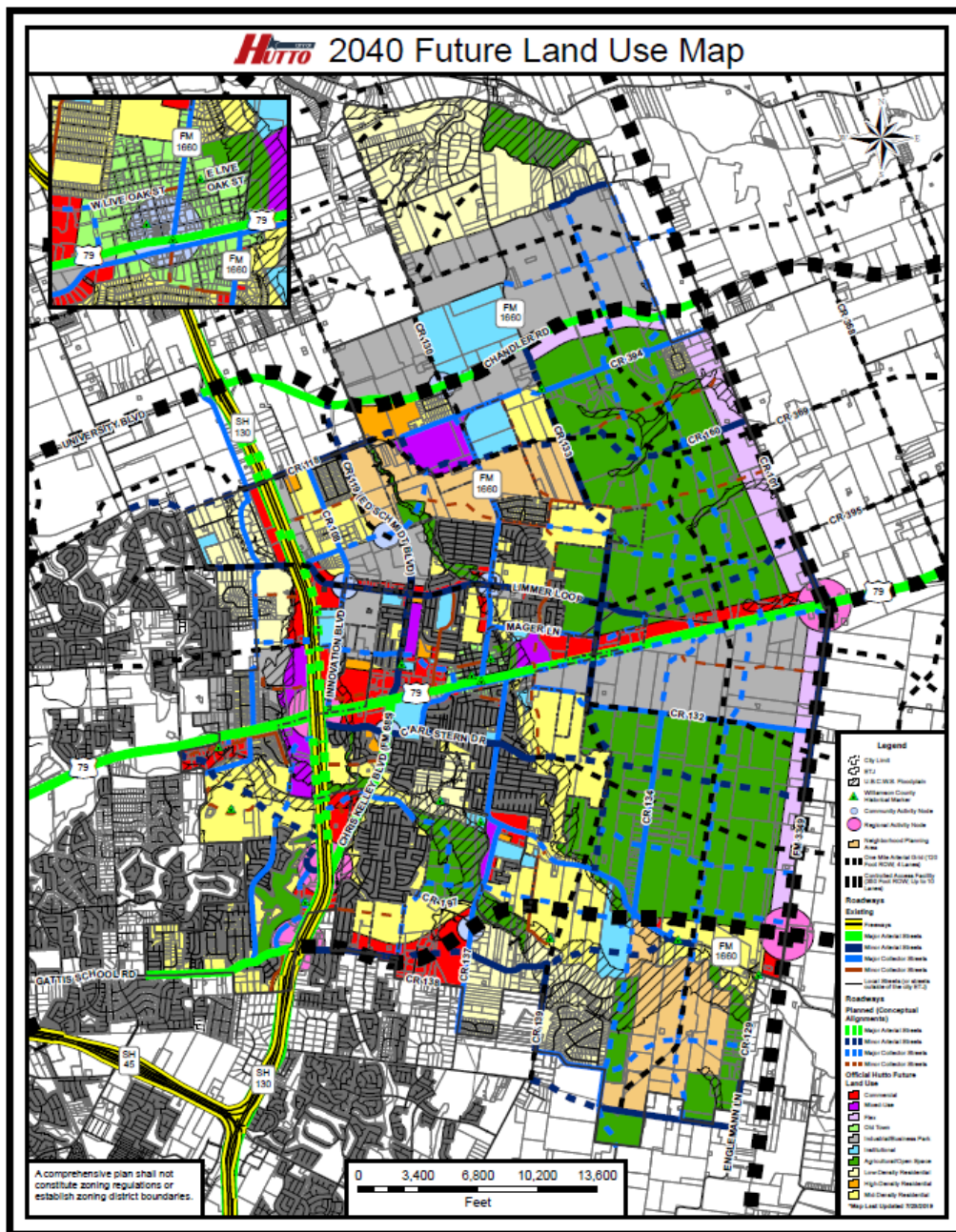


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FUTURE LAND USE MAP

Sec.A211.104.ANNOTATION ON MAP OF COMPREHENSIVE PLAN.

"A comprehensive plan does not constitute zoning regulations or establish zoning district boundaries."



Source: City of Hutto Future Land Use Map (2019)

Regular City Council
**AGENDA ITEM
10.P.**



To: City Council
Subject: Consideration and possible action on the first reading of an ordinance amending the Code of Ordinances (2014 Edition), Chapter 16, Article 16.02 Unified Development Code (UDC) Chapter 10 Section 10.202.2: Definitions, Section 10.605.3 and 10.605.10 General Provisions. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

The following is a City initiated amendment of the Code of Ordinances (2018 edition), Chapter 16, Article 6.02 Unified Development Code (UDC), Chapter 2, Section 10.202.2, Definitions, Chapter 10, Section 10.605.3, Phasing Plan Requirements and Section 10.605.10, Street Projections.

These are amendments to the Definitions and Subdivision Standards sections of the UDC. The proposed amendment for Chapter 2, Section 10.202.2 adds a definition to the UDC for a Public Way.

The proposed code change for Chapter 10, Section 10.605.3, Phasing Plan Requirements, allows for lots in the Extraterritorial jurisdiction to be a minimum of one (1) acre in size and for lots in the Extraterritorial Jurisdiction established for special purposes such as common area, open space, parkland, floodplain, drainage, utilities, or similar facilities shall be uniquely named and are not required to meet the minimum lot size.

The proposed code change for Chapter 10, Section 10.605.10, Street Projections, requires that when a public street is provided internal to the platting property and adjoining areas are not platted, the platting subdivision shall provide street projections to such areas by projecting a public street at intervals no fewer than the maximum block length along the perimeter boundary of the subdivision. Where abutting properties are landlocked, a street connection or street frontage shall be provided through the platting property. In lieu of a public street, a Public Way may satisfy a required street projection when the Public Way is projected to future non-residential or multi-family development and can be continued through that development to a public street.

The Planning and Zoning Commission recommended approval to City Council on August 6, 2019.

RECOMMENDATION:

Staff recommends that the Council approve the ordinance. The Council may dispense with the second reading of the ordinance.

ATTACHMENTS:

[UDCAmend\(20\)Ord\(Complete\)](#)

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE CODE OF ORDINANCES (2014 EDITION), CHAPTER 16, ARTICLE 16.02 UNIFIED DEVELOPMENT CODE (UDC) CHAPTER 10, SECTION 10.202.2: DEFINITIONS AND SECTIONS 10.605.3 AND 10.605.10 GENERAL PROVISIONS; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an amendment has been presented to the City Council of the City of Hutto, Texas to amend the Code of Ordinances (2014 Edition), Chapter 16, Article 16.02 Unified Development Code (UDC), incorporating amendments into Chapter 10, Section 10.202.2, 10.605.3 and 10.605.10, and;

WHEREAS, the Planning and Zoning Commission recommended approval of the proposed amendment on the 6th day of August, 2019, and;

WHEREAS, on the 15th day of August, 2019, after proper notification, the City Council held a public hearing on the proposed amendment, and;

WHEREAS, the City Council determines that the amendment provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community, and;

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code concerning public notices, hearings, and other procedural matters has been fully complied with, Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

SECTION I.

1.

That the Code of Ordinances (2014 Edition), Chapter 16, Article 16.02 Hutto Unified Development Code (UDC), Chapter 10, Section 10.202.2 is hereby amended to include the changes described in **Exhibit "A"** attached hereto and incorporated herein.

2.

That the Code of Ordinances (2014 Edition), Chapter 16, Article 16.02 Hutto Unified Development Code (UDC), Chapter 10, Section 10.605.3 is hereby amended to include the changes described in **Exhibit "A"** attached hereto and incorporated herein.

3.

That the Code of Ordinances (2014 Edition), Chapter 16, Article 16.02 Hutto Unified Development Code (UDC), Chapter 10, Section 10.605.10 is hereby amended to include the changes described in **Exhibit "A"** attached hereto and incorporated herein.

SECTION II. Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION III. Severability Clause

The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION IV. Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION V. Open Meeting Clause

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 hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION VI. Effective Date

This ordinance shall take effect and be in force from and after its passage.

READ and APPROVED on first reading on this the **19th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

READ, PASSED and ADOPTED on second reading of ordinance this **19th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

Attest:

Lacie Hale, City Secretary



Unified Development Code

City of Hutto Code of Ordinances

Chapter 16

(amended: 03-2018)

Public use: uses intended to be conducted in a facility or on land owned by and operated for public use by a public agency or by city, county, state or federal governments.

Public Way: the surface of, and the space above and below, a public street, road, highway, freeway, land, path, right-of-way or place, alley, court, boulevard, parkway, or other easement now or hereafter held by the City (including any street, as defined, which is acquired by eminent domain) for the purpose of public travel and shall include other easements or rights-of-way now or hereafter held by the City or in which the City has an interest (including any easements or rights-of-way acquired by eminent domain) which shall, with their proper use and meaning, entitle the City and a utility to use thereof for the purpose of installing facilities, and other property as may ordinarily be necessary and pertinent to a utility system.

Quoin: selected pieces of material marking the building corner. In stone, the quoins consist of blocks larger than those used in the rest of the building, and cut to dimension. In brickwork, quoins consist of groups or masses of brick laid together, and in a certain imitation of quoins of stone. With EIFS (Exterior Insulation Finish System), quoins are trim details with the appearance of corner stones.



Quoin

Rafter: parallel beams supporting a roof (similar to how joists support floors and ceilings).

Rearage road: minor street or access road next to an arterial route, at the rear of a parcel, intended to control access to an arterial route, connect contiguous parcels, and give access to parcels without curb cuts on the arterial route.

Rear Alley (RA): a vehicular way located to the rear of Lots providing access to service areas, parking, and Outbuildings and containing utility easements. Rear Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll Curbs at the edges.

Rear Lane (RL): a vehicular way located to the rear of Lots providing access to service areas, parking, and Outbuildings and containing utility easements. Rear Lanes may be paved lightly to Driveway standards.

The streetscape consists of gravel or landscaped edges, has no raised Curb, and is drained by percolation.

Reconstruction: depicting, usually by new construction, the form, features and detailing of a nonsurviving site, landscape, building, structure, or object for replicating its appearance at a specific time and in its

- Each phase of a development needs to be “stand alone” for utilities, fire protection, streets and stormwater management. Phase lines must follow reasonable and logical boundaries, such as terminating at intersections or following topographical breaks.
- Phases should be created so each phase consists of at least 15% of the total number of lots in a development.
- Phases must be constructed in the approved manner to ensure orderly and planned development.
- Phases must be planned to ensure the efficient construction of adjacent future phases (phases immediately next to the subject phase, sharing a common boundary line), and to ensure that phased development is contiguous.
- Lot numbers shall not be duplicated in different phases of the same subdivision.
- Each proposed phase must, at a minimum, include the transportation, utility, and other public/private infrastructure shown on the proposed phasing plans, so each phase is independent of later phases.
- Right-of-way and/or easements for public infrastructure servicing the respective phase must be recorded with the first plat.
- Water and sewer extension permit applications for each individual phase of the project are required after plan approval.
- Lots located in the Extraterritorial Jurisdiction shall be a minimum of one (1) acre in size.
- Lots located in the Extraterritorial Jurisdiction established for special purposes such as common area, open space, parkland, floodplain, drainage, utilities, or other similar facilities shall be uniquely named and are not required to meet the minimum lot size.

10.605.4 Construction plans submission

10.605.4.1 Submittal

Subdivision improvement construction plans shall be submitted for review and approval by the City Engineer for all development for which public improvements are required.

10.605.4.2 Developer must retain engineer

The developer must retain the services of an engineer registered in the state of Texas, 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 described in City 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 in this code.

10.605.4.3 Submittal content

Except as provided in this code, after preliminary plat approval, subdivision improvement construction plans may be submitted to the City Engineer for approval. The subdivision improvement construction plans submittal shall include all of the information specified in the development application.

10.605.4.4 10.505.4.4 State review

All subdivision improvement construction plans must comply with the Texas Accessibility Standards administered by the Texas Department of Licensing and Regulation (TDLR) and the Americans with Disabilities Act of 1990, as amended. The developer shall submit applicable portions of the subdivision improvement construction plans to TDLR for review. Upon the completion of construction, the developer shall request inspection of all pedestrian facilities by the TDLR 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 TDLR and that payment of the required inspection fees has been made.

10.605.4.5 Expiration of approval subdivision improvement construction plans

The subdivision improvement construction plans will expire 2 years from the date of approval by the City Engineer if construction has not commenced. Even after construction has commenced, the approved subdivision improvement construction plans will expire 3 years from the date of approval. If approved

The property owner or developer must install street lighting along proposed public and/or private streets, streets, and along existing streets adjoining the property. Development Services and Public works staffs approve street light location and design. Illumination must conform to lighting regulations in Section 10.409. The subdivider or developer is required to replace or repair lights that are damaged during construction.

10.605.10 Street Projections

When a public street is provided internal to the platting property and adjoining areas are not platted, the platting subdivision shall provide street projections to such areas by projecting a public street at intervals no fewer than the maximum block length along the perimeter boundary of the subdivision.

Where abutting properties are landlocked, a street connection or street frontage shall be provided through the platting property.

In lieu of a public street, a Public Way may satisfy a required street projection when the Public Way is projected to future non-residential or multi-family development and can be continued through that development to a public street.

10.606 Assurances for improvement completion

10.606.1 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	Yes

10.606.2 Improvements or surety instrument before final plat recording

On approval of a final plat by City Council, but before recording, the applicant must:

- Construct all improvements as required by this chapter, and provide a surety instrument guaranteeing their maintenance as required in this code; or
- Provide a surety instrument in accordance with this UDC guaranteeing construction of all improvements required by this article and in this code and other applicable regulations.

10.606.3 Completion of improvements

Before the final plat is recorded, the developer must:

- Complete all improvements required by this article according to the approved construction plans and subject to the City Engineer's approval and the City's acceptance, except as otherwise provided.
- Construct all sidewalks in common areas and at street corners as shown on the approved final plat and according to the City's regulations or the City's standard details and specifications. Sidewalks must be constructed and approved for each lot before a certificate of occupancy is issued.

10.606.4 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 City and provided that the subdivision improvement construction plans have been approved by the City Engineer.

Regular City Council
AGENDA ITEM
10.Q.



To: City Council

Subject: Consideration of a public hearing and possible action on the first reading of an ordinance amending the Code of Ordinances (2014 Edition, as amended), Chapter 16, Article 16.02 Unified Development Code (UDC) Chapter 3 Section 10.303 Zoning Districts, Section 10.303.7 B-1, 10.304 Permitted Uses, 10.304.5 Residential Uses, 10.304.6 Commercial and Retail Uses, 10.304.7 Industrial Uses, 10.304.8 Institutional and Civic Uses, 10.304.9 Temporary Uses, 10.304.10 Accessory Uses, 10.306 Residential Uses, 10.307 Commercial and Retail Uses, 10.308 Industrial Uses, 10.309 Institutional and Civic Uses, 10.310 Temporary Uses, 10.311 Accessory Uses. (Ashley Lumpkin)

Meeting: Regular City Council - 19 Sep 2019

Department: Development Services

Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

The following is a City initiated amendment of the Code of Ordinances (2014 edition, as amended), Chapter 16, Article 16.02 Unified Development Code (UDC), Chapter 3 Section 10.303 Zoning Districts, 10.303.7 B-1, 10.304 Permitted Uses, 10.304.5 Residential Uses, 10.304.6 Commercial and Retail Uses, 10.304.7 Industrial Uses, 10.304.8 Institutional and Civic Uses, 10.304.9 Temporary Uses, 10.304.10 Accessory Uses, 10.306 Residential Uses, 10.307 Commercial and Retail Uses, 10.308 Industrial Uses, 10.309 Institutional and Civic Uses, 10.310 Temporary Uses, 10.311 Accessory Uses, repealing conflicting ordinances and resolutions, and establishing an effective date.

The purpose of this amendment is better define what uses are allowed adjacent to single-family residential, and required higher development standards.

When adjacent to single-family residential, the following standards are proposed to be met in order to be in compliance:

- Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall.
- Signage
 - All signage must face the right-of-way, signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
- Height
 - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
- Outdoor Lighting

- All outdoor lighting must comply with the International Dark Skies Ordinance.

The Planning and Zoning Commission recommended approval to City Council on September 3, 2019.

PUBLIC NOTICE

Per Texas Local Government Code Section 211.006 a notice was run in the Taylor Daily Press.

RECOMMENDATION:

Staff recommends that the Council approve the ordinance.

ATTACHMENTS:

[UDC\(21\)Notice\(CC\)](#)

[\(Ord\)UDCAmend\(21\)Ord\(Complete\)](#)

**PUBLIC NOTICE
NOTICE OF A PUBLIC HEARING**

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO CITY COUNCIL WILL HOLD A PUBLIC HEARING REGARDING:

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE CODE OF ORDINANCES (2014 EDITION, AS AMENDED), CHAPTER 3 SECTION 10.303 ZONING DISTRICTS, 10.303.7 B-1, 10.304 PERMITTED USES, 10.304.5 RESIDENTIAL USES, 10.304.6 COMMERCIAL AND RETAIL USES, 10.304.7 INDUSTRIAL USES, 10.304.8 INSTITUTIONAL AND CIVIC USES, 10.304.9 TEMPORARY USES, 10.304.10 ACCESSORY USES, 10.306 RESIDENTIAL USES, 10.307 COMMERCIAL AND RETAIL USES, 10.308 INDUSTRIAL USES, 10.309 INSTITUTIONAL AND CIVIC USES, 10.310 TEMPORARY USES, 10.311 ACCESSORY USES, REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

A public hearing will be held on September 19, 2019 at 7:00 p.m.

Hutto City Hall
500 West Live Oak Street, Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE CODE OF ORDINANCES (2014 EDITION), CHAPTER 16, ARTICLE 16.02 UNIFIED DEVELOPMENT CODE (UDC) CHAPTER 3 SECTIONS 10.303 ZONING DISTRICTS, 10.303.7 B-1, 10.304 PERMITTED USES, 10.304.5 RESIDENTIAL USES, 10.304.6 COMMERCIAL AND RETAIL USES, 10.304.7 INDUSTRIAL USES, 10.304.8 INSTITUTIONAL AND CIVIC USES, 10.304.9 TEMPORARY USES, 10.304.10 ACCESSORY USES, 10.306 RESIDENTIAL USES, 10.307 COMMERCIAL AND RETAIL USES, 10.308 INDUSTRIAL USES, 10.309 INSTITUTIONAL AND CIVIC USES, 10.310 TEMPORARY USES AND 10.311 ACCESSORY USES; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an amendment has been presented to the City Council of the City of Hutto, Texas to amend the Code of Ordinances (2014 Edition), Chapter 16, Article 16.02 Unified Development Code (UDC), incorporating amendments into Chapter 3, Sections 10.303, 10.303.7, 10.304, 10.304.5, 10.304.6, 10.304.7, 10.304.8, 10.304.9, 10.304.10, 10.306, 10.307, 10.308, 10.309, 10.310 and 10.311, and;

WHEREAS, the Planning and Zoning Commission recommended approval of the proposed amendment on the 3rd day of September, 2019, and;

WHEREAS, on the 19th day of September, 2019, after proper notification, the City Council held a public hearing on the proposed amendment, and;

WHEREAS, the City Council determines that the amendment provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community, and;

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code concerning public notices, hearings, and other procedural matters has been fully complied with, Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

SECTION I.

1.

That the Code of Ordinances (2014 Edition), Chapter 16, Article 16.02 Hutto Unified Development Code (UDC), Chapter 3, Sections 10.303, 10.303.7, 10.304, 10.304.5, 10.304.6, 10.304.7, 10.304.8, 10.304.9, 10.304.10, 10.306, 10.307, 10.308, 10.309, 10.310, and 10.311 are hereby amended to include the changes described in **Exhibit "A"** attached hereto and incorporated herein.

SECTION II. Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION III. Severability Clause

The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION IV. Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION V. Open Meeting Clause

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 hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION VI. Effective Date

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** on first reading on this the **19th** day of **September, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

READ, PASSED and **ADOPTED** on second reading of ordinance this **3rd** day of **October, 2019** at a meeting of the Hutto, Texas City Council; there being a quorum present.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

Attest:

Lacie Hale, City Secretary



Unified Development Code

City of Hutto Code of Ordinances

Chapter 16

(amended: 08-2017)

10.301 Intent

On 22 November 1926, Justice George Sutherland wrote his opinion upholding the practice of zoning in Euclid, Ohio – “A nuisance may be merely the right thing in the wrong place, like a pig in the parlor instead of the barnyard.” Zoning regulates land use; implements community, neighborhood and other applicable land use and development plans; promotes sound planning practice, protects public health, safety and welfare; and ensures the right thing stays in the right place.

10.302 Zoning map

10.302.1 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

10.302.2 Zoning map established

Zoning district boundaries are shown on an official map titled “City of Hutto Official Zoning Map,” as amended. The map is adopted as a part of this code by reference. Development Services staff will maintain and update the zoning map to reflect zoning changes, annexation, updated property boundaries and street alignments, amendments, and error correction.

The official zoning map has the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City of Hutto under the following words:

This is to certify that this is the official zoning map for the City of Hutto, Texas.

Regardless of the existence of other zoning maps that may be published, the official zoning map is the final authority of the current zoning status of all property in the City of Hutto. The official zoning map must be available to the public when City Hall is open.

10.302.3 Zoning map amendments and changes

When changes are made in the district boundaries or other matter portrayed in the official zoning map, they must be entered on the map as soon as possible after City Council approves the amendment and it is signed by the mayor.

Unauthorized changes are a violation of this code, and punishable subject to this code.

10.302.4 Zoning map replacement

If the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature and/or number of changes and additions, City Council must adopt a new official zoning map to supersede the previous map. The new official zoning map may correct drafting or other errors or omissions in the previous map, but no correction will have the effect of amending the original map or any amendments. The new official zoning map will have the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City of Hutto under the following words:

This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as part of Ordinance No. (ordinance number) of the City of Hutto, Texas.

The previous map or significant parts remaining must be preserved, along with available records related to its adoption or amendment, unless it was destroyed or lost.

10.302.5 Zoning map interpretation

- A boundary shown following a street, highway, alley, right-of-way, trail, easement or watercourse is considered to follow the feature's centerline.
- A boundary shown roughly parallel to a street, highway, alley, right-of-way or other straight feature is considered as parallel. If the zoning map does not show a distance, map scale determines the boundary location.
- A boundary shown running to but not extending into a body of water is considered to run in a straight line until it intersects with another boundary or the city limits.
- A boundary shown following an approximate lot or municipal boundary line is considered as following the line.
- A boundary shown following a shoreline is considered to follow property lines along the shoreline, or the high water mark, whatever is more encompassing.
- Zoning map scale determines boundary location when a boundary is shown crossing a lot or parcel.
- Where a street, property line or other physical feature varies from the zoning map, or other uncertainties exist, City Council will fix the exact district boundary location.

10.303 Zoning districts

10.303.1 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

Residential districts

Residential zone prefixes:

- SF-R: residential / estate
- SF-1: residential / single household
- SF-2: residential / two to four households
- MF: residential / multiple household
- MH: residential / manufactured housing

10.303.2 SF-R residential: single household rural estate

The SF-R district applies to areas where the present or prospective land use is primarily agricultural, and to serve as a "holding zone" for areas where the future development is uncertain. Low density residential use (less than 4 units per acre net density) is permitted, along with traditional less intensive agricultural uses.

10.303.3 SF-1 residential: single household medium density

The SF-1 district is a setting for single household residential development of a medium density suburban or village character, with support facilities and services that are compatible with single household residences. Density must range from four to eight dwelling units per acre net density, depending on the context of the development.

10.303.4 SF-2 residential: two to four household

The SF-2 district is a setting for two household, three household and four household residential structures of a medium density, suburban and village character, along with support facilities and services that are compatible with residential areas. Density must range from eight to 14 dwelling units per acre net density, depending on the context of the development.

10.303.5 MF residential: multiple household

The MF district is a setting for development of multi-unit residential structures and developments, such as apartment and condominium complexes, garden and courtyard multifamily residential buildings, and residential loft buildings. Density must range from 14 to 20 dwelling units per acre net density, depending on the context of the development.

10.303.6 MH residential: manufactured home

The MH district is a setting for manufactured home parks with lots held under common ownership, and rented or leased to individual tenants.

Commercial districts

Commercial zone prefixes:

- B-1 Commercial: local/neighborhood
- B-2 Commercial: general

10.303.7 B-1 commercial: local/neighborhood

The B-1 district is a setting for low-intensity retail uses, offices and personal services intended to serve residents of the adjacent neighborhood. B-1 zoned land should only be grouped together at the intersections of busier non-local streets. Incremental creation of strip commercial districts is discouraged. Site and building design standards are intended to encourage high quality development, promote internal and external pedestrian connectivity, and prevent potential harm to residential districts.

10.303.8 B-2 commercial: general

The B-2 district is a setting for development of a wide range of retail uses, offices and personal and business services. B-2 zoned land should only be grouped together at the intersections of busy arterial streets. Incremental creation of strip commercial districts is discouraged. Site and building design standards are intended to encourage high quality development, promote internal and external pedestrian connectivity, and prevent potential harm to residential districts.

Industrial districts

Industrial zone prefixes:

- LI industrial: light industry
- I industrial: general industry

10.303.9 LI industrial: light industry

The LI district is composed of land and structures used primarily to provide space for commercial enterprises involved in research and development, light manufacturing, packaging, warehousing, distribution, and skilled mechanical trades. LI zoned land should be grouped together in large, contiguous areas, close to transportation facilities but with only minimal frontage on current and future major arterials, well separated from residential areas, in locations that are not ideal or suitable for residential or commercial use according to good planning practice. LI zoning should not be considered in areas where permitted uses would potentially interfere with the creation or dynamic of a vibrant retail area, or potentially create unattractive and dysfunctional strips dominated by mechanical commercial and borderline industrial uses.

10.303.10.1 I industrial: general industry

The I district exists to accommodate areas of high intensity land use primarily devoted to traditional industrial uses and vehicle repair facilities. I zoned land shall not be designated on tracts abutting residential neighborhoods or on tracts abutting designated arterial roadways or any future arterial roadways identified in the comprehensive plan.

Special purpose districts

Residential zone prefixes:

- PUD planned unit development
- FBC form based code
- OT old town
- REC recreation

10.303.11 PUD planned unit development**10.303.11.1 Intent**

The PUD district is a floating zone intended to encourage innovative planning and design techniques for development, when designation of a single use zoning district or application of standard zoning provisions are too rigid for practical application. A PUD district may accommodate development with mixed or varied uses, and/or allow some degree of flexibility in the application of standards and rules in this code to achieve superior results to development on sites with unusual topography, unique settings, or difficult or costly development problems. A PUD district is not intended to permit uses or development not keeping with the spirit of this code or any applicable plans, or avoid imposition of Unified Development Code standards rather than achieve the stated intent of a PUD. Form Based style development is preferable to planned unit developments.

10.303.11.2 District standards

- Designated PUD districts will have unique standards that are described in the adopting section for that district.
- Standards of this code will apply in every PUD district unless specifically superseded by the standards of the PUD district.
- PUDs cannot be used to circumvent Unified Development Code standards and permit substandard development, uses that are otherwise not permitted in the city (junkyards, high-rise pylon signs, etc),

or other types of development that do not conform with the spirit and intent of this code, or generally accepted good planning practice.

Procedures for application of planned unit developments are in Section 10.203.12

10.303.12 FBC Form Based Code

The Form Based Code Zoning District is intended for a continuum of development from the highest intensity mixed use development immediately adjacent to major transportation corridors to the lowest intensity residential neighborhoods and preserved agricultural land or open space. The Form Based Code Zoning District is intended to:

- Allow a mixture of complimentary land uses that *may* include a mix of housing, retail, offices, commercial services, and civic uses to create economic vitality; Provide a range of housing types within the neighborhoods to accommodate diverse ages and incomes;
- Develop mixed-use areas and residential neighborhoods that are safe, comfortable and attractive to pedestrians;
- Encourage development that preserves woodlands, farms, riparian corridors, and other environmentally sensitive areas; Provide and distribute a range of Open Space types including Parks, Squares, and pocket parks within neighborhoods and mixed use areas;
- Provide flexibility in the siting and design of new developments to anticipate changes in the local and regional market;
- Reinforce streets as public places that encourage pedestrian and bicycle travel;
- Provide an interconnected network of thoroughfares to disperse traffic and reduce a automobile trip lengths;
- Encourage efficient land use by facilitating compact development and minimizing the amount of land that is needed for surface parking;
- Provide appropriate locations and design standards for automobile- and truck-dependent uses; and
- Maintain mobility along major traffic corridors and state highways.

Transect zones are described in Section 10.1002.1 and include:

- T-1 Natural
- T-2 Rural
- T-3 Suburban
- T-4 General urban
- T-5 Urban center

Procedures for application for this district is in Section 10.203.7.

10.303.13 OT Old Town

Purpose and Intent

This district implements the 2009 Heart of Hutto Old Town Master Plan, as amended. This Master Plan provided the community with a unified vision for the redevelopment of Old Town which included the following goals:

- Preserve and maintain the resources which help define the historic character of Old Town Hutto;
- Maintain and enhance a vibrant and walkable Old Town which appropriately balances pedestrian, bike, and vehicular traffic;

- Provide a range of public open space that adds value to adjacent development and which is linked to and accessible from the Hutto street grid;
- Provide a vision that is economically and socially viable for the redevelopment and integration of the former Co-op Site into Old Town Hutto; and
- Develop a set of standards which responds to existing conditions in the city and provides a framework for the integration of new development into the existing fabric of the downtown.

Transect zones are described in Section 10.1003.1 and include:

- OT-3 Traditional neighborhood
- OT-4R Urban residential
- OT-4T Transition
- OT-5H Historic
- OT-5C Co-op
- SD-A Arterial

Procedures for application for this district is in Section 10.203.10.

10.303.14 REC recreation

10.303.14.1 Intent

The REC district is a floating zone that accommodates certain recreation and resort uses that take advantage of the land in its natural state, encourages large outdoor recreation uses that could not easily be provided in the already urbanized portions of the area, and permits limited commercial and service uses connected with some recreational activities. REC zoning should not be considered in areas where permitted uses would potentially interfere with the creation or dynamic of a vibrant retail area or industrial center, or be a potential nuisance to adjacent or planned residential areas.

Overlay districts

Residential zone prefixes:

- H Historic District overlay
- G Gateway overlay

10.303.15 H Historic District overlay

10.303.15.1 Intent

The H overlay district preserves structures, sites or neighborhoods with outstanding historical and cultural significance.

10.303.15.2 Designation of existing sites

Any existing designated historic landmark, site or district in the city when this code is adopted is designated as an H overlay. Special standards for existing sites will continue to apply to the H overlay.

10.303.15.3 District standards

- Being an overlay district, regulations for the underlying zoning districts remain in effect, except as otherwise provided.
- Regulations for a specific H overlay, as described in Section 10.703 of this Code, apply to properties or structures wholly included in that overlay, and portions of property located in the district.
- If there is a conflict between the overlay regulations and the underlying district, overlay regulations apply, even where the applicable regulation is not the higher standard.

- City Council findings for a specific H overlay define the scope of the city's interest in protecting the historic resource, and will provide guidelines used by the Historic Preservation Commission, along with applicable regulations, in considering whether to grant or deny a certificate of appropriateness.
- Each designated H overlay may have unique standards described in the adopting section for that overlay. Standards for underlying districts remain in effect unless replaced by the district-specific standards.

10.303.15.4 Maintenance

- Parties responsible for an improvement on a structure or lot in an H overlay must keep the following in good repair:
 - Exterior portions of the improvement and exterior portions of a structure in the overlay that may be affected by the improvement.
 - Interior portions of the improvement that, if not maintained, may cause or tend to cause their exterior portions to deteriorate, become damaged, or fall into disrepair.
 - Provisions of this section supplement other laws about property maintenance.

Procedures for application of the H overlay district are in Chapter 2 (Administration). Architectural and design standards in the H overlay are in Chapter 4 (Site design standards). Chapter 7 includes various provisions about historic preservation.

10.303.16 G Gateway overlay

10.303.16.1 Intent

The G Gateway Overlay district does the following:

- Coordinate with ongoing planning efforts for the Hutto Gateway and to further goals, policies and objectives outlined in the Comprehensive plan.
- Ensure the integrity of the ongoing planning process so public discourse can take place involving affected property owners and city residents while still ensuring individual development proposals are consistent with Comprehensive plan goals, policies and objectives.
- Ensure new development incorporates the following:
 - Pedestrian-friendly environment with wide sidewalks, tree-lined streets, active shopfronts, short blocks and variety of uses.
 - Variety of public gathering places such as squares and civic greens.
 - Naturally calmed streets, shaded by rows of trees that allow for on-street parking.
 - Streets and sidewalks that form a connected network, providing a variety of pedestrian and vehicular routes to any single destination in and out of the development.
 - Variety of compatible uses, allowing people the opportunity to live, work and play near one another, including, specifically, residential uses above ground floor commercial uses, as appropriate.
 - Opportunities for housing choice and variety, including attached and detached homes available for both rental and ownership.
 - Buildings placed close to the local or internal collector streets, oriented to the sidewalk and street front, providing easy access for pedestrian activity.
 - Building facades that create visual interest through horizontal and vertical articulation with windows, multiple entrances facing streets and sidewalks, and no blank walls.
 - Parking located to the rear or side of buildings.
 - Central Texas native landscaping and trees in parking areas and along bordering walkways.
 - Protection and enhancement of the natural features of the site, using them as the framework in creation of any site plans.
 - Internal principal ("main") street as part of the organization of development on the site.

- Development that does not turn its back on arterial streets, but instead focuses on taming the street edge with element such as slip roads, landscaping and pedestrian-oriented features.

10.303.16.2 Applicability

These standards apply to all applications for development approval in the Gateway Overlay District as designated in Attachment A to Ordinance 07-006-00 (incorporated by reference), except as expressly exempted.

10.303.16.3 Exemptions

These standards do not apply to the following:

- Change in use of an existing structure or expansion of an existing use that is lawfully permitted by the underlying zoning district.
- Use or development for which only a single-family residential building permit or certificate of occupancy is required.
- Single household dwelling on a lot recorded on or before the effective date of this overlay district.
- Rehabilitation of an existing building or structure that does not change the use or enlarge the building or structure.
- Permit or approval where a complete application was filed with the city before the effective date of this overlay district.
- Development sites less than ten (10) acres.

10.303.16.4 Annexation

After the effective date of this ordinance [ordinance adopted April 16, 2007], annexation and initial zoning of land in the area shown in Attachment A attached to Ordinance 07-006-00 (incorporated by reference) will be subject to the Gateway Overlay District.

10.303.16.5 Additional requirement

- All land developed in the Gateway Overlay District must explicitly incorporate the design principles stated in Section 10.303.16.1 either through a Planned Unit Development zoning or through a voluntary compliance to the standards and procedures in the FBC zoning district, unless specifically exempted.
- Adult oriented uses, travel plazas, truck stops, junkyards, and vehicle major repair facilities are expressly prohibited within the Gateway Overlay District.

10.304 Permitted uses**10.304.1 Applicability**

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

10.304.2 General standards**10.304.2.1 Indoor location**

All uses must be performed entirely inside a permanent structure conforming to this code and other applicable standards, unless otherwise stated.

10.304.2.2 Principal uses

Only one principal use is permitted on a lot, unless otherwise stated. This restriction does not apply to commercial and industrial centers and buildings planned for multiple users, such as shopping and commercial centers, office buildings, flex space buildings, or mixed use developments.

10.304.2.3 PUD uses

Permitted uses in the PUD district must conform to the approved PUD development plan.

10.304.3 Permitted use table abbreviations

Context	
P	Permitted use permitted by right, subject to performance standards for the use.
C	Permitted use: permitted by right, subject to conditions for the use in that zoning district.
S	Use considered subject to specific use permit review.
-	Not a permitted use.

10.304.4 Agricultural uses

Agricultural uses	Zoning district									Transect zones (for FBC Form Based Code and OT Old Town zoning districts)											
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A
Agricultural use	C	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-	-	-	-	-

10.304.5 Residential uses

Residential uses	Zoning district										Transect zones (for FBC Form Based Code and OT Old Town zoning districts)										
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A
Assisted living facility	-	-	-	S	-	-	-	-	-	-	-	-	-	S	S	-	-	S	-	-	-
Boarding and rooming house	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	S	-	-	-
Dwelling: live-work	-	-	-	S	-	S	-	-	-	-	-	-	-	P	P	S	P	P	P	P	P
Dwelling: accessory unit	S	S	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	-	-
Dwelling: manufactured	C	C	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling: multiple household	-	-	-	P	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P
Dwelling: single household attached (townhouse)	-	-	P	P	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P
Dwelling: single household detached	P	P	P	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	-	-
Dwelling: single household village	-	P	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-
Dwelling: single household zero lot line	-	P	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	-
Dwelling: two to four household	-	-	P	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-
Group home	C	C	C	C	C	-	-	-	-	-	C	C	C	C	-	C	C	C	-	-	-
Halfway house	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-
Independent living facility	-	-	-	P	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	S	S
Manufactured home park	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nursing home	-	-	-	S	-	S	P	-	-	-	-	-	-	-	S	-	-	-	-	S	S

10.304.6 Commercial and retail uses

Commercial and retail uses	Zoning district										Transect zones (for FBC Form Based Code and OT Old Town zoning districts)										
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SPA
Adult oriented use	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-
Bakery: retail	-	-	-	-	-	C	P	-	-	-	-	-	-	P	P	-	P	P	P	P	P
Bank	-	-	-	-	-	C	P	-	-	-	-	-	-	P	P	-	-	P	P	P	P
Campground, recreational vehicle park	-	-	-	-	-	-	-	-	-	S	P	P	-	-	-	-	-	-	-	-	-
Car wash	-	-	-	-	-	-	S	C	C	-	-	-	-	-	-	-	-	-	-	-	-
Club/lodge facility	-	-	-	-	-	C	P	-	-	-	-	-	-	-	P	-	-	P	P	P	P
Convenience store	-	-	-	-	-	C	P	-	-	-	-	-	-	P	P	-	-	S	P	P	P
Convenience store: with gasoline sales	-	-	-	-	-	S	P	-	-	-	-	-	-	-	S	-	-	-	-	-	S
Day care: child (1-6 children)	P	P	P	P	P	C	P	-	-	-	-	P	P	P	P	P	P	P	P	P	P
Day care: child (greater than 6 children)	S	S	S	S	S	C	P	-	-	-	-	-	S	C	C	-	-	C	C	C	P

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Chapter 3 Land Use Standards

§10.304 Permitted uses

Commercial and retail uses	Zoning district										Transect zones (for FBC Form Based Code and OT Old Town zoning districts)											
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A	
Day care: adult (1-4 persons)	S	S	S	-	-	Q	P	-	-	-	-	S	S	S	-	S	S	S	-	-	-	
Day care: adult (greater than 4 persons)	-	-	-	-	-	Q	P	-	-	-	-	-	-	-	S	-	-	-	-	S	S	
Day care: pet	-	-	-	-	-	S	P	P	-	S	-	-	-	-	S	-	-	-	-	-	S	
Day labor agency	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Entertainment facility, theater	-	-	-	-	-	-	P	-	-	-	-	-	-	-	P	-	-	-	P	P	P	
Farm product sales	C	C	C	C	C	C	C	-	-	-	C	C	C	C	C	C	C	C	C	C	C	
Food catering	-	-	-	-	-	Q	P	P	-	-	-	-	-	P	P	-	-	P	P	P	P	
Funeral home	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	S	
Gas station	-	-	-	-	-	S	P	-	-	-	-	-	-	-	-	-	-	-	-	-	S	
Grocery store	-	-	-	-	-	S	P	-	-	-	-	-	-	-	P	-	-	S	P	P	P	
Indoor recreation facility	-	-	-	-	-	S	P	S	-	-	-	-	-	-	S	-	-	-	-	S	P	
Instructional facility	-	-	-	-	-	Q	P	S	-	-	-	-	-	-	P	-	-	-	P	P	P	
Kennel	S	-	-	-	-	-	-	S	-	S	-	-	-	-	-	-	-	-	-	-	S	
Large item sales and rental: class 1	-	-	-	-	-	-	S	P	-	-	-	-	-	-	-	-	-	-	-	-	S	
Large item sales and rental: class 2	-	-	-	-	-	-	S	P	P	-	-	-	-	-	-	-	-	-	-	-	-	
Large item sales and rental: class 3	-	-	-	-	-	-	-	S	P	-	-	-	-	-	-	-	-	-	-	-	-	
Lodging establishment	-	-	-	-	-	S	P	-	-	S	-	-	-	-	P	-	-	-	P	P	P	
Lodging establishment: bed and breakfast	S	S	S	S	-	Q	P	-	-	S	-	S	S	S	S	S	S	P	P	P	P	
Manufactured home sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Nightclub	-	-	-	-	-	-	P	-	-	-	-	-	-	-	S	-	-	-	S	S	S	
Office: medical	-	-	-	-	-	Q	P	-	-	-	-	-	-	-	P	P	-	-	S	P	P	
Office: special medical	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Office: professional	-	-	-	-	-	Q	P	S	-	-	-	-	-	-	P	P	-	-	P	P	P	
Outdoor recreation facility	-	-	-	-	-	-	S	-	-	P	-	-	S	S	-	-	-	-	-	-	-	
Personal and business service shop	-	-	-	-	-	Q	P	-	-	-	-	-	-	-	P	P	-	-	P	P	P	
Print shop	-	-	-	-	-	Q	P	P	P	-	-	-	-	-	P	P	-	-	P	P	P	
Restaurant, bar	-	-	-	-	-	Q	P	-	-	S	-	-	-	-	S	P	-	-	S	C	P	
Retail store (no more than 5,000 sq. ft.)	-	-	-	-	-	Q	P	-	-	-	-	-	-	-	P	P	-	-	P	P	P	
Retail store (greater than 5,000 sq. ft.)	-	-	-	-	-	S	P	-	-	-	-	-	-	-	P	-	-	-	P	P	P	
Special services	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-	
Travel plaza, truck stop	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-	-	
Vehicle auction	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Veterinary clinic	-	-	-	-	-	Q	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P	

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10.304.7 Industrial uses

City of Hutto, Texas

Hutto

(amended: 08-2017) Unified Development Code

Industrial uses	Zoning district									Transect zones (for FBC Form Based Code and OT Old Town zoning districts)											
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A
General industrial use	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-	-
Heavy industrial use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Light industrial use	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-	S
Research laboratory	-	-	-	-	-	-	-	P	P	-	-	-	-	-	S	-	-	-	-	S	S
Self-storage facility	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	S
Trade use	-	-	-	-	-	C	C	P	P	-	-	-	-	-	-	-	-	-	-	-	S
Vehicle minor repair facility	-	-	-	-	C	C	C	P	P	-	-	-	-	-	-	-	-	-	-	-	S
Vehicle major repair facility	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	-	-	-	-	-	-
Vehicle storage facility	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-
Warehouse and distribution facility	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-	S

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10.304.8 Institutional and civic uses

Institutional and civic uses	Zoning district										Transect zones (for FBC Form Based Code and OT Old Town zoning districts)										
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A
Amenity center	C	C	C	C	C	C	C	-	-	C	C	C	C	C	P	-	-	P	P	P	P
Aquatic facility	P	P	P	P	P	C	P	P	P	P	P	P	P	P	S	-	-	-	-	S	P
Athletic facility	S	S	S	S	S	C	P	P	P	P	S	S	S	S	S	-	-	-	-	-	P
Cemetery	S	S	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-
Community facility	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	-	-	P	P	P	P
Golf course	S	S	S	S	S	-	-	-	-	S	-	S	-	-	-	-	-	-	-	-	-
Hospital	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park and ride lot (as principal use)	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	S
Place of worship or assembly	C	C	C	C	C	P	P	C	C	C	P	P	P	P	P	P	P	P	P	P	P
Public utility substation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
School: no more than 5 students	-	P	P	P	P	P	P	-	-	-	-	-	-	P	P	-	-	P	P	P	P
School: at least 6 students	-	S	S	S	S	S	S	-	-	-	-	-	S	S	P	-	-	S	S	P	P

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10.304.9 Temporary uses

Temporary uses	Zoning district										Transect zones (for FBC Form Based Code and OT Old Town zoning districts)										
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A
Construction equipment storage lot	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Construction field office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Garage sale	P	P	P	P	P	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-
Model home / lot sales	P	P	P	P	P	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-
Portable storage container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary building	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

10.304.10 Accessory uses

Accessory uses and structures are intended to allow property owners the full use of their property while maintaining the character of the surrounding area. Accessory uses and structures must be built and used only for purposes that are secondary and normal to the principal use of the property and must be placed on the same lot with the principal use.

Accessory uses	Zoning district										Transect zones (for FBC Form Based Code and OT Old Town zoning districts)										
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A
Antenna, radio hobbyist (no more than max hgt in district)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Antenna, radio hobbyist (greater than max hgt in district)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Antenna, non-residential use: no more than 15 ft. above roofline	-	-	-	-	-	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	C
Antenna, non-residential use: other	-	-	-	-	-	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	S
Wireless facility: attached	S	S	S	S	S	P	P	P	P	P	S	S	S	S	S	S	S	S	S	P	P
Wireless facility: concealed	S	S	S	S	S	P	P	P	P	P	S	S	S	S	P	S	S	S	S	P	P
Wireless facility: freestanding	-	-	-	-	-	-	S	S	S	S	-	-	-	-	-	-	-	-	-	-	S
Donation drop-off box	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	S
Drive through facility	-	-	-	-	-	S	P	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Home occupation	P	P	P	P	P	-	-	-	-	-	P	P	P	P	-	P	P	P	-	-	-
Residential accessory structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Satellite dish	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Swimming pool	P	P	P	P	P	P	P	S	-	P	P	P	P	P	P	P	P	P	P	P	P
Vending machine (outdoor)	-	-	-	-	-	P	P	P	P	P	-	-	-	-	P	-	-	-	-	P	P
Free-standing cisterns	S	S	S	S	S	P	P	P	P	P	S	S	S	S	P	S	S	S	P	P	P
Wind energy system	S	S	S	S	S	S	S	P	P	S	S	S	S	S	S	S	S	S	S	S	P

10.304.11 Applicability and Enforcement**10.304.11.1 Excluded uses**

If a use is not expressly permitted in a zoning district, it is prohibited. Uses prohibited in all zoning districts are not necessarily limited to uses described in this code as prohibited.

10.304.11.2 New and undefined uses

As commerce and technology evolve, new types of land uses will develop and forms of land use not anticipated may seek locations in the city. To provide for contingencies, Development Services staff will consider the appropriateness of an undefined use in a certain zoning district. Approval criteria include:

- Impacts of the use, including externalities and use of public services and infrastructure,
- The use is similar in nature and impact to a use listed and defined as a permitted use in that zoning district or PUD.
- The use is not similar in nature and impact to a use defined and listed as a prohibited use in that zoning district or PUD, or prohibited in the district but permitted in a different district.
- The use conforms to the intent of the zoning district and applicable plans.
- The interpretation does not lower the protection given to the public by this code.
- The use does not have the potential to create a dynamic that would harm the vitality or future development potential of surrounding commercial, industrial and residential areas.
- General interpretation standards in Section 10.209.

Performance standards and conditions for uses similar in nature and impact are also considered.

If Development Services staff finds the proposed land use is not appropriate for the district, the applicant may appeal the decision to the Zoning Board of Adjustment within 30 days of determination.

10.304.12 Nonconforming uses

Nonconforming uses are addressed in Section 10.206.

10.305 Agricultural uses**10.305.1 Applicability**

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

10.305.2 Agricultural use**10.305.2.1 Definition**

Agricultural use: husbandry and keeping of farm animals, crop production, horse stables and greenhouses, and other similar uses normally associated with agriculture.

10.305.2.2 Permitted locations

- Agricultural uses are permitted in the SF-R district by right.
- Agricultural uses are permitted in the T-1 and T-2 transect zones by right.

10.305.2.3 Conditions

Intensive agricultural uses are prohibited. This includes factory farming, hog farms, dairy farms, feed lots, slaughtering, manure and compost storage and processing, silage fermentation, and keeping more than two animal units (animal unit as defined by Texas Cooperative Extension) per acre of land dedicated to agricultural uses.

Small vegetable and fruit gardens are not considered "crop production", and are permitted in all zoning districts.

10.306 Residential uses

10.306.1 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

10.306.2 Assisted living facility

10.306.2.1 Definition

Assisted living facility: residential facility comprising of apartments set up to encourage independent living, while providing personal care services beyond those usually offered by an independent living facility. This includes assistance with meals, dressing, movement, bathing, or other personal needs or maintenance; the administration of medication by a licensed person or the assistance with or supervision of medication; or general supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence.

10.306.2.2 Permitted locations

- Assisted living facilities are considered subject to specific use permit review in the MF district.
- Assisted living facilities are considered subject to specific use permit review in the T-4, T-5, and OT-4T transect zones.

10.306.2.3 Conditions

Assisted living facilities must have direct access from a collector or higher street.

10.306.3 Boarding and rooming house

10.306.3.1 Definition

Boarding and rooming house: building used to accommodate, for compensation (money, services, and other things of value), four or more boarders or roomers, not including the occupant's immediate family members who may be occupying the building. Bed and breakfast inns are not considered boarding and rooming houses.

10.306.3.2 Permitted locations

Boarding and rooming houses are considered subject to specific use permit review in the T-4 and OT-4T transect zones.

10.306.4 Dwelling (general)**10.306.4.1 Definitions**

- *Dwelling*: building used only for year round residential occupancy and permitted accessory uses, including single household/family dwellings, two-to-four household/family dwellings and multi-unit/family dwellings. This term excludes hotels, motels, extended stay lodging, tents, vehicles, or other structures designed or used primarily for temporary occupancy. Any dwelling is considered a principal building.
- *Dwelling unit*: structure or part of a structure providing complete, independent living facilities for a household, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- *Household*: single person or group of persons living together in a single housing unit, sharing meals, housework, and household costs.

10.306.4.2 Conditions

- Short term rental. Rentals of residences for no more than 30 days are considered subject to the specific use permit review process. This provision does not prohibit home exchanges, where an owner trades their residence with that of another homeowner for a short time.
- Number of dwellings on a lot. Only one dwelling may be placed on a lot. A second dwelling may be placed on a lot, if it is an approved accessory dwelling unit (Section 10.306.5), or part of a development designed and approved for multiple residential buildings on one lot.

10.306.5 Dwelling, accessory unit**10.306.5.1 Definition**

Dwelling unit, accessory: secondary dwelling unit in conjunction with and subordinate to a main single household dwelling unit, whether a part of the same structure as the main dwelling unit or incorporated into a detached garage. Also known as a *mother-in-law apartment*.

10.306.5.2 Permitted locations

- Accessory dwelling units are permitted subject to specific use permit review in the SF-R and SF-1 districts.
- Accessory dwelling units are permitted by right in the T-1, T-2, T-3, T-4, OT-3, OT-4R, and OT-4T transect zones.

10.306.5.3 Conditions

- Only one accessory dwelling unit is permitted on a lot.
- Lot size for single household dwellings where an accessory dwelling unit may be added must be at least 7800 sq. ft.
- Accessory dwelling units must be attached to the rear of the main house, or incorporated into a detached garage without eliminating the garage's parking spaces. Complete conversion of a detached garage into an accessory dwelling unit is prohibited.
- Floor area for accessory dwelling units must be 400 sq. ft. – 800 sq. ft., or 400 sq. ft. – 33% of the total living area of the host structure, whatever is smaller.
- Accessory dwelling units must have a separate entrance from the outdoors, oriented to the side or rear of the lot if the unit is attached to the main house.
- Recreational vehicles, mobile homes, and shipping containers are prohibited as accessory dwelling units.

10.306.6 Dwelling, live-work**10.306.6.1 Definition**

Dwelling, live-work: dwelling where limited commercial use operated by a member of the household that lives in the unit is permitted.

10.306.6.2 Permitted locations

- Live-work dwellings are considered subject to specific use permit review in the MF and B-1 districts as well as the OT-3 transect zone.
- Live-work dwellings are permitted by right in the T-4, T-5, OT-4R, OT-4T, OT-5H, OT-5C, and SD-A transect zones.

10.306.6.3 Conditions

- Live-work designation applies to an entire multiple household development or a designated portion, not to individual units on a piecemeal basis.
- Commercial uses in live-work dwellings are limited to offices, studios, personal service establishments and home occupations.
- Commercial uses in a live-work dwelling may occupy no more than 50% of the ground floor area for an individual dwelling unit.
- Live-work designation when adjacent to Single-Family Residential (SF-1), the following conditions must be met:
 - Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
 - Signage
 - All signage must face the right-of-way, signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
 - Height
 - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties
 - Outdoor Lighting. All outdoor lighting must comply with the International Dark Skies Ordinance.

10.306.7 Dwelling, manufactured**10.306.7.1 Definition**

Dwelling, manufactured: transportable, single household dwelling unit built on a permanent chassis with attached undercarriage with springs, axles, wheels and hubs, suitable for year-round occupancy and incorporating the same water supply, waste disposal and electrical conveniences as a site built dwelling unit, and may or may not be attached to a permanent foundation.

10.306.7.2 Permitted locations

- Manufactured dwellings are permitted in the MH district, subject to design standards applicable to the MH zone in Chapter 4 (Site design standards).
- Manufactured dwellings are permitted in the SF-R, SF-1, SF-2, subject to design standards applicable to these districts in Chapter 4 (Site design standards).

10.306.8 Dwelling, multiple household

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10.306.8.1 Definition

Dwelling, multiple household: building with five or more separate dwelling units, sharing common walls and/or with units above and/or below others. Multiple household dwellings include townhouses and rowhouses (with five or more units), structures commonly known as apartment buildings or condominium buildings, garden apartment and condominium buildings, lofts, and adaptive reuse of larger structures such as former places of worship.

10.306.8.2 Permitted locations

- Multiple household dwellings are permitted by right in the MF district, subject to design standards in Chapter 4 (Site design standards).
- Multiple household dwellings are permitted by right in the T-4, T-5, OT-4R, OT-4T, OT-5H, OT-5C, and SD-A transect zones, subject to design standards in Chapter 5 (Site Design Standards – Special Purpose Districts).

10.306.8.3 Conditions

Developing a mix of housing types creates more housing choices for residents, and opportunities for more diversity in the community. Multiple household developments are encouraged to provide a range of housing types to promote a diverse community of mixed ages, family-types, and incomes.

10.306.9 Dwelling, single household attached

10.306.9.1 Definition

Dwelling, single household attached: dwelling unit with no units above, below or behind; but with one or two shared walls with other single household attached dwellings. Access is from a private entrance, and not a hall, stairway or balcony shared with other units. Single household attached dwellings include townhouses, row houses, and terraced houses.

10.306.9.2 Permitted locations

- Single household attached dwellings are permitted by right in the SF-2 and MF districts in developments approved for the dwelling type, subject to standards in Chapter 4 (Site design standards).
- Single household attached dwellings are permitted by right in the T-4, T-5, OT-4R, OT-4T, OT-5H, OT-5C, and SD-A transect zones in developments approved for the dwelling type, subject to standards in Chapter 5 (Site Design Standards – Special Purpose Districts).

10.306.10 Dwelling, single household detached

10.306.10.1 Definition

Dwelling, single household detached: building with a single dwelling unit not attached to another dwelling (except an approved accessory dwelling unit per Section 10.306.5) or building. Also called a single family house.

10.306.10.2 Permitted locations

- Single household detached dwellings are permitted by right in the SF-R, SF-1 and SF-2 districts in developments approved for the dwelling type, subject to standards in Chapter 4 (Site design standards).
- Single household detached dwellings are permitted by right in the T-1, T-2, T-3, T-4, OT-3, OT-4R, and OT-4T transect zones in developments approved for the dwelling type, subject to standards in Chapter 5 (Site Design Standards – Special Purpose Districts).

10.306.11 Dwelling, single household village

10.306.11.1 Definition

Dwelling, single household village: single household detached dwelling sited where the house is on a lot in a traditional village setting, in a development modeled on New Urbanism, traditional village or traditional neighborhood development principles.

10.306.11.2 Permitted locations

- Single household village detached dwellings are permitted by right in the SF-1 district in developments approved for the dwelling type, subject to standards in Chapter 4 (Site design standards).
- Single household village detached dwellings are permitted by right in the T-2, T-3, T-4, OT-3, OT-4R, and OT-4T transect zones in developments approved for the dwelling type, subject to standards in chapter 5 (Site Design Standards – Special Purpose Districts).

10.306.12 Dwelling, single household zero lot line

10.306.12.1 Definition

Dwelling, single household zero lot line: single household detached dwelling sited where one wall is on the property boundary, usually a side wall.

10.306.12.2 Permitted locations

- Single household zero lot line dwellings are permitted by right in the SF-1 district in developments approved for the dwelling type, subject to standards in Chapter 4 (Site design standards).
- Single household zero lot line dwellings are permitted by right in the T-3, T-4, OT-3, OT-4R, and OT-4T transect zones in districts approved for the dwelling type, subject to standards in chapter 5 (Site Design Standards – Special Purpose Districts).

10.306.13 Dwelling; two to four household

10.306.13.1 Definition

Dwelling, two to four household: building with two to four separate dwelling units, sharing common walls and/or with one or two household above one or two others. Two to four household dwellings include duplexes; triplexes or "threeplexes", quadplexes or "fourplexes", two-flats, semi-detached houses, and attached patio or "pinwheel" houses.

10.306.13.2 Permitted locations

- Two to four household dwellings are permitted by right in the SF-2 district in developments approved for the dwelling type.
- Two to four household dwellings are permitted by right in the T-4, T-5, OT-3, OT-4, and OT-5H transect zones in developments approved for the dwelling type.

10.306.14 Group home

10.306.14.1 Intent

Group homes are a necessary use serving a vital function in the community, but their concentration in certain areas can have a perceived adverse affect on an area. Careful review of proposed group homes is necessary to ensure they are compatible with the residential character of the surrounding area, and a welcome addition to the city.

10.306.14.2 Definition

Group home: residence operated as a single dwelling, licensed or operated by a governmental or non-profit agency, providing special care or rehabilitation due to homelessness, physical condition or illness, nonviolent mental condition or illness, elderly age, or social, behavioral or disciplinary problems, where authorized supervisory personnel are on the premises. Group homes do not include halfway houses,

where drug users, sex offenders, the dangerous mentally ill, or convicted felons are placed immediately after their release from a primary institution such as a prison, hospital or rehabilitation facility.

10.306.14.3 Permitted locations

- Group homes of up to six residents are permitted by right in the SF-R, SF-1, SF-2 and MH districts, subject to review and confirmation of spacing by Development Services staff.
- Group homes of up to six residents are permitted by right in the T-1, T-2, T-3, T-4 transect zones.
- Group homes of up to six residents may be permitted by minor modification in the OT-3, OT-4, and OT-4T transect zones.
- Group homes of no more than 15 residents are permitted by right in the MF district, subject to review and confirmation of spacing by Development Services staff.
- New group homes must be placed at least 750 ft. from other established group homes.

10.306.14.4 Conditions

- Appearance and residential character of the structure cannot be altered, either through use of colors, materials, construction (except provisions for the physically handicapped) and lighting; emission of sound, noise, vibration and electromagnetic interference; or outdoor storage.
- Signs identifying the property as a group home are prohibited.
- Safehouses and shelters for victims of domestic violence are exempt from review and spacing standards for group homes.

10.306.15 Halfway house

10.306.15.1 Intent

Halfway houses are a necessary use serving a vital function in the community, but their concentration in certain areas can have a perceived adverse affect on an area. Careful review of proposed halfway houses is necessary to ensure they are compatible with the residential character of the surrounding area, and the safety of nearby residents remains secure.

10.306.15.2 Definition

Halfway house: residence operated as a single dwelling, licensed or operated by a governmental or non-profit agency, where drug users, moderate and high risk (level 2 and 3) and civil commitment sex offenders, the dangerous mentally ill, or convicted felons are placed immediately after their release from a primary institution such as a prison, hospital or rehabilitation facility. Authorized supervisory personnel are on the premises. A halfway house allows the persons to begin reintegration with society, while still providing monitoring and support.

10.306.15.3 Permitted locations

- Halfway houses are considered subject to specific use permit review in the SF-R, SF-1, SF-2, MF and MH districts.
- Halfway houses are considered subject to specific use permit review in the OT-3, OT-4R, and OT-4T transect zones.
- New halfway houses must be placed at least 2,000 ft. from other established halfway houses, and at least 750 ft. from other established group homes.
- Halfway houses housing moderate and high risk (level 2 and 3) and civil commitment sex offenders are subject to the same spacing standards from schools, places of worship, and other landmarks as required for individual offenders under city, county and state law.

10.306.15.4 Conditions

- Appearance and residential character of the structure cannot be altered, either through use of colors, materials, construction (except provisions for the physically handicapped) and lighting; emission of sound, noise, vibration and electromagnetic interference; or outdoor storage.
- Signs identifying the property as a halfway house are prohibited.

10.306.16 Independent living facility

10.306.16.1 Definition

Independent living facility: residential facility comprising of apartments set up to encourage independent living, while certain services, such as meals, transportation, or limited assistance with daily living tasks are offered to residents. Assisted living facility residents are usually ambulatory and can feed themselves but they may need help with some activities of daily living.

10.306.16.2 Permitted locations

- Independent living facilities are permitted by right in the MF district.
- Independent living facilities are considered subject to specific use permit review in the T-5, OT-5C, and SD-A transect zones.

10.306.16.3 Conditions

Independent living facilities must have direct access from a collector or higher street.

10.306.17 Manufactured home park

Design standards for manufactured home parks are in Section 10.404.3.

10.306.17.1 Definition

Manufactured home park: improved parcels, under common management and usually under common ownership, having multiple manufactured home structures in the nature of a community or "manufactured home park", and all streets, service drives, and community areas such as yards and amenity centers.

10.306.17.2 Permitted locations

Manufactured home parks are considered subject to specific use permit review in the M-H district.

10.306.17.3 Conditions

- Permitted uses include one manufactured home on each approved space or lot, accessory buildings for use by the occupant of the structure on that lot, amenity centers, accessory buildings for use by the owner or manager of the manufactured home park, and one single household dwelling on a at least 6,000 sq. ft. lot for the owner's or manager's residence.
- Manufactured home parks must meet open space standards in Chapters 4 (site design standards) and 6 (subdivision standards). The development must include amenities and be designed only for the renting or leasing of manufactured home sites.
- Manufactured home parks cannot be converted to manufactured home subdivisions without first conforming to all subdivision standards, and rezoning from MH.
- A 6 ft. tall perimeter fence is required, conforming to fencing and screening standards in Section 10.408.

10.306.18 Nursing home

10.306.18.1 Definition

Nursing home: institution that operates or maintains facilities providing convalescent or chronic care, or both, for more than 24 consecutive hours for three or more patients not related by blood or marriage to the operator. Nursing homes do not include hospitals or other places that provide care and treatment for the acutely sick and maintain and operate facilities for major surgery.

10.306.18.2 Permitted locations

- Nursing homes are permitted by right in the B-2 district.
- Nursing homes are considered subject to specific use permit review in the MF and B-1 districts.
- Nursing homes are considered subject to specific use permit review in the T-5, OT-5C, and SD-A transect zones.

- 10.306.18.2 Conditions Nursing homes must have direct access from a collector or higher street. When adjacent to Single-Family Residential (SF-1), the following conditions must be met:

- o Landscape Buffer

- Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line

- o Signage

- All signage must face the right-of-way. signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.

- o Height

- All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.

- o Outdoor Lighting

- All outdoor lighting must comply with the International Dark Skies Ordinance.

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10.307 Commercial and retail uses

10.307.1 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town Zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

10.307.2 Adult oriented use

10.307.2.1 Intent

The right to possess and distribute sexually oriented materials such as pornography and sex toys; and the right to present and see sexually oriented entertainment such as erotic or nude dancing, is protected by the First Amendment of the United States Constitution. However, the clustering, inappropriate placement or inadequate regulation of adult uses can affect the mix of people and businesses attracted to an area, create a de facto "red light district" and an area where criminals can find easy prey, and harm the public health, safety and welfare.

Considering Hutto's geographical constraints, an adult oriented business would have a disproportionately large impact on the city, compared to a larger community with few geographical constraints for expansion, and a large supply of land ideal for commercial development.

These standards intend to:

- Regulate adult oriented uses to promote the health, safety, morals, and general welfare of the city.
- Protect the small city character of Hutto, and the potential to attract high quality commercial development that is not sexually oriented.
- Prevent the creation of an environment that would potentially affect the reputation and small city character of Hutto, and thus discourage residents and non-adult oriented businesses from locating in the city.
- Apply fair, uniform standards that allow sexually oriented businesses in locations where their presence will cause no detrimental secondary effects.

These standards are not intended to:

- Impose limitations or restrictions on the content of communicative materials, including sexually oriented materials.
- Restrict or deny access by adults to sexually oriented materials protected by the First Amendment.
- Deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- Condone or legitimize the presentation and distribution of sexually oriented entertainment and material.

10.307.2.2 Definitions

- *Adult oriented use*: business where the principal use, or a significant adjunct to another use of the property, is the offering or display of live entertainment, dancing or material distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to "specified sexual activities" or "specified anatomical areas" as the primary attraction to the premises. This includes, but is not limited to: adult book stores, adult novelty and gift shops, adult video rental, adult video and movie arcades, adult photo studios, adult cabaret (gentlemen's club, topless bar, strip joint, go-go club), nude modeling studios, adult hotels and motels (no-tell motels), and adult motion picture theaters.

This excludes uses that are technically illegal under local and state law, including but not limited to body rub salons and massage parlors and therapists offering massages of "specified anatomical areas" or "hand release," brothels and sexual encounter establishments, and escort agencies. Those uses have no constitutional protection, and are prohibited in the city.

- Specified anatomical areas includes:
 - Human genitals, pubic region, buttocks, anus, area between genitals and anus, or female breast below a point immediately above the top of the areola; or
 - Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- Specified sexual activities includes:
 - Fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - Masturbation, actual or simulated;

- Human genitals in a state of sexual stimulation, arousal or tumescence;
- Excretory functions as part of or with activities in this subsection.

10.307.2.3 Permitted locations

- Adult oriented uses are considered in the LI district subject to specific use permit review.
- Adult oriented uses must be at least 250 ft. from the boundary of any residential zone district (inside and outside the city), structure occupied as a residence, public park or playground, child day care center, place of worship or assembly, or school; and at least 2000 ft. from another adult oriented use.

10.307.2.4 Conditions

- Adult oriented uses must conform to site planning, architectural design, landscaping and signage rules that are applicable to other businesses in the underlying zoning and overlay district, regardless of tradition or the proprietor's preferences.
- Adult oriented uses may display only one sign, attached on the building exterior, with the establishment name only. Signs or displays depicting specified anatomical areas or specific sexual activities cannot be displayed on the building, or inside the building where they would be visible outside.
- Entries and windows must be placed or screened to prevent the interior from being viewed from outside the establishment.
- Improvements on the site, and any parts of the building, including signage, awnings, and other exterior embellishments, cannot be in fluorescent or high intensity colors.
- Adult oriented uses including viewing rooms of at least 150 sq. ft. of floor space for film or video display of specified sexual activities or specified anatomical areas must conform to the following standards:
 - A manager's station must have at least 32 sq. ft. of floor area.
 - Alteration in the configuration or location of a manager's station may be made only with an amendment to the specific use permit approval.
 - More than one employee is on duty and situated in each manager's station at times a patron is present inside the premise.
 - The interior of the premises must be configured so there is an unobstructed view from a manager's station of every area of the premises where any patron is permitted access for any purpose excluding restrooms. Restrooms cannot have video reproduction equipment. If the premises have two or more manager's stations designated, then the interior of the premises must be configured so there is an unobstructed view of each area of the premises where any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
 - The view area specified in the above subsection must be unobstructed by doors, walls, merchandise, display racks or other materials.
 - Only one person may occupy a viewing room at a time.
 - The premise must be equipped with overhead lighting fixtures that provide illumination of at least 10 lux as measured at the floor level to areas where patrons have permitted access. The illumination must be maintained during business hours.
- Exemption: a person appearing in a state of nudity in a modeling class operated by a proprietary school, licensed by the State of Texas; a college, junior college, or university supported entirely or partly by taxation; by a private college or university that maintains and operates educational programs where credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure with no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, to participate in a class a student must enroll at least three days in advance of the class; and where no more than one nude model is on the premises at any time.

10.307.3 Bakery, retail

10.307.3.1 Definition

Retail bakery: retail business where bread, pastries, cake, pies and similar baked goods are sold for consumption by the final customer at home, whether or not final baking occurs on-site. This term excludes a commercial bakery, where at least 50% of the goods produced on-site are sold off-site.

10.307.3.2 Permitted locations

- Retail bakeries are permitted by right in the ~~B-2~~ districts.
- Retail bakeries are permitted by right in the T-4, T-5, OT-4R, OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Retail bakeries are permitted with conditions in the B-1 district.

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10.307.3.3 Conditions

When adjacent to Single-Family Residential (SF-1), the following conditions must be met:

- o Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
- o Signage
 - All signage must face the right-of-way. signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
- o Height
 - All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties. Operating Hours
 - Hours are limited to 7am to 10pm, unless otherwise approved by specific use permit
- o Outdoor Lighting

All outdoor lighting must comply with the International Dark Skies Ordinance.

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Industrial or commercial bakeries are permitted in the LI and I districts.

10.307.4 Bank

10.307.4.1 Definition

Bank: headquarters or branch of a financial institution granted a charter under the Texas Department of Banking as a state-chartered bank, savings and loan, or credit union. This term excludes a check cashing or payday loan establishment, loan or mortgage broker, stockbroker or other financial institution without a state bank charter. An automatic teller machine is not considered a bank.

10.307.4.2 Permitted locations

- Banks are permitted by right in the ~~B-2~~ district.
- Banks are permitted by right in the T-4, T-5, OT-4T, OT-5H, OT-5C, SD-A.
- Banks are permitted with conditions in the B-1 district.

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10.307.4.3 Conditions

When adjacent to Single-Family Residential (SF-1), the following conditions must be met:

- o Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
- o Signage
 - All signage must face the right-of-way. signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.

- Height
 - All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.
- Operating Hours
 - Hours are limited to 7am to 10pm, unless otherwise approved by specific use permit
- Outdoor Lighting
 - All outdoor lighting must comply with the International Dark Skies Ordinance

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10.307.5 Campground, recreational vehicle park

10.307.5.1 Definition

Campground or recreational vehicle park: site intended for temporary living accommodation for recreational, camping and travel use including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

10.307.5.2 Permitted locations

- Campgrounds and recreational vehicle parks are permitted only by specific use permit in the REC district and should be limited to designated camping areas at public parks. Dry camping or using a parking lot for overnight camping or parking of commercial vehicles not related to a use or business on the site is prohibited.
- Campgrounds and recreational vehicle parks are permitted by right in the T-1 and T-2 transect zones.

10.307.6 Car wash

10.307.6.1 Definition

Car wash: facility where mechanical equipment is used for washing passenger vehicles.

10.307.6.2 Permitted locations

- Car washes are permitted by right in the LI and I districts.
- Car washes, either as the primary use of a site or as an accessory use to a gas station, are considered subject to specific use permit review in the B-2 district.

10.307.6.3 Conditions

- Structures or equipment related to cleaning vehicles (car wash bays, vacuums, vending machines) must be located at least 50 ft. from the boundary of any residential zoning district, places of residence such as nursing homes and extended care facilities, or lodging establishment. Vacuums cannot be located in the street yard.
- Washing facilities must occur under a roofed area with at least two walls.
- Car wash facilities next to residential zoning districts, places of residence such as nursing homes and extended care facilities, and lodging establishments:
 - Must be screened and buffered with masonry (stone, brick, decorative CMU, similar materials) walls to minimize impact on residential properties.
 - May operate only between 7:00 AM and 9:00 PM.
 - Cannot have loudspeakers or equipment that emits audible signals such as beeps, buzzers and bells that would be audible off the site.

10.307.7 Club/lodge facility

10.307.7.1 Definition

Club/lodge facility: site or structure with, as its primary use, an organization of persons for special purposes or for promulgation of sports, arts, literature, politics, civic service or other common goals,

interests or activities, characterized by membership qualifications, dues or regular meetings. Clubs and lodges do not include clubs operated for profit and/or places of worship or assembly.

10.307.7.2 Permitted locations

- Club/lodge facilities are permitted by right in the ~~B-2 district.~~
- ~~Club/lodge facilities are permitted by right in the T-5, OT-4T, OT-5H, OT-5C, and SD-A transect zones.~~
- ~~Club/lodge facilities are permitted with conditions in the B-1 district.~~

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10.307.7.3 Conditions

When adjacent to Single-Family Residential (SF-1), the following conditions must be met:

- o Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
- o Signage
 - All signage must face the right-of-way, signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
- o Height
 - All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.
- o Operating Hours
 - Hours are limited to 7am to 10pm, unless otherwise approved by specific use permit
- o Outdoor Lighting

All outdoor lighting must comply with the International Dark Skies Ordinance.

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10.307.8 Convenience store

10.307.8.1 Definition

Convenience store: retail store with no more than 5,000² GFA selling everyday goods and services that may include food products, groceries, over-the-counter drugs and sundries.

10.307.8.2 Permitted locations

- Convenience stores without gasoline sales are permitted by right in the ~~B-2 district.~~
- Convenience stores without gasoline sales are permitted by right in the T-4, T-5, OT-5H, OT-5C, and SD-A transect zones..
- Convenience store without gasoline sales are considered subject to specific use permit review in the OT-4T transect zone
- Convenience stores with gasoline sales are permitted by right in the B-2 district.
- Convenience stores with gasoline sales are considered subject to specific use permit review and with conditions in the B-1 district.
- Convenience stores with gasoline sales are considered subject to specific use permit review in the T-5, and SD-A transect zones.

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10.307.8.3 Conditions

Improvements related to gasoline sales must conform to applicable design standards applicable to gas stations.

When adjacent to Single-Family Residential (SF-1), the following conditions must be met:

- o Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or

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- Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
- Signage
 - All signage must face the right-of-way, signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
- Height
 - All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.
- Operating Hours
 - Hours are limited to 7am to 10pm, unless otherwise approved by specific use permit
- Outdoor Lighting
 - All outdoor lighting must comply with the International Dark Skies Ordinance

10.307.9 Day care: child**10.307.9.1 Definition**

Day care: child: facility maintained for all or part of a day for care of children younger than 16 years old that are not related to the owner, operator or manager, whether the facility is operated with or without compensation and with or without stated educational purposes. A child day care center includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, and summer camps.

10.307.9.2 Permitted locations

- Day care hosting up to six children less than 16 years old, including the proprietor's children, is permitted by right in the SF-R, SF-1, SF-2, MF, MH, B-1 and B-2 districts.
- Day care hosting up to six children less than 16 years old, including the proprietor's children, is permitted by right in the T-2, T-3, T-4, T-5, OT-3, OT-4R, OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Day care with more than six children may be appropriate in some residential areas, but the use requires special attention to find if it will adversely affect the surrounding area. Day care with more than six children at a residence is permitted by right within the B-1, B-2 districts as well as the SD-A transect zone (with appropriate state licensure), and shall be considered subject to specific use permit review in the SF-R, SF-1, SF-2, MF, and MH districts as well as the T-3 transect zone.

10.307.9.3 Conditions

- Day care facilities in the B-1 district must be no more than 2,500 sq. ft.
- Outdoor play areas must be enclosed by a fence 4 ft. – 6 ft. high.
- Day care facilities in the MF district may be located in a building separate from a dwelling unit, for residents of the development only.

10.307.10 Day care: adult**10.307.10.1 Definition**

Day care: adult: facility maintained for part of a day for care of adults unrelated to the owner, operator or manager.

10.307.10.2 Permitted locations

- Elderly day care centers are permitted by right in the B-1 and B-2 district.
- Elderly day care centers hosting up to four people are considered subject to specific use permit review in the SF-R, SF-1, and SF-2 districts.

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- Elderly day care centers hosting up to four people are considered subject to specific use permit review in the T-2, T-3, T-4, OT-3, OT-4R, and OT-4T transect zones.
- Elderly day care centers hosting greater than four people are considered subject to specific use in the T-5, OT-5C, and SD-A transect zones.

10.307.11 Day care: pet**10.307.11.1 Definition**

Day care: pet: facility where supervised groups of pets can socialize and play for all or part of a day. Secondary services at pet day care facilities may include obedience classes, training, grooming, behavioral training and/or overnight boarding.

10.307.11.2 Permitted locations

- Pet day care facilities are permitted by right in the B-2 and LI districts.
- Pet day care facilities are considered subject to specific use permit review in the B-1 and REC districts, and in B-2 and LI districts when adjacent to a residential district or area, lodging establishment, nursing home or assisted living facility.
- Pet day care facilities are considered subject to specific use permit review in the T-5 and SD-A transect zones.

10.307.11.3 Conditions

- Buildings used for pet day care and boarding services must be completely enclosed and soundproof.
- Outdoor play yards must be at least 100 ft. from a residential zone district, and must be completely screened by a solid screening material 6 ft. – 8 ft. high.
- Potentially offensive odors cannot be detectable off the site.

10.307.12 Day labor agency**10.307.12.1 Intent**

Day labor agencies provide an essential service to unskilled or economically disadvantaged people seeking employment, and to businesses that need labor at a short notice for limited assignments. However, the presence of a day labor agency can affect the mix of people and businesses attracted to an area, warding off medium to high-end businesses that are essential to create and maintain a vibrant commercial area.

Considering Hutto's geographical constraints, a day labor center would have a disproportionately large impact on the city, compared to a larger community with few geographical constraints for expansion, and a large supply of land ideal for commercial development.

10.307.12.2 Definition

Day labor agency: agency providing short-term temporary labor services (work done where the worker is hired and paid one day at a time, with no promise that more work will be available in the future) for agricultural, construction, maintenance, landscaping, food service or industrial trades; or other physically intensive work.

10.307.12.3 Permitted locations

Day labor agencies are prohibited in all zoning districts.

10.307.13 Entertainment facility, theater**10.307.13.1 Definition**

Entertainment facility or theater: building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.

10.307.13.2 Permitted locations

- Entertainment facilities and theaters are permitted by right in the B-2 district.
- Entertainment facilities and theaters are permitted by right in the T-5, OT-5H, OT-5C, and SD-A transect zones.

10.307.14 Farm product sales

10.307.14.1 Definition

Farm product sales: outdoor activity involving sale of food or plant products grown on the premises, if the activity is in an agricultural zoning district; or customarily involving growers from throughout a region selling food or plant products they have grown, if the activity is in another zoning district where the use is permitted.

10.307.14.2 Permitted locations and duration

- Farm product sales of food or plant products grown on the premises are permitted by right in a "roadside stand" environment at legitimate farms in the SF-R district.
- Farm product sales in a "farmer's market" environment is permitted by right at places of worship, schools and community facilities in the SF-R, SF-1, SF-2, MF, MH, B-1 and B-2 districts and all transect zones for no more than 14 days a year.
- Farm product sales at a farmer's market is permitted by right in the B-1 and B-2 districts.
- Farm product sales at a farmer's market is permitted as an accessory use only in OT-5C.

10.307.15 Food catering

10.307.15.1 Definition

Food catering: business where the principal use is the preparation of food and meals on the premises that are delivered to another location for consumption.

10.307.15.2 Permitted locations

- Food catering is permitted by right in the B-2 and LI districts.
- Food catering is permitted by right in the T-4, T-5, OT-4T, OT-5H, OT-5C, and SD-A transect zones.

Food catering is permitted with conditions in the B-1 district.

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10.307.15.3 Conditions

When adjacent to Single-Family Residential (SF-1), the following conditions must be met:

- Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
- Signage
 - All signage must face the right-of-way, signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
- Height
 - All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.
- Operating Hours
 - Hours are limited to 7am to 10pm, unless otherwise approved by specific use permit
- Outdoor Lighting

All outdoor lighting must comply with the International Dark Skies Ordinance.

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10.307.16 Funeral home

10.307.16.1 Definition

Funeral home: building used for preparing the deceased for burial or cremation, displaying the deceased and/or related ceremonies or services related, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies.

10.307.16.2 Permitted locations

- Funeral homes are permitted by right in the B-2 district.
- Funeral homes are considered subject to specific use permit review in the SD-A transect zone.

10.307.17 Gas station

10.307.17.1 Definitions

Gas station: facility where gasoline or other petroleum products or fuels are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning may be conducted. A gas station may include co-branded uses such as a convenience store, fast food restaurant, and/or where permitted, a car wash. The term excludes truck stops and travel plazas; or facilities where heavy maintenance activities such as engine overhaul, painting and collision work are conducted.

10.307.17.2 Permitted locations

- Gas stations are permitted by right in the B-2 district.
- Gas stations are considered subject to specific use permit review and conditions in the B-1 district.
- Gas stations are considered subject to specific use permit review in the SD-A transect zone.

10.307.17.3 Conditions

When adjacent to Single-Family Residential (SF-1), the following conditions must be met:

- Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
- Signage
 - All signage must face the right-of-way, signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
- Height
 - All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.
- Operating Hours
 - Hours are limited to 7am to 10pm, unless otherwise approved by specific use permit
- Outdoor Lighting
 - All outdoor lighting must comply with the International Dark Skies Ordinance

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10.307.18 Grocery store

10.307.18.1 Definition

Grocery store: retail business with greater than 5,000 sq. ft. GFA primarily selling food and other convenience and household goods.

10.307.18.2 Permitted locations

- Grocery stores are permitted by right in the B-2 district.
- Grocery stores are permitted by right in the T-5, OT-5H, OT-5C, and SD-A transect zones.
- Grocery stores are considered subject to specific use permit review and conditions in the B-1 district.
- Grocery stores are considered subject to specific use permit review in the OT-4T transect zone.

10.307.18.3 Conditions

Improvements related to gasoline sales must conform to applicable design standards applicable to gas stations.

When adjacent to Single-Family Residential (SF-1), the following conditions must be met:

- Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
- Signage
 - All signage must face the right-of-way, signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
- Height
 - All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.
- Operating Hours
 - Hours are limited to 7am to 10pm, unless otherwise approved by specific use permit
- Outdoor Lighting
 - All outdoor lighting must comply with the International Dark Skies Ordinance

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10.307.19 Indoor recreation facility

10.307.19.1 Definition

Indoor recreation facility: establishment providing facilities for guests for exercise, relaxation, amusement or sport, and amenities that are secondary to the recreational use, housed inside a structure. The term includes gymnasiums, health clubs, bowling alleys, pool halls, video arcades, shooting ranges, and related recreational uses. This term excludes facilities used by or under direct supervision and control of licensed medical personnel placed in a medical facility, facilities in athletic departments of schools, facilities of professional sports teams, and amenity and community centers.

10.307.19.2 Permitted locations

- Indoor recreation facilities are permitted by right in the B-2 district.
- Indoor recreation facilities are permitted by right in the SD-A transect zones.
- Indoor recreation facilities are considered subject to specific use permit review in the LI district.
- Indoor recreation facilities are considered subject to specific use permit review in the T-5 and OT-5C transect zones.
- Indoor recreation facilities are considered subject to specific use permit review and conditions in the B-1 district.

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10.307.19.3 Conditions

When adjacent to Single-Family Residential (SF-1), the following conditions must be met:

- o Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
- o Signage
 - All signage must face the right-of-way, signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
- o Height
 - All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.
- o Operating Hours
 - Hours are limited to 7am to 10pm, unless otherwise approved by specific use permit
- o Outdoor Lighting

All outdoor lighting must comply with the International Dark Skies Ordinance.

10.307.20 Instructional facility

10.307.20.1 Definition

Instructional facility: establishment offering specialized instruction in subjects such as a trade, martial arts, visual and performing arts, sports, athletics, or business.

10.307.20.2 Permitted locations

- Instructional facilities are permitted by right in the B-2 district.
- Instructional facilities are permitted by right in the T-5, OT-5H, OT-5C, and SD-A transect zone.
- Instructional facilities are considered subject to special use permit review in the LI district.
- Instructional facilities are considered subject to conditions in the B-1 district.

10.307.20.3 Conditions

When adjacent to Single-Family Residential (SF-1), the following conditions must be met:

- o Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
- o Signage
 - All signage must face the right-of-way, signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
- o Height
 - All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.
- o Operating Hours
 - Hours are limited to 7am to 10pm, unless otherwise approved by specific use permit
- o Outdoor Lighting

All outdoor lighting must comply with the International Dark Skies Ordinance.

10.307.21 Kennel

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10.307.21.1 Definition

Kennel: facility where the overnight boarding of dogs, cats or other household pets is conducted as a business or legitimate animal rescue operation. Kennels may also incorporate pet day care uses, facilities for dog training, and facilities for events such as conformation shows and agility competition.

10.307.21.2 Permitted locations

Kennels are considered subject to specific use permit review in the SF-R, REC, and LI districts as well as the SD-A transect zone. Keeping a large number of pets will require special attention to find if they will have an adverse affect on the surrounding area, and the pets are kept in a humane environment.

10.307.21.3 Conditions

- Animals must be kept in a clean, safe and humane environment.
- Boarding and activity areas must be located where they will have minimal impact on nearby residential areas.
- Noise and odor cannot be more significant than what would be expected for a normal resident with a companion animal.
- Puppy mills and cat mills, where pets are bred in large numbers solely for profit, are prohibited.

The following rules for "Large item sales and rental" (Class 1, 2 and 3) apply to retail businesses that tend to store most of their inventory outdoors.

10.307.22 Large item sales and rental: class 1

10.307.22.1 Definition

Class 1 large item sales and rental: use of a building, land area or other premises for display and sale, lease or rental of any of the following:

- Vehicles with a gross vehicle weight of <7,500 pounds that are intended for sale to the general consumer market. This includes automobiles, vans, light trucks, and sport utility vehicles.
- Golf carts, neighborhood electric vehicles (NEVs), and similar vehicles.
- Motorcycles and dirt bikes.
- Personal watercraft, kayaks, canoes and rowboats.
- Small off-road vehicles, including all terrain vehicles, dune buggies, and four-wheelers.
- Automobile, truck and motorcycle parts, accessories and aftermarket items (stores specializing in the sales of those items).

10.307.22.2 Permitted locations

- Class 1 large item sales and rental uses are permitted by right in the LI district.
- Class 1 large item sales and rental uses are considered subject to specific use permit review in the B-2 district.
- Class 1 large item sales and rental uses are considered subject to specific use permit review in the SD-A transect zones.
- Outdoor storage of inventory, and repair work or other repair service conducted as an accessory use is considered subject to the site plan review process.
- The unattended display of large items for sale in the public right-of-way, undeveloped parcels, or other private property not approved for large item sales and rental, is prohibited in any district.

10.307.22.3 Conditions

Outdoor storage of class 1 large items is subject to general performance standards for outdoor storage and display.

Unified Development Code design standards and special design standards apply to large item sales establishments. See Chapter 4 (Site design standards).

10.307.23 Large item sales and rental: class 2**10.307.23.1 Definition**

Class 2 large item sales and rental: use of a building, land area or other premises for display and sale, lease or rental of any of the following:

- Boats.
- Home spas and hot tubs (except indoor sales/display).
- Bulk lumber and bricks, in a screened storage area.
- Landscaping materials, in a screened storage area.
- Small portable buildings, sheds, garages, gazebos, decks, and other pre-fabricated structures (not manufactured homes and pre-fabricated metal buildings), as an incidental accessory use.
- Pottery, statues, fountains and similar items, displayed or stored outdoors.
- Accessories related to the above items.

10.307.23.2 Permitted locations

- Class 2 large item sales and rental uses are permitted by right in the LI and I districts.
- Class 2 large item sales and rental uses are considered subject to specific use permit review in the B-2 district.
- Outdoor storage of inventory, and repair work or other repair service conducted as an accessory use is considered subject to the site plan review process.
- The unattended display of large items for sale in the public right-of-way, undeveloped parcels, or other private property not approved for large item sales and rental, is prohibited in all zoning districts.

10.307.23.3 Conditions

Outdoor storage of class 2 large items is subject to general performance standards for outdoor storage and display.

Special design standards apply to large item sales establishments. See Chapter 4 (Site design standards).

10.307.24 Large item sales and rental: class 3**10.307.24.1 Definition**

Class 3 large item sales and rental: use of a building, land area or other premises for display and sale, lease or rental of any of the following:

- Large vehicles with a gross vehicle weight of at least 7,500 pounds, that require a commercial driver license (CDL) to operate, or are generally not intended for sale to the general consumer market. This includes flatbed and workbed trucks, buses, tractor trailers, dump trucks, yard trucks, and similar vehicles.
- Trailers, tow dollies, and all equipment or machinery designed to be towed by a vehicle.
- Moving vans, trucks and trailers.
- Construction, land clearing, hauling, earth moving, drilling, aerial lift, and similar heavy equipment.
- Forklifts, bobcats, trenchers, and similar items.
- Air compressors, generators, mobile pumps, and similar items.
- Farming, agricultural and arborist equipment.
- Recreational vehicles, including motor homes, motor coaches, converted buses, travel trailers, fifth wheels, fold down trailers, camper trailers, and similar items.
- Truck caps, lids, campers, camper shells, cargo extensions, cargo covers, tonneau covers, plows, racks, bed liners, and similar items.
- Small portable buildings, sheds, garages, gazebos, decks, and other pre-fabricated structures (not manufactured homes).
- Prefabricated and above-ground swimming pools.

- Bulk mulch, wood chips, soil, fill dirt, peat, gravel, rocks, sand and similar items.
- Bulk construction materials.
- Scaffolding.
- Pallets.
- Accessories related to the above items.

10.307.24.2 Permitted locations

- Class 3 large item sales and rental uses are permitted by right in the I district, and considered subject to specific use permit review in the LI district.
- Outdoor storage of inventory, and repair work or other repair service conducted as an accessory use, is considered subject to the site plan review process.
- Unattended display of large items for sale in the public right-of-way, undeveloped parcels, or other private property not approved for large item sales and rental, is prohibited in all zoning districts.

10.307.24.3 Conditions

- Outdoor storage of class 3 large items is subject to general performance standards for outdoor storage and display.
- Class 3 items must be presented and stored in a way that minimizes their visual impact. Extending vertical elements on lifts, cranes, telehandlers, truck mounted cement pumps and other equipment must be kept lowered.

Special design standards apply to large item sales establishments. See Chapter 4 (Site design standards).

10.307.25 Lodging establishment

10.307.25.1 Definition

Lodging establishment: hotel, motel, extended stay hotel, guest house or other facility providing transient accommodations to the public. Accessory uses may include meeting and banquet rooms, restaurants, bars, swimming pools, workout rooms, and other amenities typically found at hotels and motels.

10.307.25.2 Permitted locations

- Lodging establishments are permitted by right in the B-2 district.
- Lodging establishments are permitted by right in the T-5, OT-5H, OT-5C, and SD-A transect zones.
- Lodging establishments are considered subject to specific use permit review, REC district.
- Lodging establishments are considered subject to specific use permit review and conditions in the B-1 district.

10.307.25.3 Conditions

- Lodging establishments are not intended for hourly or long term residence. Guests may stay no more than 60 consecutive days, and cannot stay on the premises for at least 50% of a one year period.
- A room cannot be rented out more than once in a 24 hour period. When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
 - Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
 - Signage
 - All signage must face the right-of-way, signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
 - Height

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- All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.
- Operating Hours
 - Hours are limited to 7am to 10pm , unless otherwise approved by specific use permit
- Outdoor Lighting
 - All outdoor lighting must comply with the International Dark Skies Ordinance

Although bed and breakfast inns provide lodging, they are regulated differently than other lodging establishments because of their residential character.

10.307.26 Lodging establishment: bed and breakfast inn

10.307.26.1 Definition

Bed and breakfast inn: owner occupied single household residence used as a lodging establishment.

10.307.26.2 Permitted locations

- Bed and breakfast inns are permitted by right in the B-2 district,
- Bed and breakfast inns are permitted by right in the OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Bed and breakfast inns are considered subject to specific use permit review in the SF-R, SF-1, SF2, REC and MF districts.
- Bed and breakfast inns are considered subject to specific use permit review in the T-2, T-3, T-4, T-5, OT-3, and OT-4R transect zones.
- Bed and breakfast inns are considered subject to conditions in the B-1 district.

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10.307.26.3 Conditions

- Bed and breakfast inns are not intended for long term residence. Guests may stay no more than thirty consecutive days, and cannot stay on the premises at least 20% of a one year period.
- Six or fewer rooms at bed and breakfast inns may be rented out for overnight accommodation.
- One or two people that do not live at the home may be employed at the bed and breakfast inn.
- Food service at bed and breakfast inns is limited to breakfast, brunch and lunch for paying guests only. Provisions for food preparation such as cooktops are prohibited in guest rooms.
- The time and frequency of receptions, private parties and similar events at bed and breakfast inns are considered in the specific use permit review process, based on the inn's location and size.
- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
 - Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
 - Signage
 - All signage must face the right-of-way, signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
 - Height
 - All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.
 - Operating Hours
 - Hours are limited to 7am to 10pm , unless otherwise approved by specific use permit
 - Outdoor Lighting

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10.307.27 Manufactured home sales

10.307.27.1 Definition

Manufactured home sales establishment: commercial use where manufactured housing is bought, sold or traded, and assembled or disassembled manufactured homes are kept on the site for sale or display.

10.307.27.2 Permitted locations

Manufactured home sales establishments are prohibited in all zoning districts.

10.307.28 Nightclub

10.307.28.1 Definition

Nightclub: bar or tavern where a stage or live performance area at least 100 sq. ft., and/or a dance floor is a prominent feature.

10.307.28.2 Permitted locations

- Nightclubs are considered subject to specific use permit review in the B-2 district.
- Nightclubs are considered subject to specific use permit review in the T-5, OT-5H, OT-5C, and SD-A transect zones.

10.307.29 Office: medical

10.307.29.1 Definition

Office, medical: clinic or office whose primary occupant is one or more licensed practitioners offering medical, dental, optical, chiropractic, naturopathic, psychological, psychiatric or physical rehabilitation services to patients on the premises. Medical office uses include urgent care clinics, but not emergency medical services.

10.307.29.2 Permitted locations

- Medical offices are permitted by right in the B-2 district.
- Medical offices are permitted by right in the T-4, T-5, OT-5H, OT-5C, and SD-A transect zones.
- Medical offices are considered subject to specific use permit review in the OT-4T transect zones.

Medical offices are considered subject to conditions in the B-1 district.

10.307.29.3 Conditions

- Medical offices are not hospitals, and are not intended for emergency medical services, inpatient treatment and overnight stay.
- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
 - Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
 - Signage
 - All signage must face the right-of-way, signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
 - Height
 - All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.
 - Operating Hours

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- Hours are limited to 7am to 10pm, unless otherwise approved by specific use permit
- Outdoor Lighting
 - All outdoor lighting must comply with the International Dark Skies Ordinance

10.307.30 Office: professional**10.307.30.1 Definition**

Office, professional: office for professionals such as lawyers, architects, engineers, designers, real estate brokers, insurance salespeople, accountants, or others qualified to provide professional services. This term excludes storage or sale of merchandise or medical offices.

10.307.30.2 Permitted locations

- Professional offices are permitted by right in the B-2 district.
- Professional offices are permitted by right in the T-4, T-5, OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Professional offices as a primary use are considered subject to specific use permit review in the LI district.
- Professional offices are considered subject to conditions in the B-1 district.
- Professional offices are permitted by right only as an accessory use to a permitted industrial use in the LI district. Offices may comprise no more than 20% of the gross floor area occupied by the host use.

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10.307.30.3 Conditions

- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
 - Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
 - Signage
 - All signage must face the right-of-way. signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
 - Height
 - All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.
 - Operating Hours
 - Hours are limited to 7am to 10pm, unless otherwise approved by specific use permit
 - Outdoor Lighting

All outdoor lighting must comply with the International Dark Skies Ordinance.

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10.307.31 Office: special medical**10.307.31.1 Definition**

Office, special medical: clinic or office specializing in any of the following services:

- Substance abuse and dependency treatment and rehabilitation.
- Maintenance treatment using methadone or similar drugs.
- Opiate detoxification.
- Commercial blood or plasma collection.

10.307.31.2 Permitted locations

Special medical offices are considered subject to specific use permit review in the B-2 district only. They must be placed at least 500 ft. from residential zoning districts, and at least 1000 ft. from other special medical offices.

10.307.31.3 Conditions

Medical offices are not hospitals, and are not intended for emergency medical services, inpatient treatment and overnight stay.

10.307.32 Outdoor recreation facility

10.307.32.1 Definition

Outdoor recreation facility: establishment providing facilities for guests for exercise, relaxation, amusement or sport, and amenities that are secondary to the recreational use, housed mostly outside of a structure. The term includes miniature golf courses, go-cart tracks, batting cages, bumper boats, and related recreational uses. Outdoor recreation facilities are not amusement parks. This term excludes facilities in athletic departments of schools, facilities of professional sports teams, public parks and playgrounds, and amenity and community centers.

10.307.32.2 Permitted locations

- Outdoor recreation facilities are permitted by right in the REC district.
- Outdoor recreation facilities are considered subject to specific use permit review in the B-2 district.
- Outdoor recreation facilities are considered subject to specific use permit review in the T-3 and T-4 transect zones.

10.307.32.3 Conditions

- Improvements or activity areas must be located at least 100 ft. from the boundary of any residential zoning district or lodging establishment.
- Outdoor recreation facilities next to residential zoning districts, places of residence such as nursing homes and extended care facilities, and lodging establishments:
 - Must be screened and buffered with masonry (stone, brick, decorative CMU, similar materials) walls to minimize their impact.
 - May operate only between 9:00 AM and 9:00 PM.
 - Cannot have loudspeakers or equipment that emits audible signals such as beeps, buzzers and bells that would be audible off the site.

10.307.33 Personal or business service shop

10.307.33.1 Definition

Personal or business service shop: shop primarily engaged in providing services generally involving care of a person's apparel or appearance, or rendering services to business establishments. Businesses typical of personal and business service uses include dry cleaning retail outlets, photographic studios, beauty or barber shops, employment services (excluding day labor), dog grooming shops, and copy shops.

10.307.33.2 Permitted locations

- Personal or business service shops are permitted by right in the B-2 district.
- Personal or business service shops are permitted by right in the T-4, T-5, OT-4T, OT-5H, OT-5C, and SD-A transect zones.

Personal or business service shops are permitted with conditions in the B-1 district.

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10.307.33.3 Conditions

- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
 - Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
 - Signage
 - All signage must face the right-of-way, signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
 - Height
 - All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.
 - Operating Hours
 - Hours are limited to 7am to 10pm, unless otherwise approved by specific use permit
 - Outdoor Lighting
 - All outdoor lighting must comply with the International Dark Skies Ordinance

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10.307.34 Print shop

10.307.34.1 Definition

Print shop: use where the principal business is duplicating and printing services using photocopy, blueprint or offset printing equipment, and may include the collating of booklets and reports.

10.307.34.2 Permitted locations

- Print shops are permitted by right in the B-1, B-2, LI, and I districts.
- Print shops are permitted by right in the T-4, T-5, OT-4T, OT-5H, OT-5C, and SD-A transect zones.

10.307.35 Restaurant, bar

10.307.35.1 Definitions

- *Restaurant:* establishment selling food and beverages to customers in a ready-to-consume state.
- *Bar:* establishment dispensing alcoholic beverages for on site consumption, where food service is secondary.

10.307.35.2 Permitted locations

- Restaurants and bars are permitted by right in the ~~B-2 district~~ and by specific use permit in the REC district.
- Restaurants and bars are permitted by right in the T-5 and OT-5C transect zones.
- Restaurants and bars are considered subject to specific use permit review in the T-4, OT-4T, and SD-A transect zones.
- If property in OT-5H fronts two arterial roadways, restaurants with drive-through are considered subject to minor modification.
- Restaurants and bars are permitted with conditions in the B-1 district.

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10.307.35.3 Conditions

- Fermented malt beverages may be produced for consumption on the premises, and limited distribution off the premises, as an accessory use (brewpubs, picobreweries). Brewing capacity may be no more than 1500 gallons per week.

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- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
 - Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
 - Signage
 - All signage must face the right-of-way, signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
 - Height
 - All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.
 - Operating Hours
 - Hours are limited to 7am to 10pm, unless otherwise approved by specific use permit
 - Outdoor Lighting
 - All outdoor lighting must comply with the International Dark Skies Ordinance

10.307.36 Retail store

10.307.36.1 Definition

Retail store: establishment where at least 60% of the gross floor area is devoted to the sale or rental of goods or merchandise to the public for personal or household consumption or to services incidental to their sale or rental.

10.307.36.2 Permitted locations

- Retail stores no more than 5,000 sq. ft. are permitted by right in the B-2 district.
- Retail stores no more than 5,000 sq. ft. are permitted by right in the T-3, T-4, OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Retail stores greater than 5,000 sq. ft. are permitted by right in the B-2 district.
- Retail stores greater than 5,000 sq. ft. are permitted by right in the T-5, OT-5H, OT-5C, and SD-A transect zones.
- Retail stores greater than 5,000 sq. ft. are considered subject to specific use permit review in the B-1 district.
- Retail stores are permitted with conditions in the B-1 district.

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10.307.36.3 Conditions

- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
 - Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
 - Signage
 - All signage must face the right-of-way, signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
 - Height
 - All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.
 - Operating Hours
 - Hours are limited to 7am to 10pm, unless otherwise approved by specific use permit
 - Outdoor Lighting

- [All outdoor lighting must comply with the International Dark Skies Ordinance](#)

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10.307.37 Special services

10.307.37.1 Definition

- *Special services*: check-cashing and personal loan services, pawn shops, rent-to-own establishments as defined in Section 371.003 of the Texas Financial Code, as amended.

10.307.37.2 Permitted locations

Special service establishments are permitted by right in the LI and I districts.

10.307.38 Travel plaza, truck stop

10.307.38.1 Intent

Travel plazas serve an essential role in America's well developed transportation network. However, modern travel plazas are designed and operated in a way that is incompatible with Hutto's design regulations, desired character and long-term planning goals. Externalities generated by travel plazas cause major disruption to the area around them, even when carefully regulated and buffered. Towering high-rise pylon signs, an undesirable blight and an unwanted intrusion into a shared visual landscape, are trademarks of travel plazas. Bright lights mounted on tall poles illuminate acres of paved parking, with little or no landscaping, for idling "big rigs." The daily traffic and noise from hundreds of large trucks will be added to the already intense traffic on US 79 and other major arterials. Travel plazas also tend to attract mechanical commercial development that, when grouped together, can prevent the creation of a vibrant commercial district with a wide variety of uses.

With Hutto's geographical constraints, a truck stop would have a disproportionately large impact on the city, and therefore must still meet all required design standards as outlined in this Code.

10.307.38.2 Definition

Travel plaza or truck stop: use primarily engaged in the maintenance, servicing, storage, parking or repair of commercial vehicles, including the sale of fuels or other petroleum products, and the sale of accessories or equipment for trucks and similar commercial vehicles. A travel plaza or truck stop may also include overnight accommodations, showers, restaurant facilities, game rooms, vehicle scales, and/or other diversions intended primarily for use of truck crews and interregional travelers.

10.307.38.3 Permitted locations

Travel plazas and truck stops are permitted by specific use permit in the I district.

10.307.39 Vehicle auction facility

10.307.39.1 Intent

Vehicle auction facilities are typically designed and operated in a way that is incompatible with the city's desired character and design goals. Devoting a large part of the city's commercial land to a business that does not cater to the public, with a site with a broad expanse of impervious parking with little or no landscaping or other amenities, creates a dynamic that can potentially ward off quality retail businesses, and deter from the creation of vibrant commercial districts. Vehicle auctions would have a disproportionately large impact on the city, compared to a larger community with fewer geographical constraints for expansion, and a larger supply of land ideal for commercial development.

10.307.39.2 Definition

Vehicle auction facility: use that auctions and/or sells motor vehicles primarily to vehicle dealers and brokers, and generally not to the public.

10.307.39.3 Permitted locations

Vehicle auction facilities are prohibited in all zoning districts.

10.307.40 Veterinary clinic

10.307.40.1 Definition

Veterinary clinic: facility maintained by or for use of a licensed veterinarian in the diagnosis, treatment or prevention of diseases in dogs, cats or comparable companion animals, and associated functions such as physical therapy and rehabilitation for animals.

10.307.40.2 Permitted locations

- Veterinary clinics are permitted by right in the B-2 and LI districts.
- Veterinary clinics are permitted by right in the SD-A transect zone.

Veterinary clinics are permitted with conditions in the B-1 district.

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10.307.40.3 Conditions

- Facilities of a veterinary clinic, including treatment rooms, cages, pens, kennels and exercise runs, must be maintained in a completely enclosed, soundproof building.
- Potentially offensive odors cannot be detectable off the site.
- Crematoria are prohibited accessory uses to veterinary clinics.
- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
 - Landscape Buffer
 - Minimum of 25 feet of landscape buffer from adjacent residential; or
 - Minimum of 15 feet of landscape buffer from adjacent residential and a 6-foot-tall masonry wall on the shared property line
 - Signage
 - All signage must face the right-of-way, signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, signage facing that property is allowed.
 - Height
 - All building must be setback a minimum of 1 foot for each foot of building height from adjacent SF-1 properties.
 - Operating Hours
 - Hours are limited to 7am to 10pm, unless otherwise approved by specific use permit
 - Outdoor Lighting
 - All outdoor lighting must comply with the International Dark Skies Ordinance

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10.308 Industrial uses**10.308.1 Applicability**

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

10.308.2 General industrial use

10.308.2.1 Definition

General industrial use: manufacturing activity that uses partially processed materials to produce finished items or parts with a moderate to relatively high value per unit weight. Examples of general industrial uses include the manufacture of motor and transit vehicles, manufacture of recreational vehicles and watercraft, manufacture of vehicle parts (excluding tires), manufacture of trailers, manufacture of modular and manufactured buildings, bottling plants, and breweries. General industrial uses do not include uses such as mining and extraction, petrochemical industries, rubber refining, primary metal or related industries. General industrial uses do not include light industrial or heavy industrial uses.

10.308.2.2 Permitted locations

General industrial uses are considered subject to specific use permit review in the I zoning district.

10.308.3 Heavy industrial use**10.308.3.1 Intent**

Heavy industrial uses can create major disruption to the area around them, even when carefully regulated and buffered. Noise, odor, heavy vehicle traffic and/or unsightly conditions can be anticipated. Because of Hutto's geographical constraints, heavy industrial uses would have a disproportionately large impact on the city.

10.308.3.2 Definition

Heavy industrial use: use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that may involve hazardous conditions. Heavy industry also includes work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, junkyards, and transport terminals (truck and rail terminals, container storage).

10.308.3.3 Permitted locations

Heavy industrial uses are prohibited in all zoning districts.

10.308.4 Junkyard**10.308.4.1 Intent**

Junkyards, automobile recycling facilities, scrap yards, and similar uses can create major disruption to the area around them, even when carefully regulated and buffered. Dust, dirt, noise and unsightly conditions can be anticipated. Because of Hutto's geographical constraints, junkyards would have a disproportionately large impact on the city.

10.308.4.2 Definition

Junkyard: facility for display, storage, collection, processing, purchase, sale, salvage or disposal of used or scrap materials, equipment, appliances, junk vehicles or other personal property whether of value or valueless.

10.308.4.3 Permitted locations

Junkyards are prohibited in all zoning districts.

10.308.5 Light industrial use**10.308.5.1 Definition**

Light industrial use: manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution. Examples of light industrial uses include the manufacture of electronic instruments, preparation of food products, microbrewing, musical instruments, and pharmaceutical manufacturing.

Light industrial uses do not include uses such as mining and extraction, petrochemical industries, rubber refining, motor vehicle and heavy equipment manufacturing, primary metal or related industries.

10.308.5.2 Permitted locations

- Light industrial uses are permitted by right in the LI and I districts.
- Light industrial uses are considered subject to specific use permit review in the SD-A transect zone.

10.308.6 Research laboratory

10.308.6.1 Definition

Research laboratory: building or group of buildings where facilities for scientific research, investigation, testing or experimentation are placed, but not facilities for manufacture or sale of products except as incidental to the main purpose of the laboratory.

10.308.6.2 Permitted locations

- Research laboratories are permitted by right in the LI and I districts.
- Research laboratories are considered subject to specific use permit review in the T-5, OT-5C, and SD-A transect zones.

10.308.7 Self-storage facility

10.308.7.1 Definition

Self-storage facility: facility where secured areas in a structure are rented to individuals for short-term storage of items (excluding vehicles) and other non-hazardous, non-perishable durable goods.

10.308.7.2 Permitted locations

- Self-storage facilities are permitted by right in the LI district.
- Self-storage facilities are considered subject to specific use permit review in the SD-A transect zone.

10.308.7.3 Conditions

- Uses not related to the short-term storage of household items and non-hazardous, non-perishable durable goods are prohibited at self-storage facilities. This includes automobile, boat, vehicle and heavy equipment storage; storage of hazardous items, perishable goods or animals; and use as a residence, office, workshop, studio, band rehearsal area or place of business.
- Electrical service to individual units must be for lighting and climate control only. Electrical outlets cannot be provided in individual units.
- One dwelling occupied by the owner or on-site manager and their household is permitted as an accessory use to a self-storage facility.
- Must not be used as a general warehouse facility.

10.308.8 Trade use

10.308.8.1 Definition

Trade use: business or occupation requiring specialized training in a manual or mechanical skill including, but not limited to, carpentry, plumbing, sheet metal, electrical, heating, ventilation and air conditioning, furniture upholstery and precision machinery. A trade use also includes small custom industry, where goods are produced or repaired by hand, using hand tools or small-scale equipment.

10.308.8.2 Permitted locations

- Trade uses are permitted by right in the LI and I districts.
- Trade uses are considered subject to specific use permit review in the SD-A transect zone.

- Certain trade uses may be considered subject to Development Services staff review in the B-1 and B-2 district. The incidental trade may occupy no more than 50% of the gross floor area of a retail use, and the objects produced must be sold in the same retail area. Permitted incidental trade uses include:
 - Furniture crafting and upholstery.
 - Production of wood items intended for household use.
 - Art studios using equipment normally associated with mechanical trades such as plastic molding, sheet metal work and welding.
 - Creation of arts and crafts.

10.308.9 Vehicle minor repair facility

10.308.9.1 Definition

Vehicle minor repair facility: facility where light vehicle maintenance activities such as engine tune-ups, lubrication, brake repair, air conditioning service, tire sales and installation, car washing, detailing, and polishing are conducted.

10.308.9.2 Permitted locations

- Vehicle minor repair is permitted by right in the B-2, LI and I districts, on parcels that are not next to residential zoning districts.
- Vehicle minor repair is considered subject to specific use permit review in the B-1 district, on parcels that are not next to residential zoning districts.
- Vehicle minor repair is considered subject to specific use permit review in the SD-A transect zone, on parcels that are not next to residential zoning districts.

10.308.9.3 Conditions

- Inoperable vehicles must be enclosed behind a six foot tall masonry (stone, brick, decorative CMU, similar materials) screening wall or kept in an enclosed building.
- Vehicle repair must be conducted indoors or inside the screening wall.

10.308.10 Vehicle major repair facility

10.308.10.1 Definition

Vehicle major repair establishment: facility where heavy maintenance activities such as engine overhauls, vehicle painting, body or fender work, and welding are conducted, without the sales of fuel.

10.308.10.2 Permitted locations

Vehicle major repair establishments are permitted by right in the LI and I districts.

10.308.10.3 Conditions

- Inoperable vehicles must be enclosed behind a six foot tall masonry (stone, brick, decorative CMU, similar materials) screening wall.
- Vehicle repair must be conducted indoors or inside the screening wall.

10.308.11 Vehicle storage facility

10.308.11.1 Definition

Vehicle storage facility: facility that may include secured indoor or outdoor areas, intended for short or long term storage of automobiles, light trucks, motorcycles, recreational vehicles, boats, camper trailers, commercial vehicles and commercial trailers; either in conjunction with a business not located on the site, or for compensation.

10.308.11.2 Permitted locations

Vehicle storage facilities are permitted by right in the LI and I districts.

10.308.11.3 Conditions

- Vehicle storage facilities cannot be used to store trucks and/or trailers weighing over 17,000 lbs., construction and heavy equipment, junk, vehicles the Code of Ordinances considers junked or abandoned, or parts.
- Vehicle storage facilities cannot be used for general auto sales or auto auctions, although the occasional sale of unclaimed vehicles is permitted.
- Outdoor storage areas at vehicle storage facilities must be screened in conformance to outdoor storage area fencing standards in Section 10.408.

10.308.12 Warehouse and distribution facility

10.308.12.1 Definition

Warehouse and distribution facility: use for storage, wholesale and distribution of manufactured products; including accessory offices or showrooms, and including incidental retail sales (no more than 10% of the building gross floor area) but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions; and where the products, supplies or equipment that are distributed from the facility are not used or consumed on the premises.

10.308.12.2 Permitted locations

- Warehouse and distribution facilities are permitted by right in the LI and I districts.
- Warehouse and distribution facilities are considered subject to specific use permit review in the SD-A transect zone.

10.309 Institutional and civic uses**10.309.1 Applicability**

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

10.309.2 Amenity center

10.309.2.1 Definition

Amenity center: facility providing recreational and meeting facilities for exclusive use of the residents of the residential development or employees of the business or office complex where it is located. Amenity centers typically include swimming pools, hot tubs, saunas, workout rooms, meeting rooms, clothes washers and dryers, shared computers and fax machines, leasing and sales offices for the development where it is located, and similar amenities.

10.309.2.2 Permitted locations

- Amenity centers are permitted by right in all residential and commercial conventional zoning districts.
- Amenity centers are permitted by right in T-1, T-2, T-3, T-4, T-5, OT-4T, OT-5H, OT-5C, and SD-A.

10.309.2.3 Conditions

- Principal vehicular access in residential districts should be from a collector street.
- Principal vehicular access in business parks must be from an internal street.

10.309.3 Aquatic Facility

10.309.3.1 Permitted locations

- Aquatic facilities are permitted by right in SF-R, SF-1, SF-2, MF, MH, B-1, B-2, LI, I, REC.
- Aquatic facilities are permitted by right in the T-1, T-2, T-3, T-4, and SD-A transect zones.
- Aquatic facilities are considered subject to specific use permit review in the T-5, and OT-5C transect zones.

10.309.4 Athletic Facility

10.309.4.1 Permitted locations

- Athletic facilities are permitted by right in the B-1, B-2, LI, I, and REC district.
- Athletic facilities are permitted by right in the SD-A transect zone.
- Athletic facilities are considered subject to specific use permit review in the SF-R, SF-1, SF-2, MF, and MH districts.
- Athletic facilities are considered subject to specific use permit review in the T-1, T-2, T-3, T-4, and T-5 transect zones.

10.309.5 Cemetery

10.309.3.1 Definition

Cemetery: parcel used for interring of dead humans or pets. A cemetery includes mausoleums, but not crematories or mortuaries.

10.309.3.2 Permitted locations

- Cemeteries may be considered subject to specific use permit review in the REC, SF-R and SF-1 districts.
- Cemeteries are prohibited on parcels occupied by residences.

10.309.6 Community facility

10.309.4.1 Definition

Community facility: publicly owned facility or building primarily intended to serve the community's recreational, educational, cultural, administrative, and/or entertainment needs. Community facility uses include police and fire stations, government administration buildings, community centers, pools, maintenance facilities, and related accessory uses.

10.309.4.2 Permitted locations

- Community facilities are permitted by right in the T-4, T-5, OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Community facilities are considered subject to specific use permit review in all conventional zoning districts.
- Community facilities are considered subject to specific use permit review in the T-1, T-2, and T-3 transect zones.

10.309.7 Golf course

10.309.5.1 Definition

Golf course: parcel configured for playing the game of golf, improved with tees, greens, fairways and hazards. It may also include a clubhouse with a restaurant and/or bar, practice area, driving range and other related accessory structures. A miniature golf course, intended for play only with putters, is not considered a golf course.

10.309.5.2 Permitted locations

- Golf courses are considered subject to specific use permit review in the REC, SF-R, SF-1, SF-2, MF, and MH districts.
- Golf courses are considered subject to specific use permit review in the T-2 transect zone.

10.309.8 Hospital

10.309.6.1 Definition

Hospital: building whose primary use is the inpatient diagnosis, treatment and/or care of human ailments or diseases.

10.309.6.2 Permitted locations

- Hospitals are permitted by right in the B-2 district.
- Hospitals are considered subject to specific use permit review in the SD-A transect zone.

10.309.9 Park

10.309.7.1 Definition

Park: parcel owned or operated by the city, county, state, homeowners association or not-for-profit organization, offering open space, athletic fields, gardens, playgrounds, trails and paths, and environmental interpretation facilities; for recreation, education and rest.

10.309.7.2 Permitted locations

Parks are permitted by right in all zoning districts and transect zones.

10.309.10 Park and ride lot (as principal use)

10.309.8.1 Definition

Park and ride lot: parking facility provided for users of a public transit facility located on the site.

10.309.8.2 Permitted locations

- Park and ride lots as the principal use of a parcel are considered subject to specific use permit review in the B-1, B-2 and LI districts.
- Park and ride lots as the principal use of a parcel are considered subject to specific use permit review in the SD-A transect zone.

10.309.11 Place of worship or assembly

10.309.9.1 Intent

Places of worship play a positive role in their host communities and must be planned carefully, to ensure they have the same positive impact on the city's built environment as they do on the spiritual development and quality of life of its citizens.

10.309.9.2 Definition

Place of worship or assembly: building with a hall, auditorium or other suitable rooms used for conducting religious or other services and related supporting activities such as religious classes and institutional administration. Places of worship or assembly include churches, synagogues, mosques, temples,

mandirs, gurdwaras, meeting houses, and similar institutions, but not commercial endeavors or outreach operations such as coffee houses, movie theaters, rescue missions, homeless shelters, broadcast studios, and social service agencies.

Parochial schools are permitted per Section 10.309.13.

10.309.9.3 Permitted locations

- Places of worship or assembly are permitted by right in the B-1 and B-2 districts.
- Places of worship or assembly are permitted by right in all transect zones.
- Places of worship or assembly are considered subject to Development Services staff review in the SF-R, SF-1, SF-2, MF, MH, REC, I and LI districts.

10.309.9.4 Conditions

- Conditional review criteria for places of worship or assembly include the standard review criteria in Chapter 2 (Administration), and the following:
 - Traffic generation, parking and circulation, and the potential impact on surrounding areas.
 - Site design, landscaping, lighting, signage and other features.
 - Building size and scale, and compatibility with surrounding existing and future land uses.
 - Potential noise detectable at the property line.
 - Accessory uses, including parsonages, schools, day care, and offices for organizations directly related to the institution.
- Places of worship or assembly should have direct access from a collector or higher street.
- Social groups, activity groups, spiritual development groups and organizational committees related to a congregation may meet in a congregant's home without conditional approval. Likewise, small gatherings of people for ceremonies that could be described as the equivalent of a religious service do not require conditional approval.

10.309.12 Public utility substation

10.309.10.1 Definition

Public utility substation: facility used for collecting, processing or distributing a public utility commodity. This use includes electrical substations not in residential districts and high-tension power distribution lines, water tanks and pumps, telephone switching offices and exchanges, and similar uses; but not wireless service facilities, storage and equipment yards, and business offices.

10.309.10.2 Permitted locations

Public utility substations are considered subject to specific use permit review in all zoning districts and transect zones except electrical substations and high-tension power lines.

10.309.13 School

10.309.11.1 Definition

School: public, private, or parochial facility, certified by a state agency, that provides a curriculum of elementary, secondary and higher academic instruction, including kindergartens, elementary schools, junior high schools, middle schools, high schools, colleges and universities. The term excludes home schooling of children by parents or tutors at their residence.

10.309.11.2 Permitted locations

- Schools with five students or less are permitted by right in the SF-1, SF-2, MF, MH, B1 and B-2 districts.
- Schools with five students or less are permitted by right in the T-3, T-4, OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Schools with six students or more are permitted by right in the OT-5C and SD-A transect zones.

- Schools with six students or more are considered subject to special review in the SF-1, SF-2, MF, MH, B1 and B-2 districts.
- Schools with six students or more are considered subject to special review in the T-3, T-4, OT-4T, and OT-5H transect zones.
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10.309.11.3 Conditions

Specific use permit review criteria for schools include the standard review criteria in Chapter 2 (Administration), and the following:

- o Traffic generation, parking and circulation, and the potential impact on surrounding areas.
 - o Building and site design, including architecture, landscaping, lighting, signage and other features.
 - o Building size and scale, and compatibility with surrounding existing and future land uses.
 - o Potential noise detectable at the property line.
 - o Accessory uses, including stadiums and athletic fields.
- Schools should have direct access from a collector or higher street.

10.310 Temporary uses

10.310.1 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

10.310.2 Construction equipment storage lot

10.310.2.1 Definition

Construction equipment storage lot: temporary use where vehicles, materials, equipment, sorted debris intended for recycling, and fill material accessory to a construction project is kept.

10.310.2.2 Permitted locations and duration

- Construction equipment storage lots are considered subject to specific use permit review in all zoning districts and transect zones.
- Construction equipment storage lots may be used for up to one year. The Development Services director may approve an extension of six months on a written request that details reasons for the requested extension.

10.310.2.3 Conditions

- Sites are used only for construction equipment used for a project on that parcel, an adjacent parcel, or other parcels in the same subdivision. For street construction projects, a construction equipment storage lot must be placed on a B-1, B-2 or LI zoned parcel next to the street.
- Sites cannot be used as a staging area for off-site construction activity.
- Equipment is removed when construction is complete.
- On-site disposal of waste or scrap materials is prohibited.
- Sites must be watered down as needed to prevent fugitive dust.
- Manufacturing activity, such as an asphalt hot-mix plant, concrete batch plant or rock crushing, are prohibited.

- Sites must be maintained in a neat, orderly fashion. Sorted debris to be recycled and fill must be covered to prevent fugitive dust and trash.
- Sites must be reclaimed as close to their original condition as possible in 30 days after construction is complete.

10.310.3 Construction field office**10.310.3.1 Definition**

Construction field office: site and structure, usually a portable building, used for temporary offices related to construction activity.

10.310.3.2 Permitted locations and duration

- Construction field offices are permitted by right in all zoning districts, subject to site plan approval by Development Services staff. Construction field offices may be used during the associated construction project.
- Construction field offices are permitted by right in all transect zones.

10.310.3.3 Performance Standards

- Field offices may only be used for a project on that parcel, an adjacent parcel, or other parcels in the same subdivision. For street construction projects, a construction field office may be placed on B-1, B-2 and LI zoned parcels no more than 1000 ft. from the street.
- Field offices cannot have sleeping and/or cooking facilities.
- Field office sites must be maintained in a neat, orderly fashion.
- Field office structures must meet setback standards in the underlying zoning district.
- Field office sites must be reclaimed as close to their original condition as possible in 30 days after construction is complete, or a certificate of occupancy for the associated project is complete.

10.310.4 Garage sale**10.310.4.1 Definition**

Garage sale: casual sale of used or secondhand items of personal property at a dwelling unit. The term also includes "yard sales," "tag sales," "porch sales," "lawn sales," "rummage sales," "estate sales" or similar sales of tangible personal property at a dwelling unit.

10.310.4.2 Permitted locations and duration

- Garage sales are permitted by right on the site of occupied dwelling units in conventional zoning districts.
- Garage sales are permitted by right in the T-2, T-3, T-4, OT-3, OT-4R, and OT-4T transect zones.
- Garage sales may be up to three days long. A garage sale at an individual dwelling unit may only be held two times per year at the dwelling unit.
- Garage sales held by a block club, neighborhood organization, homeowners association or similar group may be held twice in a calendar year.

10.310.4.3 Conditions

Garage sales cannot create a disturbance or become a nuisance in the surrounding area.

10.310.5 Model home**10.310.5.1 Definition**

Model home: dwelling built and used by a builder to show construction quality, floor plans, styles, and amenities that are available in other new homes or lots in the development they are located. A model home may have areas furnished with a desk, development plan, promotional materials, elevation renderings, material and color samples, and other items for sales purposes.

10.310.5.2 Permitted locations

- Model homes are permitted by right in the SF-R, SF-1, SF-2, MF and MH districts.
- Model homes are permitted by right in the T-2, T-3, T-4, OT-3, OT-4R, and OT-4T transect zones.

10.310.5.3 Conditions

- Model homes must be issued a temporary certificate of occupancy. The temporary certificate of occupancy will expire in one year, unless the approval condition still exists.
- If garage space was used as office space, it must be converted back into a garage for vehicle parking before a permanent certificate of occupancy is issued.
- Once all other homes the builder plans to build in a development are sold, the model home must be placed on the market and sold as a residence.
- Model homes may be used to market homes only in the development where they are placed.

10.310.6 Portable storage container

10.310.6.1 Definition

Portable storage container: container designed for temporary storage of personal property, usually delivered and/or removed by truck or trailer.

10.310.6.2 Permitted locations and duration

Portable storage containers are permitted by right in all districts and transect zones.

10.310.6.3 Conditions

- Portable storage container size must be no more than 16 ft. long, no more than 8 ft. high and no more than 8 ft. wide.
- Only one portable storage container may be on a property.
- Portable storage containers must be placed on a hard surfaced area, such as a driveway.
- Portable storage containers may be placed on a property for no more than 30 consecutive days and no more than 60 days in a calendar year, and only in conjunction with moving and relocation activity.
- Portable storage containers require a permit from the Development Services Department. A placard will be issued that prominently shows the date of placement and removal.

10.310.7 Temporary building

10.310.7.1 Definition

Temporary building: building or structure intended to provide basic shelter from the elements, usually fabricated away from the site where it is located, designed for placement where there is no permanent foundation, and intended for removal after a short time.

10.310.7.2 Permitted locations and duration

- Temporary buildings are considered subject to specific use permit review in all districts and transect zones.
- Temporary buildings may be used for one year. After one year, the building must be removed or replaced with a permanent structure, or the specific use permit approval must be renewed for another year. Maximum duration of a temporary building is five years. A temporary building cannot be replaced with another temporary building.

10.310.7.3 Conditions

- Temporary buildings are subject to setback, site planning, landscaping and parking standards in the underlying zoning district or applicable to the use, and must meet all fire code requirements.
- Temporary buildings cannot be placed in front of a principal building.

- Temporary buildings providing classrooms for schools, places of worship and assembly, and similar institutions may be permitted only where those buildings are part of an approved site plan for future development of the site.
- Temporary building sites must be reclaimed as close to its original condition as possible in 30 days after temporary buildings are removed, if they are not replaced with a permanent structure.

10.311 Accessory uses

Sign standards are described in Chapter 4 (Site design standards).
Accessory building standards are described in Chapter 4 (Site design standards) for conventional zoning districts and Chapter 5 (Site design standards – FBC and OT districts).

10.311.1 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

10.311.2 Antenna: radio hobbyist

10.311.2.1 Definition

Antenna, radio hobbyist: exterior transmitting or receiving device, and its supporting structure, used in telecommunications that radiates and captures radio signals on frequencies allotted by the Federal Communications Commission for amateur (ham) radio, Citizens Band (CB) and General Mobile Radio Service (GMRS) use; or captures radio signals as part of a hobby. The term does not apply to roof mounted whip antennas or simple wire antennas not supported by a dedicated antenna tower.

10.311.2.2 Permitted locations

- Radio hobbyist antenna towers below the maximum permitted height for a freestanding structure are permitted by right in all zoning districts and transect zones.
- Radio hobbyist antenna towers above the maximum permitted height for a freestanding structure are considered subject to specific use permit review in all zoning districts and transect zones.

10.311.2.3 Conditions

- Towers must be placed outside the front yard, outside of required setback areas.
- Towers must be set back a distance of at least 50% of its height from all property lines, and set back from other on- and off-site towers and supporting structures far enough so one tower does not strike another tower, support structure or overhead utilities if a tower or support structure fails.
- Antenna elements cannot overhang into required setbacks.
- Only one amateur radio antenna tower is permitted on a property. Where the main use is an amateur radio club, more than one tower is permitted if space and setbacks permit.
- Builders of radio hobbyist antennas must sign a hold harmless agreement, acknowledging the city is not responsible for enforcing covenants that restrict or prohibit amateur radio towers, and is not responsible for conflicts with covenants or property owner associations.
- Hobby radio operations must conform to FCC rules. Externalities resulting from illegal radio operation that affect neighboring properties are considered a zoning violation, and will also be reported to appropriate law enforcement and federal government agencies.

10.311.3 Antenna: non-residential use**10.311.3.1 Definition**

Antenna, non-residential use: exterior transmitting or receiving device, and its supporting structure, used in telecommunications that radiates and captures radio signals used in the day-to-day operation of a non-residential use such as a business, government agency, or other organization. Non-residential antennas do not include wireless facilities, speculative towers leased to businesses and services located off-site, and broadcasting.

10.311.3.2 Permitted locations

- Non-residential antennas, no more than 15 ft. above the roofline of the dominant structure on a site, are permitted by right in the REC, B-1, B-2, LI, and I districts, subject to Development Services staff review and approval.
- Non-residential antennas, no more than 15 ft. above the roofline of the dominant structure on a site, are permitted by right in the SD-A transect zone, subject to Development Services staff review and approval.
- Non-residential antennas from 15 ft. above the roofline of the dominant structure to 100 ft. tall, or 15 ft. above the surrounding tree canopy, are considered subject to specific use permit review in the REC, B-1, B-2 and LI districts.
- Non-residential antennas from 15 ft. above the roofline of the dominant structure to 100 ft. tall, or 15 ft. above the surrounding tree canopy, are considered subject to specific use permit review in the SD-A transect zone.

10.311.3.3 Conditions

- Towers must be placed outside the front yard, and outside of required setback areas.
- Towers must be set back a distance of at least 50% of its height from all property lines, and set back from other on- and off-site towers and supporting structures far enough so one tower does not strike another tower, support structure or overhead utilities if a tower or support structure fails.
- Towers must be self-supporting. Towers cannot be supported with guy wires.
- Antenna elements cannot overhang into required setbacks.

10.311.4 Donation box**10.311.4.1 Definition**

Donation box: container or structure located outside of an enclosed building, used for collection of charitable or for-profit donated items.

10.311.4.2 Permitted locations

- Donation boxes are considered subject to specific use permit review in the B-1, B-2 and LI districts. Specific use permit approval applies for two years.
- Donation boxes are considered subject to specific use permit review in the SD-A transect zone. Specific use permit approval applies for two years.
- After two years, the donation drop-off box must be removed, or the specific use permit approval renewed.

10.311.4.3 Conditions

- One donation box may be placed on a property.
- Donation boxes cannot obstruct pedestrian or vehicular circulation, nor be located in public rights-of-way, required building setbacks, landscape areas, areas in front of the primary building on the site, drive aisles, required parking spaces, fire lanes, loading zones, or other unsafe location.
- Donation boxes may have a capacity of no more than 6 cubic yards (162 cu. ft.), and a height of no more than 6.5 ft.

- Donation boxes must be painted or coated in a color that is compatible with the context of its setting. Bright primary, fluorescent or contrasting colors are prohibited.
- Donation boxes must be clearly marked with:
 - The specific items and materials requested for donation;
 - The name of the operator or owners of the donation container;
 - A local telephone number where the owner, operator or agent of the owner or operator may be reached at any time, and;
 - A notice stating that no items or materials may be left outside of the box.
 - Donated items must be collected and stored in the box. Donated items cannot be left outside of boxes. Donations not fully enclosed in a donation box are considered a zoning violation and public nuisance, with the donations and box subject to removal by the city at the owner's expense.

10.311.5 Drive-through facility

10.311.5.1 Definition

Drive-through facility: element of a business where goods or services are passed through exterior windows or mechanical devices to patrons in queued motor vehicles.

10.311.5.2 Permitted locations

- Drive-through facilities are permitted by right as an accessory use for commercial uses in the B-2 district.
- Drive-through facilities are considered subject to specific use permit review as an accessory use for commercial uses in the B-1 district.
- Drive-through facilities are considered subject to specific use permit review as an accessory use for commercial uses in the SD-A transect zone.

10.311.5.3 Conditions

Drive-through facilities must be greater than 100 ft. from a residential zoning district.

Design standards for drive-through facilities in B-1 and B-2 zoning districts are addressed throughout Chapter 4 (Site design standards).

- Screening and residential adjacency: Section 10.403.7.2.
- Building perimeter wall spacing from driveway surfaces: Section 10.404.4.7.
- Curb cut and ramp location: Section 10.405.4.2.
- Stacking/queuing lanes – drive-through aisles (length, width, location): Section 10.405.7.
- Architectural integration into main structure: Section 10.406.6.5.4.

Design standards for drive-through in SD-A can be found in Section 10.503.

10.311.6 Home occupation

10.311.6.1 Definition

Home occupation: business activity conducted in a dwelling unit, subordinate to the residential use of the dwelling unit. Home occupations do not necessarily include businesses conducted in designated live-work residences.

10.311.6.2 Permitted locations

10.311.6.2.1 *Permitted by right in all residential districts. Permitted by right in the T-2, T-3, T-4, OT-3, OT-4R, and OT-4T transect zones.*

Home occupations permitted by right are limited to uses that are primarily office oriented, where the residential character of the home is unchanged. Types of businesses and professions typical of home occupations include, but are not limited to: art studio; home office for telecommuting; food catering; professional office; office for insurance or real estate sales; computer consulting and desktop publishing; tutoring; music instruction; limited mail order and Internet sales; counseling, and no more than one sales party per month.

10.311.6.2.2 *Prohibited uses*

Uses that could potentially alter the residential character of the surrounding neighborhood, and uses with a pronounced tendency to grow to where the residential character of a dwelling is compromised, are prohibited as home occupations. Types of businesses and professions typical of those prohibited for home occupations include, but are not limited to: barber and beauty services, machine shop; medical, dental or veterinary office; massage therapy (on-site); vehicle repair or body work; vehicle sales, vehicle storage; vehicle restoration; private schools with scheduled or organized classes; retail sales; restaurant; welding; undertaking; and boarding houses.

10.311.6.3 Conditions

10.311.6.3.1 *Area and location*

- Home occupations can occupy no more than 200 sq. ft. or no more than 10% of a dwelling floor area. Occasional meetings can exceed the floor area standards.
- Home occupations are prohibited in accessory buildings. Occupied accessory dwelling units are exempted.

10.311.6.3.2 *Employees*

Employees of home occupations are limited to people living in the dwelling.

10.311.6.3.3 *External effects*

- Noise, vibration, odor, glare, smoke, and other external effects cannot be detectable off-site.
- Changes to the residence exterior that detract from the residential character of the neighborhood are prohibited.
- Outdoor storage of goods and materials are prohibited.

10.311.6.3.4 *Parking and traffic*

- Parking must be off-street, except for occasional meetings.
- Traffic cannot exceed that typical of a residential neighborhood.
- Truck pick-up and delivery is prohibited, except occasional service by parcel carriers serving residential customers in the area.

10.311.6.3.5 *Sales*

Only incidental sales of services and products are permitted. Sales between the proprietor and the public at the residence are prohibited, excluding occasional sales parties (one per month maximum).

10.311.6.3.6 *Signage and advertising*

Signage identifying the home occupation is prohibited.

10.311.6.3.7 *Vehicles*

- Heavy equipment and commercial vehicles cannot be stored on residential properties.

10.311.6.3.8 *Visitation*

- Home occupations can have no more than 4 business-related visitations a day. Monthly sales parties are exempted.

- Visitations are restricted to the hours between 6:00 AM and 9:00 PM only.
- Small items for repair cannot be dropped off or picked up.
- Advertising must not publicize the address, which could attract people to the home and harm the residential character of the surrounding area.

10.311.7 Residential accessory structure

10.311.7.1 Definition

Residential accessory structure: structure such as a shed, carport or garage that is detached from and incidental to a residential host structure. This term excludes accessory dwelling units.

10.311.7.2 Permitted locations

Residential accessory structures are permitted as an accessory use to a residential use in all districts and transect zones.

10.311.7.3 Conditions

- Residential accessory structures cannot be the primary structure on a lot.
- Accessory structures cannot have separate electrical meters or kitchen facilities.
- Accessory structures at least 200 sq. ft. must be designed so they are architecturally integrated with the host structure through building materials, architectural elements, color, roof pitch and roofing materials.
- Pre-engineered metal buildings, metal carports, shipping containers and structures based on containers cannot be used as accessory structures.

Placement and bulk standards for accessory structures are in Chapter 4 (Site design standards).

10.311.8 Satellite dish

10.311.8.1 Definition

Satellite dish: earth station antenna at least 2 ft. in diameter, used for satellite communication services.

10.311.8.2 Permitted locations

- Satellite dishes no more than 6 ft. tall, and no more than 10 ft. in diameter, used for audio and video reception and high-speed Internet access at residences, or day-to-day operation of a business or service on the property, are permitted by right in all districts and transect zones.
- Satellite dishes at least 6 ft. tall or at least 10 ft. in diameter, used in day-to-day operation of a business or service on the property, are permitted by right in the B-2 and LI districts.

10.311.8.3 Conditions

- Satellite dishes must be placed outside of the front yard, and behind the front of the house or main building, at least 10 ft. from interior and rear property lines.
- Structural bases of satellite dishes must be screened from public view and from adjoining properties by walls, fences, buildings, and/or landscape at least 6 ft. high.
- Wires and cables connected to the dish or supporting structures must be placed underground, except fires and cables flush with the surface of a building or the dish structure.
- Satellite dishes cannot have advertising or highly reflective surfaces that are visible from adjacent properties or the public right-of-way.

These standards do not apply to small (no more than 2 ft. in diameter) DBS (Dish Network, DirecTV), satellite internet, and similar dishes.

10.311.9 Swimming pool**10.311.9.1 Definition**

Swimming pool: manmade water body designed for swimming and bathing. The term excludes wading pools (no more than 30 in. deep), spas and hot tubs, or pool sales.

10.311.9.2 Permitted locations

- Swimming pools are permitted as an accessory use in the REC, SF-R, SF-1, SF-2, MF, MH, B-1, and B-2 districts, and are permitted by special use permit in the LI district.
- Swimming pools are permitted by right as an accessory use in all transect zones.

10.311.9.3 Conditions

Swimming pool areas must be enclosed by a screen or a fence 4 ft. - 6 ft. tall. Gates leading to the pool area from the street or adjacent properties must be self-latching to prevent uncontrolled access.

Pool placement and fence design standards are in Chapter 4 (Site design standards).

10.311.10 Vending machine**10.311.10.1 Definition**

Vending machine: machine with a footprint of at least 4 sq. ft. located outside of an enclosed building, which dispenses products stored in the machine by insertion of cash, credit or debit card, tokens or similar objects. Newspaper boxes are not considered vending machines.

10.311.10.2 Permitted locations

- Vending machines are permitted by right in the B-1, B-2, LI, I, and REC districts.
- Vending machines are permitted by right in the T-5, OT-5C, and SD-A transect zones.
- Vending machines located inside an enclosed building are not regulated by this section.

10.311.10.3 Conditions

- One vending machine per 5,000 sq. ft. of host structure GFA is permitted on a site, with a maximum of ten vending machines for a property.
- Vending machines cannot obstruct pedestrian or vehicular circulation, or be located in public rights-of-way, required building setbacks, landscape areas, areas in front of the primary building on the site, drive aisles, required parking spaces, fire lanes, loading zones, or other locations that may be unsafe or create a condition detrimental to surrounding land uses and developments.
- Vending machines must be at least 100 ft. from residential zoning districts. Vending machines on sites next to residential zoning districts, places of residence such as nursing homes and extended care facilities, and lodging establishments cannot have audible alerts or messages, and must be positioned so illuminated parts face away from residential and lodging uses.
- Illumination and electronic displays for a vending machine must be static, with no animation or intermittent lighting, intentional or not.

10.311.11 Wireless facility

Those most likely to refer to wireless facility are zoning and leasing consultants and RF engineers representing wireless service providers. Most other land use standards are not germane to their site selection process. For ease of reference and reproduction, the design criteria for wireless facilities are included here instead of the use specific design rules in Section 10.411.

10.311.11.1 Intent

To accommodate wireless communication needs of Hutto residents, businesses and visitors, while protecting the city's public health, safety, general welfare and visual environment, these standards for wireless facilities are established to:

- Enhance the ability to provide wireless services to city residents, businesses and visitors.
- Protect the city's environmental resources and visual environment from the potential adverse visual effects of wireless facility development, through careful design and siting standards.
- Reduce the number of towers needed to provide communications services, by requiring placement of new facilities on existing structures wherever possible, and requiring co-location of wireless providers on existing and new towers.
- Use performance standards and incentives to promote the location of wireless facilities on concealed structures and existing buildings and towers.

10.311.11.2 Definitions

- **Wireless facility:** equipment, physical plant and area of the property and/or building used to provide wireless services, including cables and wires, conduits, pedestals, antennas, towers, concealed structures, electronic devices, equipment buildings and cabinets, landscaping, fencing and screening, and parking areas. Also known as a cellular tower, cell site, or CMRS facility.
- **Wireless facility, attached:** wireless facility incorporating an antenna mounted on an existing building, silo, smokestack, water tower, utility or power pole, or support structure other than an antenna tower.
- **Wireless facility, concealed:** wireless facility incorporating an antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view, in a way appropriate to the site's context and surrounding environment. Examples of concealed antennas include manmade trees, clock towers, flagpoles, light structures, steeples, and similar objects.

10.311.11.3 Permitted locations

10.311.11.3.1 *Attached facilities*

Attached wireless facilities are permitted or considered as follows:

- Wireless equipment attached to or mounted on an existing building or structure (or later similar replacement structure) is permitted by right in the REC, B-1, B-2, LI, and I districts, subject to design review and approval by Development Services staff.
- Wireless equipment attached to or mounted on an existing building or structure (or later similar replacement structure) is permitted by right in the OT-5C and SD-A transect zones, subject to design review and approval by Development Services staff.
- Wireless equipment attached to or mounted on an existing building or structure (or substantially similar replacement structure) is considered subject to specific use permit review in the SF-R, SF-1, SF-2, MF and MH districts.
- Wireless equipment attached to or mounted on an existing building or structure (or substantially similar replacement structure) is considered subject to specific use permit review in the T-1, T-2, T-3, T-4, T-5, OT-3, OT-4R, OT-4T, and OT-5H transect zones.
- Wireless equipment on residential buildings with less than four dwelling units is prohibited.

10.311.11.3.2 *Concealed freestanding facilities*

Concealed facilities are permitted or considered as follows:

- Concealed facilities no more than 40 ft. high are permitted by right, subject to design review and approval by Development Services staff, in the B-1, B-2, LI, I and REC districts.
- Concealed facilities no more than 40 ft. high are permitted by right, subject to design review and approval by Development Services staff, in the T-5, OT-5C, and SD-A transect zones.
- Concealed facilities no more than 40 ft. high at schools, places of worship, amenity centers, community facilities and other sites not primarily occupied by residential

uses are considered subject to specific use permit review in the SF-R, SF-1, SF-2, MF and MH districts.

- Concealed facilities no more than 40 ft. high at schools, places of worship, amenity centers, community facilities and other sites not primarily occupied by residential uses are considered subject to specific use permit review in the T-1, T-2, T-3, T-4, OT-3, OT-4R, OT-4T, and OT-5H transect zones.

10.311.11.3.3 *Freestanding facilities*

Freestanding wireless facilities are permitted as follows:

- Freestanding wireless facilities are considered subject to specific use permit review in the B-2, LI, I and REC districts.
- Freestanding wireless facilities are considered subject to specific use permit review in the SD-A transect zone.
- Towers 35 ft. - 100 ft. tall must be separated from existing towers by at least 2,500 ft. Towers greater than 100 ft. tall must be separated from existing towers by at least 3,500 ft.

10.311.11.4 Conditions: preferred facility types

Order of preference for new permanent wireless facilities, from most preferred to least preferred, is:

- Co-location on existing tower or broadcast antenna towers (if not technically possible, then);
- Attached antennas (if not technically possible, then);
- Concealed/stealth antennas

Freestanding antenna structures that are not concealed or "stealthed" are permitted only when no other viable options are available for the free standing facility.

10.311.11.5 Conditions: co-location

10.311.11.5.1 *Cooperation*

- Wireless providers must cooperate in good faith to achieve collocation of wireless facilities and equipment with other wireless providers.
- Wireless providers cannot act to exclude other providers from co-locating on the same building, structure or location when co-location is structurally, technically and otherwise possible.

10.311.11.5.2 *Provisions for co-location at new facilities*

Freestanding wireless antenna support structures and facilities at least 35 ft. tall must be designed to accommodate two or more carriers.

10.311.11.6 Conditions: design

10.311.11.6.1 *Setbacks*

- Freestanding wireless antenna towers must be set back a minimum distance of three times the tower height from limited access highways and major and minor arterials. Otherwise, freestanding wireless antenna towers must be set back a distance equal to or more than the structure height from property lines.
- Ground mounted equipment setback standards are the same as for buildings in the underlying zoning district.

10.311.11.6.2 *Facility design*

- Wireless facilities must be consistent with the surrounding built environment (planned or existing) considering exterior materials, roof form, scale, mass, color, texture and

character. Facilities must also be compatible with the surrounding natural environment considering landforms, topography, and other natural features.

- If a facility is an accessory use to an existing use, the facility must be constructed from materials equal to or better than the materials of the principal use.

10.311.11.6.3 *Attached antenna design*

- Building mounted antennae must be mounted flush as possible to the host structure, without projecting above the parapet.
- Roof mounted antennae may be no more than 10 ft. over the building height, and may exceed the maximum building height requirement in the underlying zoning district. Roof mounted antennae must be placed as close to the center of the roof as possible.
- Building and roof mounted antennae and supporting structures must be placed, painted and/or screened to be architecturally and visually compatible with the host structure, and integrated into the architectural details of the building as much as possible.

10.311.11.6.4 *Freestanding antenna design*

- Wireless towers, structures and equipment must be painted or coated with muted earth colors that provide camouflage and blend with the surrounding built and natural environment.
- Guyed towers are prohibited.

10.311.11.6.5 *Equipment building and cabinet design*

- Equipment buildings and screening walls must be compatible with the surrounding built environment, considering exterior materials, roof form, scale, mass, color, texture and character.
- Equipment buildings and screening walls must be constructed with materials that are equal to or better than the materials of the principal use.
- Equipment cabinets must be placed, painted and/or screened to be architecturally and visually compatible with the surrounding built and natural environment.

10.311.11.6.6 *Screening and landscaping*

- Screening and landscaping appropriate to the context of the site and in harmony with the character of the surrounding environment is required when part of a facility is visible from a public right-of-way or adjacent properties.
- Acceptable fencing materials include stone, brick, and decorative CMU. Chain link, wooden and precast fencing is prohibited. Berms may be used for screening.
- Landscaping must form a dense cluster at the base of the facility or screening wall. Trees spaced 30 ft. apart must be planted along the street of facilities that front on a public street.

10.311.11.6.7 *Lighting*

- Antenna structures cannot be artificially lighted unless required by the FAA or other state or federal agency.
- Beacons must be used instead of strobe lights if aviation-related safety lighting is required.
- Security lighting may be mounted no more than 20 ft. high, and must be directed towards the ground to reduce light pollution, prevent offsite light spillage, and avoid illuminating the tower.

10.311.11.6.8 Noise

Equipment cannot generate noise that may be heard beyond the site. Exceptions are generators used in emergencies where the regular power supply for a facility is temporarily interrupted, air conditioners, and noise made during regular maintenance.

10.311.11.7 Conditions: abandonment

- Wireless facilities are considered abandoned if they are unused by all providers at the facility for 180 consecutive days.
- Development Services staff may request documentation about tower or antenna usage from the facility owner.
- When abandoned, the facility owner must reuse the facility in 90 days, transfer the facility to another owner who will reuse it, or dismantle and remove the facility.

If the facility remains 90 days after abandonment, the city may remove it at the facility and/or property owner's expense. If the facility is removed, city approval of the facility will expire.

10.311.11.8 Conditions: information disclosure

- Wireless providers must meet with Development Services staff at their request to give information about the proposed system design. Information will not be recorded and is treated as a confidential trade secret.
- Development Services staff may share non-confidential information with other interested parties seeking to place wireless facilities in the city, to promote co-location and co-development of facilities.

10.312 General performance standards**10.312.1 General**

Permitted uses must conform in operation, location, and construction to general performance standards and use-specific performance standards. Standards in this section supplement related local (Code of Ordinances), state and federal standards.

10.312.2 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

10.312.3 Electrical and radio frequency disturbance

Uses cannot create electrical or radio frequency disturbance that adversely affects the operation of electrical and electronic equipment in the vicinity.

10.312.4 Flammable and explosive materials**10.312.4.1 Manufacture and storage of explosive materials**

- Uses involving manufacture or storage of compounds or products that decompose by detonation are prohibited.

- Chlorates, nitrates, perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, pharmacists or wholesalers may be permitted when approved by the Williamson County Emergency Services District #3 / Hutto Fire Rescue.

10.312.4.2 Storage of flammable materials

Storage and use of flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products are permitted only when the storage or use conforms to Williamson County Emergency Services District #3 / Hutto Fire Rescue standards.

10.312.5 Hazardous and waste materials

Storage, use and handling of hazardous substances (as defined by the National Fire Protection Association Guide or successor publication) and/or waste, or the storage and disposal of solid, liquid, gaseous and/or sanitary waste, is prohibited.

10.312.6 Lighting and glare**10.312.6.1 Outdoor lighting**

Outdoor lighting must conform to lighting design standards in Section 10.409.

10.312.6.2 Glare

Uses cannot produce intense glare or direct illumination across the bounding property line. Glare or light cannot be so intense that it creates a nuisance or detracts from the use and enjoyment of nearby properties.

10.312.7 Noise

Noise nuisances shall be governed per the City of Hutto Code of Ordinances Chapter 14, Division 2, Article 14.03 Noise.

10.312.8 Odor**10.312.8.1 Offensive and unhealthy odors**

Uses generating odors of an intensity and character detrimental to the health, safety, welfare or comfort of the public must be removed, stopped, or modified to remove the odor. The odors must be reasonably prevented when perceptible at the property line.

10.312.8.2 Restaurants and food service

Cooking odor must be removed to the maximum extent possible using best available ventilation technology.

10.312.9 Outdoor storage and display**10.312.9.1 General items and equipment**

General outdoor storage of equipment, machinery, building materials, shipping containers, pallets and similar materials is permitted only in the LI district, and must be screened in conformance to fence design standards in Section 10.408.5.

10.312.9.2 General outdoor storage areas

Areas used for general outdoor storage as an accessory use to a commercial or industrial use must be screened in conformance to fence design standards in Section 10.408.5.

10.312.9.3 Junk

Outdoor storage of junk is prohibited.

10.312.9.4 Off-site storage

Outdoor storage and display of items not related to a business on the property is permitted only in the LI district, screened in conformance to fence design standards in Section 10.408.5.

10.312.9.5 Recreational vehicles and boat storage

- Storage areas for resident-owned recreational vehicles and boats may be designated in residential developments either during the initial review of the development, or later considered subject to specific use permit review. Storage areas must be owned and maintained by a homeowners association.
- Otherwise, off-site storage of recreational vehicles and boats is permitted only in the LI district on a parcel approved for vehicle storage use in Section 10.308.11.

10.312.9.6 Trash enclosures

Storage areas, solid waste dumpsters, trash compactors and large items for solid waste pick-up must be screened in conformance to architecture and fence design standards in Chapter 4 (Site design standards).

Trash enclosure design standards are detailed in Chapter 4 (Site design standards).

10.312.9.7 Vehicles for sale

- Outdoor display of vehicles for sale or rent, at sites approved for that use, must conform to the following standards.
- Vehicles cannot be displayed or stored in the public right-of-way, private access roads or drive aisles.
- Vehicles cannot be displayed or stored in landscape areas or buffers.
- Vehicles cannot be displayed or stored on elevated pads, ramps, or similar structures.
- Only automobiles, vans, light trucks, and sport utility vehicles with a gross vehicle weight of <7,500 pounds intended for sale or rental to the general consumer market may be parked in the row closest to the public right-of-way. Vehicles in the parking row closest to the public right-of-way cannot display attention-getting displays and devices normally not found on vehicles owned by the general public.
- Inventory parking cannot cause the amount of parking available for customers, employees and general loading to decrease below the minimum amount required by Section 10.405.9.
- Inventory must be screened from adjacent residential properties in conformance to fence design standards in Section 10.408. Inventory cannot be visible above the peak of the wall when viewed by a person of normal height standing on the ground of adjacent properties.

10.312.9.8 Vehicles to be repaired

- Vehicles storage for repair is permitted only on parcels approved for minor and major vehicle repair businesses.
- Vehicles stored for repair, and related parts, must be placed in an area inside the building envelope, screened in conformance to fence design standards in Section 10.408.
- Vehicles and parts cannot be visible above the peak of the wall when viewed by a person of normal height standing on the ground of adjacent properties or the closest rights-of-way.
- Vehicles and parts must be set back at least 20 ft. from adjacent residential properties.
- Ten or less wrecked or inoperable vehicles may be stored outdoors at a major vehicle repair businesses, for active restoration projects or customer repair work. Wrecked or inoperable vehicles must be stored inside screened areas per Section 10.408.

10.312.9.9 Other products for sale

- Outdoor sales of items not described above must conform to the following standards.

- Outdoor display of items normally produced or sold in the principal structure on the property is permitted during business hours only.
- Inventory cannot be displayed between the principal structure and the public right-of-way, except an area 10 ft. of the front of the building and 20 ft. on both sides of the entrance. Exceptions are landscaping materials, nursery stock, sidewalk sales and street fairs, farmer's markets, Christmas tree sales, and garage sales.
- Inventory cannot be displayed or stored in landscape areas or buffers; in the public right-of-way or on private access roads; or on elevated pads, ramps and similar structures.
- Inventory must be screened from adjacent residential properties in conformance to fence design standards in Section 10.408. Inventory cannot be visible above the peak of the wall when viewed by a person of normal height standing on the ground of adjacent properties.
- Inventory must be set back at least 20 ft. from adjacent residential properties.

10.312.9.10 Large items

Large items must be presented and stored in a way that minimizes their visual impact. Extending vertical elements of man lifts, cranes, truck mounted cement pumps and similar equipment must be kept lowered. Large items may be subject to specific use permit review.

10.312.9.11 Excepted uses

Screening standards do not apply to working farm equipment used on an operating farm, or construction equipment, vehicles, building materials and field offices for use on the property while a building permit is in effect for construction.

Fences and wall design standards are detailed in Section 10.408.

10.312.10 Smoke and particulate matter

10.312.10.1 Air pollution

Uses cannot discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in a concentration that is detrimental to health, animals, vegetation or property, or conflicts with public air quality standards as set by the Texas Commission on Environmental Quality and Texas Open Burning Act.

10.312.10.2 Fugitive dust

Uses generating fugitive dust and particulate matter must be conducted so dust and particulates are not transported across the bounding property line in concentrations of four grains per 1000 cu. ft. of air or more.

10.312.10.3 Gases

Uses cannot emit gas that is injurious or destructive, harmful to person or property, or explosive.

10.312.11 Traffic impact

Development Services or Public Works staff may require a traffic study for proposals for development projected to generate at least 100 peak hour vehicle trips. When a traffic impact study is required, the type and scope of the study will be decided during a pre-application meeting with Development Services and Public Works staff. Representatives from other agencies and departments may also be involved.

10.312.12 Toxic and noxious matter

Maximum concentration of toxic or noxious matter across a bounding property line is 10% of the threshold limit for an industrial worker as determined by state or federal standards, whichever is stricter.

10.312.13 Vibration

Uses cannot generate earth borne vibration limits at the bounding property line that would be detectable without the aid of instruments.

Regular City Council
AGENDA ITEM
10.S.



To: Regular City Council

Subject: Consideration and possible action on the first reading of an ordinance approving a negotiated settlement between the Atmos Cities steering Committee (ACSC) and Atmos Energy Corporation, Mid-Tex Division regarding the company's rate review mechanism.

Meeting: Regular City Council - 19 Sep 2019

Department: Finance

Staff Contact: Michel Sorrell

BACKGROUND INFORMATION:

BACKGROUND AND SUMMARY

The City, along with 171 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about April 1, 2019, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2018, entitled it to additional system-wide revenues of \$70 million. Application of the standards set forth in ACSC's RRM Tariff required Atmos to reduce its request to \$54 million, \$39.3 million of which would be applicable to ACSC members. ACSC's consultants concluded that the system-wide deficiency under the RRM regime should be \$38.7 million instead of the claimed \$54 million. The amount of the \$38.7 million deficiency applicable to ACSC members would be \$28.2 million.

After the Company reviewed ACSC's consultants' report, ACSC's Executive Committee and the Company negotiated a settlement whereby the Company would receive an increase of \$35.4 million from ACSC Cities.

The Executive Committee recommends a settlement at this amount. The Effective Date for new rates is October 1, 2019. ACSC members should take action approving the Ordinance before the end of September.

PROOF OF REVENUES

Atmos generated proof that the rate tariffs attached to the Ordinance will generate \$35.4 million in additional revenues from ACSC Cities. That proof is attached as Attachment 1 to this Staff Report. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

BILL IMPACT

The impact of the settlement on average residential rates is an increase of \$2.05 on a monthly basis, or 3.7 percent. The increase for average commercial usage will be \$6.18 or 2.31 percent. A bill impact comparison is attached as Attachment 2.

SUMMARY OF ACSC'S OBJECTION TO THE UTILITIES CODE SECTION 104.301 GRIP PROCESS

ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or allow recovery of Cities' rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any

regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

RRM SAVINGS OVER GRIP

While residents outside municipal limits must pay rates governed by GRIP, there are some cities served by Atmos Mid-Tex that chose to remain under GRIP rather than adopt RRM. Additionally, the City of Dallas adopted a variation of RRM which is referred to as DARR. When new rates become effective on October 1, 2019, ACSC residents will have a slight economic monthly advantage over comparable GRIP and comparable DARR rates (see Attachment 3).

EXPLANATION OF “BE IT ORDAINED” PARAGRAPHS:

1. This section approves all findings in the Ordinance.
2. This section adopts the RRM rate tariffs and finds the adoption of the new rates to be just, reasonable, and in the public interest.
3. This section finds that existing rates are unreasonable. Such finding is a necessary predicate to establishment of new rates. The new tariffs will permit Atmos Mid-Tex to recover an additional \$35.4 million from ACSC Cities.
4. This section approves an exhibit that establishes a benchmark for pensions and retiree medical benefits to be used in future rate cases or RRM filings.
5. This section approves an exhibit to be used in future rate cases or RRM filings regarding recovery of regulatory liabilities, such as excess deferred income taxes.
6. This section requires the Company to reimburse the City for expenses associated with review of the RRM filing, settlement discussions, and adoption of the Ordinance approving new rate tariffs.
7. This section repeals any resolution or ordinance that is inconsistent with the Ordinance.
8. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
9. This section is a savings clause, which provides that if any section is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Ordinance. This section further directs that the remaining provisions of the Ordinance are to be interpreted as if the offending section or clause never existed.
10. This section provides for an effective date upon passage.
11. This section directs that a copy of the signed Ordinance be sent to a representative of the Company and legal counsel for ACSC.

CONCLUSION

The Legislature's GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from a consumer rate impact perspective and from a ratemaking perspective) than the GRIP process. Given Atmos Mid-Tex's claim that its historic cost of service should entitle it to recover \$70 million in additional system-wide revenues, or \$54 million from ACSC Cities, the RRM settlement at \$35.4 million for ACSC Cities reflects substantial savings to ACSC Cities in the amount of \$18.6 million. ACSC's consultants produced a report indicating that Atmos had justified increased revenues for ACSC Cities of at least \$32.7 million. Settlement at \$35.4 million is fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Ordinance before September 30, 2019. New rates become effective October 1, 2019.

FINANCIAL IMPACT:

Attached exhibits show the financial impact of the negotiated settlement.

ATTACHMENTS:

[2019.08.16 Memorandum](#)

[2019.08.16 Model Staff Report for Ordinance](#)

[2019.08.16 Ordinance RE Settlement between ACSC and Atmos Energy Mid-Tex](#)

[2019 Atmos RRM FAQ](#)

MEMORANDUM

TO: ACSC Cities

FROM: Geoffrey Gay

DATE: August 16, 2019

RE: Model Ordinance and Model Staff Report for New Gas Rates for Atmos Mid-Tex

Attached please find a model ordinance that adopts new gas rates for Atmos Mid-Tex pursuant to a settlement between Atmos Cities Steering Committee and the Company to resolve the pending RRM rate filing. The ACSC Executive Committee approved the settlement and recommends ACSC Cities adopt the attached ordinance. The ordinance contains three exhibits that should be included with the ordinance when passed.

Also attached is a model staff report which describes the ordinance section by section and includes attachments that provide proof of revenues, rate impact calculations, and a margin comparison to rates paid by residents whose rates are not set pursuant to the RRM mechanism.

An ordinance is provided as the preferred form for implementing new rates. A resolution may be used as an alternative to an ordinance, if that is acceptable to your City Attorney's interpretation of your City Charter. If you would prefer a resolution, please request that my secretary send that to you. Her email is hjohnson@lglawfirm.com.

August 16, 2019

MODEL STAFF REPORT

BACKGROUND AND SUMMARY

The City, along with 171 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

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CONCLUSION

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF _____, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2019 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

WHEREAS, the City of _____, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by

the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about April 1, 2019, Atmos Mid-Tex filed its 2019 RRM rate request with ACSC Cities based on a test year ending December 31, 2018; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2019 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$35.4 million applicable to ACSC Cities; and

WHEREAS, the attached tariffs (Exhibit A) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Exhibit B); and

WHEREAS, the settlement agreement establishes an amortization schedule for regulatory liability (Exhibit C); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

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

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$35.4 million for ACSC Cities represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2019 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Exhibit A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$35.4 million from customers in ACSC Cities, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

Section 4. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Exhibit B, attached hereto and incorporated herein.

Section 5. That amortization of regulatory liability shall be consistent with the schedule found in attached Exhibit C attached hereto and incorporated herein.

Section 6. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2019 RRM filing.

Section 7. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 8. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 10. That consistent with the City Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2019.

Section 11. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this _____ day of _____, 2019.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Secretary

City Attorney

Exhibit A

Rate Tariffs Effective October 1, 2019

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 19.55 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 19.60 per month
Commodity Charge – All <u>Ccf</u>	\$0.17423 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2019.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 46.50 per month
Rider CEE Surcharge	\$ 0.02 per month ²
Total Customer Charge	\$ 46.52 per month
Commodity Charge – All Ccf	\$ 0.09924 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

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An Agreement for Gas Service may be required.

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Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

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**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 845.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3572 per MMBtu
Next 3,500 MMBtu	\$ 0.2616 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0561 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 845.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3572 per MMBtu
Next 3,500 MMBtu	\$ 0.2616 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0561 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2019	PAGE:

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
- R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
- HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- ADD = billing cycle actual heating degree days.
- BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j^{th} customer in i^{th} rate schedule is computed as:

$$WNA_{ij} = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j^{th} customer in i^{th} rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2019	PAGE:

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	9.77	0.1487	88.49	0.7036
Austin	9.04	0.1537	201.48	1.0000
Dallas	13.07	0.2202	184.64	1.1385
Waco	8.77	0.1470	135.70	0.7744
Wichita Falls	11.40	0.1468	117.90	0.5943

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

Exhibit B

2019 Benchmark for Pensions and Retiree Medical Benefits

ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2018

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Supplemental Executive Benefit Plan	Post-Employment Benefit Plan	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Benefits Benchmark - Fiscal Year 2019 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 2,744,088	\$ 2,267,927	\$ 4,724,119	\$ 193,211	\$ 2,621,842	
2	Allocation to Mid-Tex	43.48%	43.48%	73.88%	100.00%	73.88%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 1,193,029	\$ 986,012	\$ 3,490,241	\$ 193,211	\$ 1,937,051	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	\$ 1,193,029	\$ 986,012	\$ 3,490,241	\$ 193,211	\$ 1,937,051	\$ 7,799,544
6							
7							
8	Summary of Costs to Approve (1):						
9							
10	O&M Expense Factor (WP_F-2.3, Ln 2)	81.35%	81.35%	38.28%	16.24%	38.28%	
11							
12							
13	Total Pension Account Plan	\$ 970,514		\$ 1,336,038			\$ 2,306,553
14	Total Post-Employment Benefit Plan		\$ 802,108			\$ 741,489	1,543,597
15	Total Supplemental Executive Benefit Plan				\$ 31,377		31,377
16	Total (Ln 13 + Ln 14 + Ln 15)	\$ 970,514	\$ 802,108	\$ 1,336,038	\$ 31,377	\$ 741,489	\$ 3,881,527
17							
18	Notes:						
19	1. Studies not applicable to Mid-Tex or Shared Services are omitted.						
20	2. The Company is requesting that the benchmark amount approved by the RRM Cities for future periods include only the expense amount.						
21	The amount attributable to capital would continue to be recorded to utility plant through the overhead process as described in the CAM.						
22	3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.						

Exhibit C

2019 Amortization Schedule for Regulatory Liability

**ATMOS ENERGY CORP., MID-TEX DIVISION
RATE BASE ADJUSTMENTS
TEST YEAR ENDING DECEMBER 31, 2018
AMORTIZATION OF REGULATORY LIABILITY**

Line No.	Year Ended Dec. 31	Beginning of Year Rate Base Adjustment Amount (1)		Annual Amortization (2)		End of Year Rate Base Adjustment Amount
		(a)	(b)	(c)	(d)	(d)
1	2018	\$	290,043,948	\$	-	290,043,948
2	2019		290,043,948		12,085,165	277,958,784
3	2020		277,958,784		12,085,165	265,873,619
4	2021		265,873,619		12,085,165	253,788,455
5	2022		253,788,455		12,085,165	241,703,290
6	2023		241,703,290		12,085,165	229,618,126
7	2024		229,618,126		12,085,165	217,532,961
8	2025		217,532,961		12,085,165	205,447,797
9	2026		205,447,797		12,085,165	193,362,632
10	2027		193,362,632		12,085,165	181,277,468
11	2028		181,277,468		12,085,165	169,192,303
12	2029		169,192,303		12,085,165	157,107,139
13	2030		157,107,139		12,085,165	145,021,974
14	2031		145,021,974		12,085,165	132,936,810
15	2032		132,936,810		12,085,165	120,851,645
16	2033		120,851,645		12,085,165	108,766,481
17	2034		108,766,481		12,085,165	96,681,316
18	2035		96,681,316		12,085,165	84,596,152
19	2036		84,596,152		12,085,165	72,510,987
20	2037		72,510,987		12,085,165	60,425,823
21	2038		60,425,823		12,085,165	48,340,658
22	2039		48,340,658		12,085,165	36,255,494
23	2040		36,255,494		12,085,165	24,170,329
24	2041		24,170,329		12,085,165	12,085,165

25	2042	12,085,165	12,085,165	(0)
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27

28

29	Revenue Related Tax Factor	6.71%	See WP_F-5.1
	Revenue Related Taxes on Annual		Amortization * Tax
30	Amortization (see WP_B-6.3)	\$ 810,653	Factor
31	Related Taxes (see WP_B-6.3)	<u>\$ 12,905,421</u>	Amortization + Taxes

32

33 Notes:

34 1. The beginning 2018 balance is the September, 2018 balance. The regulatory
 35 liability for excess deferred taxes is an estimate. This estimate will be
 36 finalized when the Company files its federal tax return in July, 2019. To the
 37 extent that this estimate changes with the filing of the Company's tax return,
 38 the Company will 'true-up' the amount in the 2020 RRM filing.

39 2. The annual amortization of a 24 year recovery period is based on the
 40 Reverse South Georgia Method.

41 3. The Regulatory Liability is recorded to FERC Account 253, Sub Account 27909.

FREQUENTLY ASKED QUESTIONS REGARDING ACSC HISTORY AND THE RRM RATEMAKING PROCESS

What is the role of Cities in ratemaking?

Cities have historically exercised original jurisdiction over the level of gas rates charged within their boundaries. Generally, gas distribution utilities have filed rate cases at the City level and have only gone to the Railroad Commission of Texas (“RCT” or “Commission”) with an appeal of City action or when they could not reach a settlement with Cities. If a utility and Cities reach an agreement, the utility may then file a case at the RCT to implement the same rates approved by Cities in areas outside municipal boundaries.

Once a case is at the RCT, the Commission Staff generally expects Cities to intervene and do most of the discovery, cross-examination, briefing, and sponsor opposing witnesses. There is no consumer advocate at the RCT. If Cities do not participate in hearings at the RCT, the request of a regulated utility is likely to be rubber-stamped.

How and why was the Atmos Cities Steering Committee created?

The Atmos pipeline and distribution systems were built, owned, and operated by Lone Star Gas (“LSG”), which maintained over 200 rate jurisdictions until it sold its assets to Texas Utilities (“TXU”) in the late 1990’s. That meant that many Cities had their own unique distribution rates and that individual Cities had to process rate cases at the local level. LSG-Pipeline served all 200-plus distribution systems, and pipeline rates were set by the RCT.

From the early 1980’s through the late 1990’s, LSG filed no pipeline or system-wide rate cases at the RCT. When LSG was finally brought before the RCT to show cause why its rates should not be reduced, approximately 80 Cities intervened and created an *ad hoc* group known as the Steering Committee of Cities Served by Lone Star. In Gas Utilities Division (“GUD”) docket number 8664, three separate groups of Cities and a number of independent Cities (jointly the “Aligned Cities”) participated and coordinated their efforts to oppose the rate increase.

TXU purchased the LSG assets in the late 1990’s and immediately commenced consolidating 200-plus ratemaking jurisdictions into regions. As regional cases were filed, Cities within each region created an *ad hoc* committee to form a common strategy and negotiating position. Once TXU had aggregated the Cities into five or six jurisdictions, each with a different rate, Texas Utilities Gas Company filed a system-wide case to bring all of the old LSG territory under one common rate. The different City regional committees then united and formed the Allied Coalition of Cities (“ACC”). While the gas utility assets were owned and controlled by TXU, the coalition transformed itself from an *ad hoc* group that came together only in response to rate filings by the utility into a permanent standing coalition.

In Gas Utilities Docket (“GUD”) No. 9400 in 2004, TXU’s request for a \$61.6 million system-wide increase was aggressively opposed by ACC. Cities achieved disallowances of \$42.9 million of a regulatory asset and \$87.8 million of capitalized gas utility plant. The company received only a \$2.01 million increase. Unhappy with that result, TXU decided that owning a gas system was neither as fun nor as profitable as the deregulated electric system, and they sold the system to Atmos Energy Corporation (“Atmos” or “Company”). ACC was then transformed into the Steering Committee of

Cities Served by Atmos and then renamed Atmos Cities Steering Committee to obtain an easy to remember acronym, "ACSC."

What is the Atmos Cities Steering Committee?

ACSC is a coalition of 170 Cities that unite in common purpose to address gas utility rate and franchise issues related to Atmos Energy Corporation. Its objectives are to: (1) ensure that gas utility rates charged to Cities and their residents are fair and reasonable; (2) maintain reasonable franchise fee revenues for Cities; (3) protect Cities' original jurisdiction over rates and services; (4) be a voice for consumers where no state agency assumes such a role; and (5) promote sound ratemaking policies in the public interest.

Cities join the permanent standing committee by passing a resolution and agreeing to support the work of ACSC through modest occasional *per capita* assessments that support ongoing administrative and legislative advocacy and all expenses where Cities are not entitled to reimbursement. Each member City designates a representative to ACSC. Member representatives may volunteer to serve on the ACSC Executive Committee. The Executive Committee sets policy, hires legal counsel and consultants, directs litigation, establishes a legislative agenda, sets assessments on members as needed, and meets quarterly with Atmos executives. The Settlement Committee is directly involved in negotiating resolution of contested matters with Atmos executives. The list of current members is attached.

What is the benefit of membership in ACSC?

One hundred seventy Cities speaking as one voice is much more effective in advocacy before the Railroad Commission and legislature than any one City or multiple small groups of Cities.

The legislature has given gas utilities a right to an annual increase in rates. Resources (both financial and human) of individual Cities are conserved by membership in ACSC. Additionally, membership enhances institutional memory of ratemaking issues, public policy debates, and right-of-way and franchise fee battles.

What has ACSC accomplished?

Going into the 82nd Legislative Session, in December 2010, ACSC released a 48-page report, "Natural Gas Consumers and the Texas Railroad Commission." More than 200 television, newspaper and radio news sites posted information on, and a link to, the report that may be found on ACSC's website, TexasGasConsumers.org.

ACSC has also been instrumental in ongoing Sunset Commission reviews of the RCT. The agency has undergone three Sunset reviews since 2010, and in each case ACSC has maintained a watchful eye on the process to ensure that provisions that could harm the interest of gas utility ratepayers are excluded from the legislation. ACSC representatives also visited on several occasions with the Sunset Commission Staff, and several ACSC recommendations for reform were included in Sunset Commission Reports on the agency. Several ACSC member representatives testified before the legislature regarding the Sunset review of the Railroad Commission.

During the 2011 legislative session, lobbying efforts by ACSC were critical in killing two gas utility bills that would have undermined traditional regulation, deprived Cities of certain rights, and led to even greater rate increases.

ACSC has also resolved a major issue involving franchise fees. In 2010, Atmos unilaterally, without notice, ceased inclusion of franchise fees in the calculations of gross receipts regardless of whether specific franchises included such payments. Several Cities were willing to pursue the matter through litigation. However, counsel for ACSC was able to negotiate a resolution that allowed each member City to determine whether it desired an increase in franchise fee payments based on inclusion of franchise fees in the calculation of gross receipts. If a City opted for inclusion of fee-on-fee revenues, it had the further option of retroactive payments back to the point in time that Atmos decided to curtail fee-on-fee payments. Each member had these options regardless of the wording of the then-valid franchise agreement. This resolution spared significant litigation costs and anxiety and was only possible because of the clout of the ACSC membership.

One of the most significant accomplishments of ACSC occurred in 2007 via a settlement of the then-pending, system-wide rate case. Approximately 50 ACSC City representatives showed up in Arlington for a meeting with Atmos executives who were shocked at the vocal opposition to Atmos' practices, the unfairness of annual Gas Reliability Infrastructure Program ("GRIP") rate filings that precluded City and citizen review, and the Company's lack of coordination with Cities. That meeting led to the creation of the Rate Review Mechanism ("RRM") process and improved ongoing communications between the Company and ACSC.

In 2010, these improved communications between ACSC and the Company led to a workable solution to the need to replace steel service lines in a manner that accommodated Cities' needs to control their rights-of-way, while moderating the rate impact and focusing first on the riskiest service lines based on leak repair histories. This compromise precluded a more onerous (from a City and consumer perspective) program threatened by the RCT.

What is an RRM case?

The concept of an RRM proceeding emerged as a three-year experimental substitute for GRIP cases as part of the settlement of Atmos Mid-Tex's 2007 system-wide rate case. In 2003, the Texas Legislature added Section 104.301, Interim Adjustment for Changes in Investment, to the Gas Utility Regulatory Act. While not identified as such in the law, § 104.301 was referred to as the Gas Reliability Infrastructure Program or GRIP. The GRIP adjustments allowed gas companies to recover changes to invested capital without a review of whether increased revenues or declining expenses offset the invested capital costs. Both Atmos Pipeline and Atmos Mid-Tex filed GRIP cases as soon as the RCT adopted rules to implement the interim adjustments. As explained below, it quickly became apparent that the GRIP adjustments were terrible public policy.

As an alternative to GRIP, ACSC entered into a negotiated agreement with Atmos in 2007 to establish the RRM process. Unlike GRIP, the RRM provided for an annual review of all portions of Mid-Tex's cost of service. It fixed an authorized rate of return on equity for the three-year period at 9.6% (which was less than what the RCT would have authorized) and set caps on the extent to which expenses or investments could increase from one year to the next. More importantly, it allowed Cities to make a comprehensive evaluation of all aspects of the utility's business—investment, operation and maintenance expenses, and revenues—unlike GRIP that only allows consideration of changes to invested capital.

Why is RRM superior to GRIP?

GRIP cases guarantee a one-sided, rubber-stamp approval of the utility's rate request. ACSC attempted to participate in the first two GRIP proceedings filed by both Atmos Pipeline and Atmos Mid-Tex at the RCT. Not only were Cities' motions to intervene denied, but also, ACSC's comments were ignored. At the City level, ACSC consultants determined that Atmos was not only including items such as artwork, chairs, computers, and meals in interim rate adjustments that were allegedly intended to promote pipeline safety, but the Company was also over-earning its previously authorized rate of return. ACSC attacked the Commission's rule in court because it denied City participation, denied a hearing on a contested matter, and denied Cities' recovery of any expenses associated with resisting GRIP rate increases. The courts were not helpful to Cities. In 2011, the Texas Supreme Court upheld the Commission's rule implementing the GRIP statute.

Cities have contended that the GRIP process is terrible public policy since it authorizes what would, from the perspective of a history of public interest regulation, be regarded as unlawful—piecemeal ratemaking. GRIP allows rates to increase if the utility's invested capital net of depreciation increases year-over-year. An increase in rates is mandated under GRIP if investment increases, even if increasing revenues and declining expenses more than offset the costs associated with increased investment.

The RRM process negotiated by ACSC solves the piecemeal ratemaking problem by providing for a comprehensive review of Atmos' expenses and revenues. Furthermore, the RRM process benefitted ACSC by: (1) allowing Cities' participation that would be denied under GRIP; (2) allowing Cities to recover, at utility shareholders' expense, all their ratemaking costs; and (3) avoiding both litigation and RCT jurisdiction.

The legislature has functionally authorized annual increases in gas utility rates through the GRIP process. Since consumers are otherwise stuck with annual rate increases, it is better to have Cities participate in the comprehensive RRM process than be unable to participate in a piecemeal process.

What has been the history of the RRM efforts?

A total of eleven RRM filings have been made by the Company. These filings all resulted in settlements at the City level, except for the 2014 filing, which the ACSC Cities denied. The Company appealed the denial to the RCT, and ACSC was ultimately able to settle that proceeding before it reached the stage of a final RCT order. The results of these filings from a system-wide perspective are as follows (continued on next page):

RRM Filing	Year	Atmos Request	ACSC Settlement
#1	2008	\$33.5 million	\$20 million
#2	2009	\$20.2 million	\$2.6 million
#3	2010	\$70.2 million	\$27 million
#4	2011	\$15.7 million	\$6.6 million
#5	2013	\$22.7 million	\$16.6 million
#6	2014	\$45.7 million	\$43.8 million
#7	2015	\$28.8 million	\$22.8 million
#8	2016	\$35.4 million	\$29.6 million
#9	2017	57.4 million	\$48 million

RRM Filing	Year	Atmos Request	ACSC Settlement
#10	2018	\$27.4 million	\$24.9 million
#11	2019	\$54 million	\$35.4 million

Unable to reach agreement to perpetuate the original RRM terms, Atmos filed a traditional rate case with Cities in 2012 (GUD No. 10170), which was then appealed to the Railroad Commission. A final order in that case was entered in December 2012. The ratemaking decisions of the Commission then became the basis of renewal negotiations on the RRM process. The renewed RRM included some modifications that enhanced the original RRM process. Among these modifications were:

- A limit on the percentage of increase to be included in the monthly customer charge;
- A prohibition against capital post-test year adjustments;
- A time limit for known and measurable adjustments to operating and maintenance expenses;
- A guaranteed reduction in the Company's requested increase of at least \$3 million annually; and
- A limitation on the amount of equity in the Company's capital structure.

Changes to the RRM process

As noted in a communication to ACSC in May 2017, the rate of return on equity ("ROE") embedded in the RRM process between 2013 and 2017 of 10.5% is excessive by at least 100 basis points, based upon a reasonable rate of return that reflects the market conditions in which the Company, and its parent Atmos Energy, operates. Because this ROE cannot be altered except by (1) changing the terms of the RRM tariff, or (2) a Commission order coming out of a new rate case, ACSC informed the Company that the 2017 RRM will be the last filing by the Company under the current tariff. Atmos agreed to renegotiate the terms and conditions of a revised RRM tariff in 2017.

In February and March 2018, ACSC adopted a new RRM tariff ordinance that implemented new procedures and criteria for the RRM process. The revised RRM tariff reduced the allowed ROE from 10.5% to 9.8% and captured the reduced federal income tax rate of 21%. The new tariff expanded Cities' review period from three months to five months. It also required Atmos Mid-Tex to accept ACSC's position regarding incentive compensation related to Atmos' Shared Services Unit. The 2019 RRM filing is the second under the new tariff.

When must Cities approve new rates?

ACSC's Tariff Ordinance adopted around March 2018 declares that new rates become effective October 1st of each year. While it is preferable that ordinances or resolutions adopting new tariffs are passed before the end of September, there is no adverse consequence if final action cannot take place until sometime in October. The only thing that will frustrate new rates becoming effective on October 1, 2019 is City action that specifically denies the increase.

What would happen if a City Council denies the RRM rate increase?

Atmos would either appeal the denial to the Railroad Commission or initiate imposition of GRIP rates or both. Rates for residents of that City would be higher than rates of other ACSC member residents. Rate case expenses (both the City and Company) associated with litigation at the Railroad Commission would likely be surcharged back to the City that denied the increase.

If you have other questions please contact me at (512) 322-5875 and/or gmg@lglawfirm.com, or Georgia Crump at (512) 322-5832 and/or gcrump@lglawfirm.com.

Geoffrey Gay
ACSC, General Counsel

Regular City Council
**AGENDA ITEM
11.A.**



To: City Council
Subject: Consideration and possible action on a resolution authorizing the execution of an annexation development agreement between the City of Hutto and No-Count LLC, for 3.50 acres, more or less, of land. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

The City of Hutto adopted an Annexation Policy in 2018. The stated purpose of the policy is to promote orderly growth and facilitate long-range planning efforts and diversifying and expanding the economic base of the City of Hutto. The policy further outlines one way to achieve the purpose is to, “provide a means for meaningful public engagement in preparing an annexation prioritization list as part of an annual update to City Council”.

Offering development agreements in lieu of annexation was the next step in preparing the annexation prioritization list and annexing territory, or managing future growth, in the extraterritorial jurisdiction (ETJ).

Staff held multiple open houses for property owners that were offered agreements, starting in November 2018 through January 2019, to answer questions or offer one-on-one discussions for particular concerns. Should a property owner enter into a development agreement with the City for the acres identified in the agreement, the specific tract of land will not be annexed proactively by the City for a period of time, typically twenty-five years. In return, the property owner agrees to maintain the agricultural exemption and not further develop the property into a larger development. The area adjacent or contiguous to an area that is the subject of a development agreement is considered adjacent or contiguous to the municipality, which allows the city to annex ETJ land adjacent prior to development.

RECOMMENDATION:

Staff recommends that the Council approve the resolution.

ATTACHMENTS:

[\(Res\)DA-No-CountLLC-3.50ac\(Res\)Complete](#)

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ANNEXATION DEVELOPMENT AGREEMENT BETWEEN THE CITY OF HUTTO AND NO-COUNT LLC, FOR 3.50 ACRES, MORE OR LESS OF LAND, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", AND ATTACHED HERETO; IN THE CITY OF HUTTO, WILLIAMSON COUNTY, TEXAS.

WHEREAS, the purpose of this Agreement is to comply with all requirements of Sections 43.035 and 212.172 of the Texas Local Government Code pertaining to the annexation of property into the Hutto city limits, and;

WHEREAS, both parties agree that in consideration of the mutual promises stated herein, that the property will not be annexed by the City of Hutto so long as 1) the property continues to receive an agricultural exemption from the Williamson County Central Appraisal District, and 2) no action is taken by the Owner or his assigns to file a subdivision plat or any related development document regarding the property. If one or more of the above circumstances occur, the City is authorized to commence proceedings to annex all or some of the property, and;

WHEREAS, as consideration for the City foregoing annexation proceedings as described above, the Owner hereby authorizes the City to enforce all regulations and planning authority of the City, except for any regulations which interfere with Owner's use of the property for agricultural purposes, wildlife management or timber production, and;

WHEREAS, both parties agree that upon annexation of the property by the City, the City shall, within 30 days of the effective date of the annexation, initiate an initial zoning of the property conforming with the land use designation for the Property as shown on the most recent amendment of City's Growth Guidance Plan.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

that the Hutto City Council authorizes the City Manager of Hutto to execute an annexation development agreement between the City of Hutto and No-Count LLC, for the property described in **Exhibit "A"**, a copy of same being attached hereto and incorporated herein for all purposes.

CONSIDERED and RESOLVED on this the **19th** day of the month **September, 2019**.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Lacie Hale, City Secretary

STATE OF TEXAS)
)
COUNTY OF WILLIAMSON)

SECTION 212.172 TEXAS LOCAL GOVERNMENT CODE
DEVELOPMENT AGREEMENT

This Development Agreement (this “Agreement”) is entered into pursuant to Section 212.172 of the Texas Local Government Code by and between the City of Hutto, Texas (the “City”) and No-Count, LLC, a Texas limited liability company (the “Owner”), to be effective as of _____, 2019 (the “Effective Date”). The City and the Owner are sometimes referred to herein individually as a “Party”, or collectively as the “Parties”.

RECITALS

WHEREAS, Owner owns approximately **3.5 acres** of real property located within Williamson County, Texas (the “County”), which property is more particularly described by metes and bounds on **Exhibit A** (“Property”) attached hereto and incorporated herein by reference;

WHEREAS, the Property is located wholly within the extraterritorial jurisdiction (“ETJ”) of the City;

WHEREAS, Owner desires the Property remain in the City’s ETJ until development occurs and be developed pursuant to mutually agreeable governing regulations that will remain in place for the Term of the Agreement, in consideration for which the Parties agree to enter into this Agreement;

WHEREAS, the Parties have agreed that the Property will continue to remain within the City’s ETJ and be immune from annexation by the City until certain development occurs, as further provided by this Agreement;

WHEREAS, it is the Parties’ mutual intent that during the Term, this Agreement sets forth the development regulations on the Property, and if during the Term there is a direct conflict between a City development regulation and this Agreement, the terms of this Agreement control;

WHEREAS, the Parties have the authority to enter into this Agreement including, but not limited to, the authority granted pursuant to Section 212.172 of the Texas Local Government Code; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties agree as follows:

ARTICLE I

DEVELOPMENT REGULATIONS

1.1 Use of Property. Prior to filing a preliminary plat application with the City for all or any portion of the Property, the Owner covenants and agrees not to use the Property for any use other than for agriculture, wildlife management and/or timber land consistent with Chapter 23 of the Texas Tax Code, or for existing single-family residential use of the Property, without the prior written consent of the City. Upon filing a preliminary plat application for all or any portion of the Property with the City, the portion(s) of the Property subject to the preliminary plat application will be governed by the Governing Regulations (defined below).

1.2 Governing Regulations. Upon annexation into the City's corporate limits of all or any portion of the Property, development of the portion(s) of the Property that have been annexed shall be governed by the following regulations (collectively, the "Governing Regulations") for the Term of the Agreement:

(a) except as modified in the Development Regulations (defined below) the Unified Development Code of the City of Hutto, Texas, as amended, in effect on the date an application for a preliminary plat of all or any portion of the Property is filed with the City (the "UDC"), including but not limited to the zoning regulations for the City, Chapter 6 of the UDC (the "Subdivision Regulations"), Chapter 8 of the UDC (the "Stormwater and Drainage Regulations") and Chapter 4, Section 10.410 of the UDC (the "Sign Ordinance");

(b) the development regulations for the Property set forth in Section 1.4 of this Agreement (the "Development Regulations"); -and

(c) upon annexation pursuant to Section 3.1 of this Agreement, the uniform building codes, as amended from time to time, including any local amendments thereto adopted by the City (the "Building Codes"). The term "Building Codes," as applied to a particular building shall mean the Building Codes in effect on the date an application is filed for a building permit for the building in question. The Parties envision that annexation of the Property will occur in phases as the Property is developed. The Building Codes shall only apply to the portion(s) of the Property that have been annexed into the City, upon such annexation.

During the Term of this Agreement, the Governing Regulations are the regulations for development of the Property. The Governing Regulations are considered part of this Agreement and are incorporated herein by reference.

1.3 Timing of Plat Applications. The Owner covenants and agrees that it will not file any type of subdivision plat for the Property with Williamson County, the City, or any other governmental entity that has jurisdiction over the Property until Owner has filed a voluntary annexation petition for the portion(s) of the Property included within the boundaries of the subdivision plat in accordance with Section 3.1. of this Agreement. Plats may be filed in phases

and only the portion(s) of the Property included within the boundaries of a subdivision plat submitted to the City are required to be annexed.

1.4 Development Regulations. The Property shall be developed in accordance with the B-2 commercial: general district ("B-2 District"), subject to the same allowed uses and conditions applicable in the B-2 district set forth in the UDC.

1.5 Compliance with House Bill 2439. All aesthetic requirements of the zoning district, as outlined in the Unified Development Code or Planned Unit Development, as adopted and amended, shall be followed in a manner consistent with House Bill 2439 of the 86th Regular Legislative Session passed by the Texas Senate on May 19, 2019.

1.6 Conflicts. In the event of any conflict between the Development Regulations and any other City development regulations that apply to the Property, the Development Regulations shall control.

ARTICLE II

UTILITIES AND FEES

2.1 Wastewater Service.

(a) The Property may be connected to wastewater service through (a) a tie-in to the wastewater facilities depicted on Exhibit B planned to be constructed by a neighboring landowner; (b) or an alternative connection mutually agreed upon by Owner and the City.

(b) The City shall be the retail provider of wastewater service to the Property. If the City is at any time unable or unwilling to provide adequate wastewater treatment capacity for the Property for development permitted under this Agreement, the City agrees and consents to Owner's use of septic tanks to treat wastewater for development located on the Property. At Owner's request, if after a period of two years from the Effective Date, the City is unable or unwilling to provide adequate wastewater service, the City agrees to work in good faith with Owner to allow an alternative retail provider, a municipal utility district or other similar district to provide retail wastewater service to the Property.

2.2 Water Service.

(a) The Property may be connected to water service through (a) a tie-in to the water facilities depicted on Exhibit C planned to be constructed by a neighboring landowner; (b) or an alternative connection mutually agreed upon by Owner and the City or the Jonah S.U.D.

(b) Jonah S.U.D. will be the retail provider of water service to the Property.

(c) The City does not object to the use of water wells, subject to any applicable state rules and regulations, as a potable water supply for the Property.

ARTICLE III
ANNEXATION AND ZONING

3.1 Annexation.

(a) The Parties agree that the Property may be annexed in phases to coincide with development of the Property. Prior to submission of a preliminary plat, Owner shall file a voluntary annexation petition with the City for the portion of the Property to be subject to the preliminary plat, entitling the City to annex the subject portion of the Property included in the annexation petition. The City shall annex such portion(s) of the Property within 90 days after receipt of an annexation petition. Except for portion(s) of the Property voluntarily annexed pursuant to this Section 3.1, for the Term of this Agreement the City agrees to the continuation of the extraterritorial status of the Property, its immunity from annexation by the City and its immunity from City property taxes, subject to the provisions of this Agreement. During the Term of this Agreement, the City will not annex into its corporate limits any portion of the Property other than portion(s) of the Property included in a voluntary annexation petition filed by Owner in accordance with this Section 3.1.

(b) Upon expiration of the Term of this Agreement, Owner, its heirs, successors and assigns shall be deemed to have filed a petition for voluntary annexation for the annexation of the Property (or remainder of the Property) to be completed on or after the end of the Term. Except as set forth in Section 3.1(a) or in the limited remedy in Section 4.2(b), the City may only commence the voluntary annexation of the Property on or after expiration of the Term. The Owner agrees that such annexation shall be voluntary, and the Owner hereby consents pursuant to Section 212.172(b)(7).

(c) As portion(s) of the Property are annexed into the City, the City shall provide services to all or a portion of the Property (in addition to services already provided under Article II), as applicable, in accordance with the service plan enclosed as **Exhibit C** and Section 43.056 of the Texas Local Government Code.

3.2 Zoning. Upon annexation of all or a portion of the Property pursuant to Section 3.1 or Section 4.2(b), the applicant shall submit a zoning application requesting a B-2 District and the City shall consider zoning to the extent allowed by law, with regulations identical to those in the Development Regulations in accordance with the provisions of applicable law and the City's Code of Ordinances. Owner may submit separate zoning applications for separate portions of the Property.

ARTICLE IV
EVENTS OF DEFAULT; REMEDIES

4.1 Events of Default. No Party shall be in default under this Agreement until notice of the alleged failure of such Party to perform has been given in writing (which notice shall set forth in reasonable detail the nature of the alleged failure) and until such Party has been given a reasonable time to cure the alleged failure (such reasonable time to be determined based on the nature of the alleged failure, but in no event less than forty-five (45) days) after written notice of

the alleged failure has been given. Notwithstanding the foregoing, no Party shall be in default under this Agreement if, within the applicable cure period, the Party to whom the notice was given begins performance and thereafter diligently and continuously pursues performance until the alleged failure has been cured.

4.2 Remedies.

(a) Except as provided in 4.2(b) below, as compensation for the other Party's default, an aggrieved Party is limited to seeking specific performance of the other Party's obligations under this Agreement.

(b) If Owner files a subdivision plat in violation of Section 1.3 or if the Owner commences development of the Property for a use other than agriculture, wildlife management, timber land, or the existing single-family residential use on the Property prior to filing a preliminary plat with the City in violation of Section 1.1, and such act remains uncured beyond the applicable notice and cure period, then such act will constitute a petition for voluntary annexation by the Owner for such portion of the Property that is the subject of the subdivision plat or such portion of the Property that has been developed in violation of Section 1.1. The City may, in its discretion, subject the Property (or portion thereof) to annexation by the City. In such an instance, Owner agrees that such annexation shall be voluntary, and the Owner hereby consents pursuant to Section 212.172(b)(7). In the event of such an annexation as a result of Owner's violation of Section 1.1 or 1.3, services will be provided to the annexed Property in accordance with Section 3.1(c). Owner waives any vested rights claims that it may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of actions Owner has taken set forth in the first sentence of this Section 4.2(b).

ARTICLE V

ASSIGNMENT; ENCUMBRANCE

5.1 Assignment. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the Parties hereto. Owner may assign the Agreement, in whole or in part, to a future purchaser or owner of all or any portion of the Property without the prior written consent of the City, but upon written notice to the City. Except with respect to future owners, Owner may not assign the Agreement without the prior written consent of City, which consent shall not be unreasonably withheld, conditioned or delayed. An assignee shall be considered a "Party" for the purposes of this Agreement. Each assignment shall be in writing executed by Owner and the assignee and shall obligate the assignee to be bound by this Agreement to the extent this Agreement applies or relates to the obligations, rights, title, or interests being assigned.

5.2 Third-Party Beneficiaries. This Agreement only inures to the benefit of, and may only be enforced by, the Parties. No other person or entity shall have any right, title, or interest under this Agreement or otherwise be deemed to be a third-party beneficiary of this Agreement.

5.3 Notice of Assignment. The following requirements shall apply in the event that the Owner sells, assigns, transfers, or otherwise conveys the Property or any part thereof and/or any of its rights or benefits under this Agreement:

(a) the Owner must provide written notice to the City to the extent required under Section 5.1 after any such sale, assignment, transfer, or other conveyance;

(b) prior to the sale, assignment, transfer, or other conveyance, the Owner must give written notice of this Agreement to the prospective purchaser or grantee;

(c) any such notice under this Section 5.3 must describe the extent to which any rights or benefits under this Agreement have been or will be sold, assigned, transferred, or otherwise conveyed;

(d) the notice to the City must state the name and mailing address of the person(s) that have acquired any rights or benefits as a result of any such sale, assignment, transfer or other conveyance; and

(e) any such notice must be signed by a duly authorized person representing the Owner.

ARTICLE VI

RECORDATION AND ESTOPPEL CERTIFICATES

6.1 Binding Obligations. This Agreement and all amendments thereto and assignments hereof shall be recorded in the Real Property Records of Williamson County, Texas. This Agreement binds and constitutes a covenant running with the Property and, upon the Effective Date, is binding upon the Parties. This Agreement, when recorded, shall be binding upon the Parties, their successors and permitted assigns for the Term of the Agreement.

6.2 Estoppel Certificates. From time to time upon written request of the Owner or any future owner, and upon the payment to the City of a \$100.00 fee, the City Manager, or his/her designee will, in his/her official capacity and to his/her reasonable knowledge and belief, execute a written estoppel certificate, which shall include, but not necessarily be limited to, statements that this Agreement is in full force and effect without default (or if default exists, the nature of default and curative action, which should be undertaken to cure same), the remaining Term of this Agreement, and such other matters reasonably requested by the party to receive the certificate.

ARTICLE VII

GENERAL PROVISIONS

7.1 Term. The term of this Agreement shall be twenty-five (25) years after the Effective Date unless extended by mutual agreement of the Parties ("Term"), provided however, that the total duration of this Agreement, including successive renewals or extensions, may not exceed forty-five (45) years.

7.2 Inspections and Acceptance of Public Infrastructure. The City shall accept and inspect any public infrastructure necessary to support the proposed development within the Property, including water, sanitary sewer, drainage, and street improvements for compliance with City Code provisions, and other ordinances or regulations duly adopted by the City Council relating to the same.

7.3 Eminent Domain. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or Chapter 212 development agreement.

ARTICLE VIII

ADDITIONAL PROVISIONS

8.1 Notices. Any notice, submittal, or instrument required or permitted by this Agreement to be given or delivered to any Party shall be deemed to have been received when personally delivered or 72 hours following deposit of the same in any United States Post Office, registered or certified mail, postage prepaid, addressed as follows:

To the City: Attn: City Manager
City of Hutto, Texas
500 W. Live Oak Street
Hutto, Texas 78634

To the Owner: No-Count, LLC
Attn: Gary Olander
311 Royale Heights Lane
Houston, Texas 77024

With a copy to: Winstead PC
Attn: Laura Hoffmann
500 Winstead Building
2728 N. Harwood Street
Dallas, Texas 75201

Any Party may change its address or addresses for delivery of notice by delivering written notice of such change of address to the other Party.

8.2 Interpretation. The Parties acknowledge that each has been actively involved in negotiating this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not apply to interpreting this Agreement. In the event of any dispute over the meaning or application of any provision of this Agreement, the provision will be interpreted fairly and reasonably and neither more strongly for nor against any Party, regardless of which Party originally drafted the provision.

8.3 Authority. The City represents and warrants that this Agreement has been approved by official action by the City Council of the City in accordance with all applicable public notice requirements (including, but not limited to, notices required by the Texas Open

Meetings Act) and that the individual executing this Agreement on behalf of the City has been duly authorized to do so. The Owner represents that it is the current owner of the Property and to its knowledge there is no other person claiming an ownership interest in the Property who has not signed the Agreement. The Owner represents and warrants that this Agreement has been approved by appropriate action of the Owner, and that the individual executing this Agreement on behalf of the Owner has been duly authorized to do so.

8.4 Severability and Amendment. This Agreement shall not be modified or amended except by mutual agreement in writing and signed by both Parties. If any provision of this Agreement is determined by a court of competent jurisdiction to be void or unenforceable for any reason, including the covenants regarding involuntary annexation, then: (a) such unenforceable provision shall be deleted from this Agreement; (b) the unenforceable provision shall, to the extent possible and upon mutual agreement of the Parties, be rewritten to be enforceable and to give effect to the intent of the Parties; and (c) the remainder of this Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the Parties.

8.5 Applicable Law; Venue. This Agreement is entered into pursuant to, and is to be construed and enforced in accordance with, the laws of the State of Texas, and all obligations of the Parties are performable in Williamson County, Texas. Exclusive venue for any action related to, arising out of, or brought in connection with this Agreement shall be in Williamson County, Texas.

8.6 Enforceability and Non Waiver. Each Party acknowledges and agrees that this Agreement is binding upon such Party and is enforceable against such Party, in accordance with its terms and conditions and to the extent provided by law. This Agreement may be enforced by any Party by any proceeding at law or equity. Failure by a Party to enforce any provision of the Agreement shall not be deemed a waiver to enforce the provisions of this Agreement thereafter, and the Party shall have the right at any time thereafter to insist upon strict performance of any and all provisions of this Agreement. No provision of this Agreement may be waived except by writing signed by the Party waiving such provision. Any waiver shall be limited to the specific purposes for which it is given. No waiver by any Party of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

8.7 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

8.8 Force Majeure. Each Party shall use good faith, due diligence and reasonable care in the performance of its respective obligations under this Agreement; however, in the event a Party is unable, due to force majeure, to perform its obligations under this Agreement, then the obligations affected by the force majeure shall be temporarily suspended. Within fifteen (15) business days after the occurrence of a force majeure, the Party claiming the right to temporarily suspend its performance, shall give Notice to all the Parties, including a detailed explanation of the force majeure and a description of the action that will be taken to remedy the force majeure and resume full performance at the earliest possible time. The term "force majeure" shall

include events or circumstances that are not within the reasonable control of the Party whose performance is suspended, including but not limited to war, civil commotion, acts of God, strike, inclement weather, shortages or unavailability of labor or materials, unreasonable delays by the City (based on the then-current workload of the City department(s) responsible for undertaking the activity in question) in issuing any permits, consents, or certificates of occupancy or conducting any inspections of or with respect to the Property and development thereon, or other circumstances which are reasonably beyond the control of the Party obligated or permitted under the terms of this Agreement to do or perform the same, regardless of whether any such circumstance is similar to any of those enumerated or not.

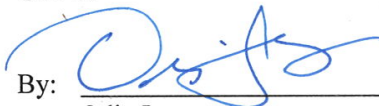
8.9 Complete Agreement. This Agreement embodies the entire Agreement between the Parties and cannot be varied or terminated except as set forth in this Agreement, or by written agreement of both the City and Owner expressly amending the terms of this Agreement.

8.10 Consideration. This Agreement is executed by the Parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is hereby acknowledged.

[SIGNATURES PAGES FOLLOW, REMAINDER OF THIS PAGE INTENTIONALLY LEFT
BLANK]

EXECUTED BY THE PARTIES TO BE EFFECTIVE ON THE EFFECTIVE DATE:

CITY:

By: 

Odis Jones
City Manager, City of Hutto, Texas

Date: 9/6/19

APPROVED AS TO FORM:

Name: 

Title: Attorney for the City

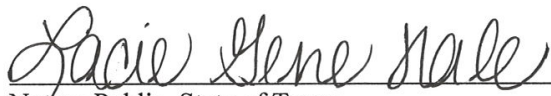
STATE OF TEXAS

COUNTY OF WILLIAMSON

This instrument was acknowledged before me on the 10th day of September, 2019 by Odis Jones, City Manager, City of Hutto, Texas, on behalf of said City.

(SEAL)




Notary Public, State of Texas

Name printed or typed: Lacie Gene Hale

Commission Expires: March 31, 2023

OWNER:

NO-COUNT HUTTO, LLC,
a Texas limited liability company

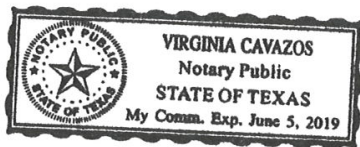
By: [Signature]
Name: GARY OLANDER
Title: MEMBER / VP
Date: 9-4-19

STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before me on the 4th day of September, 2019 by Gary Olander, VP of No-Count Hutto, LLC, a Texas limited liability company, on behalf of said entity.

(SEAL)



Virginia Cavazos
Notary Public, State of Texas

Name printed or typed: Virginia Cavazos
Commission Expires: June 5, 2019

Exhibit A

LEGAL DESCRIPTION OF THE PROPERTY

3.50 acres of land out of the Aaron Armstrong Survey, Abstract No. 26, in Williamson County, Texas, being a portion of that same 76.5 acre tract described in Deed recorded in Volume 74, Page 443, Deed Records of Williamson County, Texas, said 3.50 acre tract being more particularly described by metes and bounds as follows:

All that certain tract or parcel of land, lying and being situated in the County of Williamson and State of Texas, a part of the Aaron Armstrong Survey, and being described by metes and bounds as follows, to-wit:

BEGINNING at the Southeast corner of the Aaron Armstrong Survey for the Southeast corner of this tract;

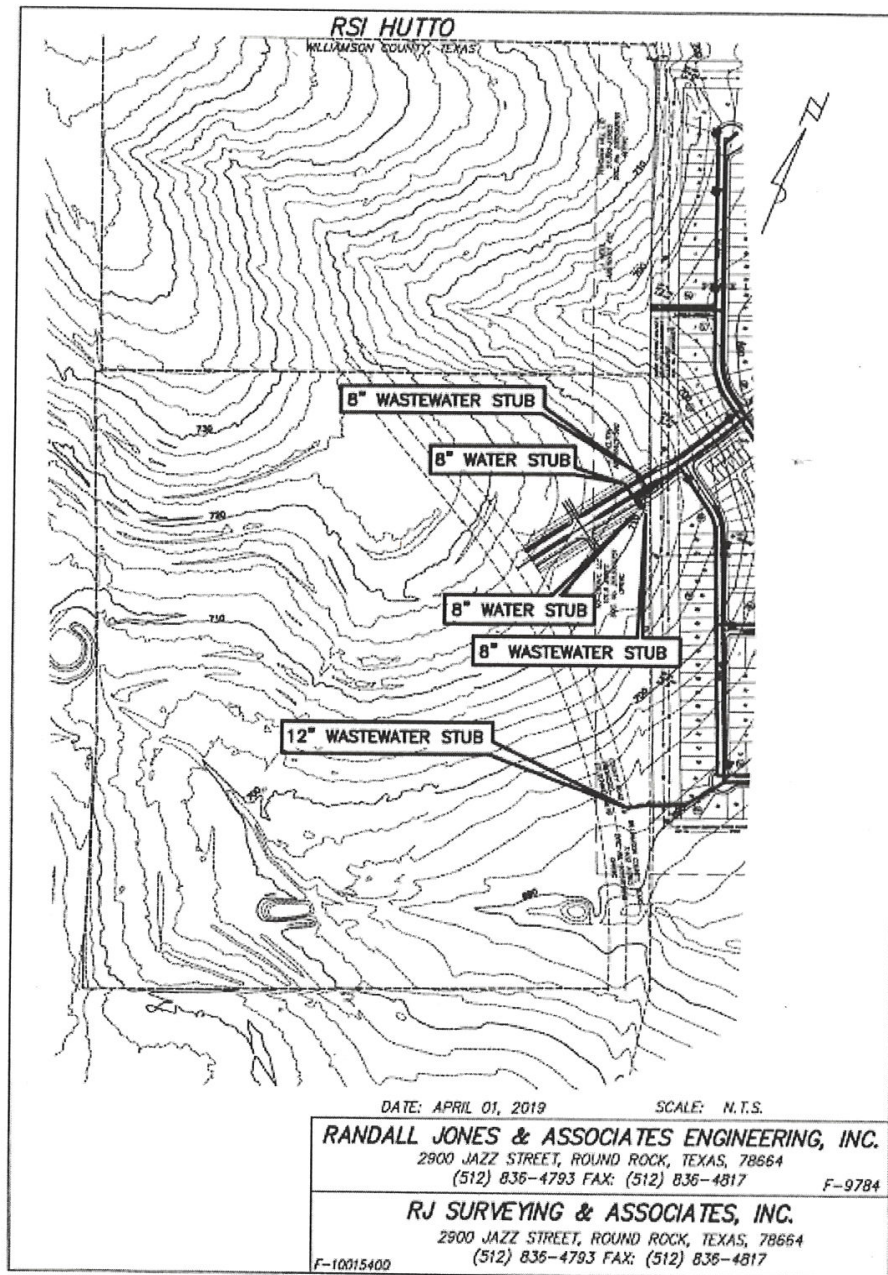
THENCE North 19 West 140 1/2 varas with the East line of the Armstrong Survey;

THENCE South 71 West 140 1/2 varas;

THENCE South 19 East 140 1/2 varas;

THENCE North 71 East 140 1/2 varas which the original line to the PLACE OF BEGINNING and containing 3.50 acres of land.

Exhibit B



4825-1406-4022v.2
63183-1 7/25/2019

Page 15 of 17

Exhibit C

MUNICIPAL SERVICE PLAN FOR PROPERTY UPON ANNEXATION

The City of Hutto, Texas will provide for the extension of full municipal services into the area proposed to be annexed in accordance with Texas Local Government Code §43.056.

FIRE

Existing Services: Williamson County Emergency Service District #3

Services to be Provided:

Provides fire suppression and emergency services to the area. Primary fire response will be provided by Williamson County Emergency Service District #3, located at the following address: 501 Exchange Boulevard. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

POLICE

Existing Services: Williamson County Sheriff's Department

Services to be Provided:

Upon annexation, the City of Hutto Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriations.

BUILDING INSPECTION

Existing Services: None

Services to be Provided:

The Development Services Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City of Hutto. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

PLANNING AND ZONING

Existing Services: Review of subdivision development plans under City's Subdivision Ordinance. No municipal zoning or land use controls except for those imposed by State Law.

Services to be Provided:

The Hutto Development Services Department has responsibility for regulating development and land use through the administration of the City of Hutto's Zoning Ordinance, and this will extend to the area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Hutto's Subdivision Ordinance. These services can be provided within the departments' current budgets.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided:

Sanitary sewer service to the properties will be provided by City of Hutto.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided:

Solid waste collection shall be provided to the area of annexation in accordance with current ordinances. Service shall comply with existing City of Hutto policies, beginning with occupancy of structures.

PARKS AND TRAILS

Existing Service: None

Services to be Provided:

All City operated parks and trail systems will be available to the residents of this area upon annexation.

MISCELLANEOUS

Existing Services: None

Services to be Provided:

All other applicable municipal services will be provided to the area in accordance with the City of Hutto's established policies governing extension of municipal services to newly-annexed areas.

Regular City Council
AGENDA ITEM
11.B.



To: City Council
Subject: Consideration and possible action on a resolution authorizing the execution of an annexation development agreement between the City of Hutto and No-Count LLC, for 8.36 acres, more or less, of land. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

The City of Hutto adopted an Annexation Policy in 2018. The stated purpose of the policy is to promote orderly growth and facilitate long-range planning efforts and diversifying and expanding the economic base of the City of Hutto. The policy further outlines one way to achieve the purpose is to, "provide a means for meaningful public engagement in preparing an annexation prioritization list as part of an annual update to City Council".

Offering development agreements in lieu of annexation was the next step in preparing the annexation prioritization list and annexing territory, or managing future growth, in the extraterritorial jurisdiction (ETJ).

Staff held multiple open houses for property owners that were offered agreements, starting in November 2018 through January 2019, to answer questions or offer one-on-one discussions for particular concerns. Should a property owner enter into a development agreement with the City for the acres identified in the agreement, the specific tract of land will not be annexed proactively by the City for a period of time, typically twenty-five years. In return, the property owner agrees to maintain the agricultural exemption and not further develop the property into a larger development. The area adjacent or contiguous to an area that is the subject of a development agreement is considered adjacent or contiguous to the municipality, which allows the city to annex ETJ land adjacent prior to development.

RECOMMENDATION:

Staff recommends that the Council approve the resolution.

ATTACHMENTS:

[\(Res\)DA-No-CountLLC-8.36ac\(Res\)Complete](#)

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ANNEXATION DEVELOPMENT AGREEMENT BETWEEN THE CITY OF HUTTO AND NO-COUNT LLC, FOR 8.36 ACRES, MORE OR LESS OF LAND, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", AND ATTACHED HERETO; IN THE CITY OF HUTTO, WILLIAMSON COUNTY, TEXAS.

WHEREAS, the purpose of this Agreement is to comply with all requirements of Sections 43.035 and 212.172 of the Texas Local Government Code pertaining to the annexation of property into the Hutto city limits, and;

WHEREAS, both parties agree that in consideration of the mutual promises stated herein, that the property will not be annexed by the City of Hutto so long as 1) the property continues to receive an agricultural exemption from the Williamson County Central Appraisal District, and 2) no action is taken by the Owner or his assigns to file a subdivision plat or any related development document regarding the property. If one or more of the above circumstances occur, the City is authorized to commence proceedings to annex all or some of the property, and;

WHEREAS, as consideration for the City foregoing annexation proceedings as described above, the Owner hereby authorizes the City to enforce all regulations and planning authority of the City, except for any regulations which interfere with Owner's use of the property for agricultural purposes, wildlife management or timber production, and;

WHEREAS, both parties agree that upon annexation of the property by the City, the City shall, within 30 days of the effective date of the annexation, initiate an initial zoning of the property conforming with the land use designation for the Property as shown on the most recent amendment of City's Growth Guidance Plan.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

that the Hutto City Council authorizes the City Manager of Hutto to execute an annexation development agreement between the City of Hutto and No-Count LLC, for the property described in **Exhibit "A"**, a copy of same being attached hereto and incorporated herein for all purposes.

CONSIDERED and RESOLVED on this the **19th** day of the month **September, 2019**.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Lacie Hale, City Secretary

STATE OF TEXAS)
)
COUNTY OF WILLIAMSON)

SECTION 212.172 TEXAS LOCAL GOVERNMENT CODE
DEVELOPMENT AGREEMENT

This Development Agreement (this “Agreement”) is entered into pursuant to Section 212.172 of the Texas Local Government Code by and between the City of Hutto, Texas (the “City”) and No-Count, LLC, a Texas limited liability company (the “Owner”), to be effective as of _____, 2019 (the “Effective Date”). The City and the Owner are sometimes referred to herein individually as a “Party”, or collectively as the “Parties”.

RECITALS

WHEREAS, Owner owns approximately **8.36 acres** of real property located within Williamson County, Texas (the “County”), which property is more particularly described by metes and bounds on **Exhibit A** (“Property”) attached hereto and incorporated herein by reference;

WHEREAS, the Property is located wholly within the extraterritorial jurisdiction (“ETJ”) of the City;

WHEREAS, Owner desires the Property remain in the City’s ETJ until development occurs and be developed pursuant to mutually agreeable governing regulations that will remain in place for the Term of the Agreement, in consideration for which the Parties agree to enter into this Agreement;

WHEREAS, the Parties have agreed that the Property will continue to remain within the City’s ETJ and be immune from annexation by the City until certain development occurs, as further provided by this Agreement;

WHEREAS, it is the Parties’ mutual intent that during the Term, this Agreement sets forth the development regulations on the Property, and if during the Term there is a direct conflict between a City development regulation and this Agreement, the terms of this Agreement control;

WHEREAS, the Parties have the authority to enter into this Agreement including, but not limited to, the authority granted pursuant to Section 212.172 of the Texas Local Government Code; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties agree as follows:

ARTICLE I

DEVELOPMENT REGULATIONS

1.1 Use of Property. Prior to filing a preliminary plat application with the City for all or any portion of the Property, the Owner covenants and agrees not to use the Property for any use other than for agriculture, wildlife management and/or timber land consistent with Chapter 23 of the Texas Tax Code, or for existing single-family residential use of the Property, without the prior written consent of the City. Upon filing a preliminary plat application for all or any portion of the Property with the City, the portion(s) of the Property subject to the preliminary plat application will be governed by the Governing Regulations (defined below).

1.2 Governing Regulations. Upon annexation into the City's corporate limits of all or any portion of the Property, development of the portion(s) of the Property that have been annexed shall be governed by the following regulations (collectively, the "Governing Regulations") for the Term of the Agreement:

(a) except as modified in the Development Regulations (defined below) the Unified Development Code of the City of Hutto, Texas, as amended, in effect on the date an application for a preliminary plat of all or any portion of the Property is filed with the City (the "UDC"), including but not limited to the zoning regulations for the City, Chapter 6 of the UDC (the "Subdivision Regulations"), Chapter 8 of the UDC (the "Stormwater and Drainage Regulations") and Chapter 4, Section 10.410 of the UDC (the "Sign Ordinance");

(b) the development regulations for the Property set forth in Section 1.4 of this Agreement (the "Development Regulations"); -and

(c) upon annexation pursuant to Section 3.1 of this Agreement, the uniform building codes, as amended from time to time, including any local amendments thereto adopted by the City (the "Building Codes"). The term "Building Codes," as applied to a particular building shall mean the Building Codes in effect on the date an application is filed for a building permit for the building in question. The Parties envision that annexation of the Property will occur in phases as the Property is developed. The Building Codes shall only apply to the portion(s) of the Property that have been annexed into the City, upon such annexation.

During the Term of this Agreement, the Governing Regulations are the regulations for development of the Property. The Governing Regulations are considered part of this Agreement and are incorporated herein by reference.

1.3 Timing of Plat Applications. The Owner covenants and agrees that it will not file any type of subdivision plat for the Property with Williamson County, the City, or any other governmental entity that has jurisdiction over the Property until Owner has filed a voluntary annexation petition for the portion(s) of the Property included within the boundaries of the subdivision plat in accordance with Section 3.1. of this Agreement. Plats may be filed in phases

and only the portion(s) of the Property included within the boundaries of a subdivision plat submitted to the City are required to be annexed.

1.4 Development Regulations. The Property shall be developed in accordance with the B-2 commercial: general district ("B-2 District"), subject to the same allowed uses and conditions applicable in the B-2 district set forth in the UDC.

1.5 Compliance with House Bill 2439. All aesthetic requirements of the zoning district, as outlined in the Unified Development Code or Planned Unit Development, as adopted and amended, shall be followed in a manner consistent with House Bill 2439 of the 86th Regular Legislative Session passed by the Texas Senate on May 19, 2019.

1.6 Conflicts. In the event of any conflict between the Development Regulations and any other City development regulations that apply to the Property, the Development Regulations shall control.

ARTICLE II **UTILITIES AND FEES**

2.1 Wastewater Service.

(a) The Property may be connected to wastewater service through (a) a tie-in to the wastewater facilities depicted on Exhibit B planned to be constructed by a neighboring landowner; (b) or an alternative connection mutually agreed upon by Owner and the City.

(b) The City shall be the retail provider of wastewater service to the Property. If the City is at any time unable or unwilling to provide adequate wastewater treatment capacity for the Property for development permitted under this Agreement, the City agrees and consents to Owner's use of septic tanks to treat wastewater for development located on the Property. At Owner's request, if after a period of two years from the Effective Date, the City is unable or unwilling to provide adequate wastewater service, the City agrees to work in good faith with Owner to allow an alternative retail provider, a municipal utility district or other similar district to provide retail wastewater service to the Property.

2.2 Water Service.

(a) The Property may be connected to water service through (a) a tie-in to the water facilities depicted on Exhibit C planned to be constructed by a neighboring landowner; (b) or an alternative connection mutually agreed upon by Owner and the City or the Jonah S.U.D.

(b) Jonah S.U.D. will be the retail provider of water service to the Property.

(c) The City does not object to the use of water wells, subject to any applicable state rules and regulations, as a potable water supply for the Property.

ARTICLE III
ANNEXATION AND ZONING

3.1 Annexation.

(a) The Parties agree that the Property may be annexed in phases to coincide with development of the Property. Prior to submission of a preliminary plat, Owner shall file a voluntary annexation petition with the City for the portion of the Property to be subject to the preliminary plat, entitling the City to annex the subject portion of the Property included in the annexation petition. The City shall annex such portion(s) of the Property within 90 days after receipt of an annexation petition. Except for portion(s) of the Property voluntarily annexed pursuant to this Section 3.1, for the Term of this Agreement the City agrees to the continuation of the extraterritorial status of the Property, its immunity from annexation by the City and its immunity from City property taxes, subject to the provisions of this Agreement. During the Term of this Agreement, the City will not annex into its corporate limits any portion of the Property other than portion(s) of the Property included in a voluntary annexation petition filed by Owner in accordance with this Section 3.1.

(b) Upon expiration of the Term of this Agreement, Owner, its heirs, successors and assigns shall be deemed to have filed a petition for voluntary annexation for the annexation of the Property (or remainder of the Property) to be completed on or after the end of the Term. Except as set forth in Section 3.1(a) or in the limited remedy in Section 4.2(b), the City may only commence the voluntary annexation of the Property on or after expiration of the Term. The Owner agrees that such annexation shall be voluntary, and the Owner hereby consents pursuant to Section 212.172(b)(7).

(c) As portion(s) of the Property are annexed into the City, the City shall provide services to all or a portion of the Property (in addition to services already provided under Article II), as applicable, in accordance with the service plan enclosed as **Exhibit C** and Section 43.056 of the Texas Local Government Code.

3.2 Zoning. Upon annexation of all or a portion of the Property pursuant to Section 3.1 or Section 4.2(b), the applicant shall submit a zoning application requesting a B-2 District and the City shall consider zoning to the extent allowed by law, with regulations identical to those in the Development Regulations in accordance with the provisions of applicable law and the City's Code of Ordinances. Owner may submit separate zoning applications for separate portions of the Property.

ARTICLE IV
EVENTS OF DEFAULT; REMEDIES

4.1 Events of Default. No Party shall be in default under this Agreement until notice of the alleged failure of such Party to perform has been given in writing (which notice shall set forth in reasonable detail the nature of the alleged failure) and until such Party has been given a reasonable time to cure the alleged failure (such reasonable time to be determined based on the nature of the alleged failure, but in no event less than forty-five (45) days) after written notice of

the alleged failure has been given. Notwithstanding the foregoing, no Party shall be in default under this Agreement if, within the applicable cure period, the Party to whom the notice was given begins performance and thereafter diligently and continuously pursues performance until the alleged failure has been cured.

4.2 Remedies.

(a) Except as provided in 4.2(b) below, as compensation for the other Party's default, an aggrieved Party is limited to seeking specific performance of the other Party's obligations under this Agreement.

(b) If Owner files a subdivision plat in violation of Section 1.3 or if the Owner commences development of the Property for a use other than agriculture, wildlife management, timber land, or the existing single-family residential use on the Property prior to filing a preliminary plat with the City in violation of Section 1.1, and such act remains uncured beyond the applicable notice and cure period, then such act will constitute a petition for voluntary annexation by the Owner for such portion of the Property that is the subject of the subdivision plat or such portion of the Property that has been developed in violation of Section 1.1. The City may, in its discretion, subject the Property (or portion thereof) to annexation by the City. In such an instance, Owner agrees that such annexation shall be voluntary, and the Owner hereby consents pursuant to Section 212.172(b)(7). In the event of such an annexation as a result of Owner's violation of Section 1.1 or 1.3, services will be provided to the annexed Property in accordance with Section 3.1(c). Owner waives any vested rights claims that it may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of actions Owner has taken set forth in the first sentence of this Section 4.2(b).

ARTICLE V

ASSIGNMENT; ENCUMBRANCE

5.1 Assignment. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the Parties hereto. Owner may assign the Agreement, in whole or in part, to a future purchaser or owner of all or any portion of the Property without the prior written consent of the City, but upon written notice to the City. Except with respect to future owners, Owner may not assign the Agreement without the prior written consent of City, which consent shall not be unreasonably withheld, conditioned or delayed. An assignee shall be considered a "Party" for the purposes of this Agreement. Each assignment shall be in writing executed by Owner and the assignee and shall obligate the assignee to be bound by this Agreement to the extent this Agreement applies or relates to the obligations, rights, title, or interests being assigned.

5.2 Third-Party Beneficiaries. This Agreement only inures to the benefit of, and may only be enforced by, the Parties. No other person or entity shall have any right, title, or interest under this Agreement or otherwise be deemed to be a third-party beneficiary of this Agreement.

5.3 Notice of Assignment. The following requirements shall apply in the event that the Owner sells, assigns, transfers, or otherwise conveys the Property or any part thereof and/or any of its rights or benefits under this Agreement:

(a) the Owner must provide written notice to the City to the extent required under Section 5.1 after any such sale, assignment, transfer, or other conveyance;

(b) prior to the sale, assignment, transfer, or other conveyance, the Owner must give written notice of this Agreement to the prospective purchaser or grantee;

(c) any such notice under this Section 5.3 must describe the extent to which any rights or benefits under this Agreement have been or will be sold, assigned, transferred, or otherwise conveyed;

(d) the notice to the City must state the name and mailing address of the person(s) that have acquired any rights or benefits as a result of any such sale, assignment, transfer or other conveyance; and

(e) any such notice must be signed by a duly authorized person representing the Owner.

ARTICLE VI

RECORDATION AND ESTOPPEL CERTIFICATES

6.1 Binding Obligations. This Agreement and all amendments thereto and assignments hereof shall be recorded in the Real Property Records of Williamson County, Texas. This Agreement binds and constitutes a covenant running with the Property and, upon the Effective Date, is binding upon the Parties. This Agreement, when recorded, shall be binding upon the Parties, their successors and permitted assigns for the Term of the Agreement.

6.2 Estoppel Certificates. From time to time upon written request of the Owner or any future owner, and upon the payment to the City of a \$100.00 fee, the City Manager, or his/her designee will, in his/her official capacity and to his/her reasonable knowledge and belief, execute a written estoppel certificate, which shall include, but not necessarily be limited to, statements that this Agreement is in full force and effect without default (or if default exists, the nature of default and curative action, which should be undertaken to cure same), the remaining Term of this Agreement, and such other matters reasonably requested by the party to receive the certificate.

ARTICLE VII

GENERAL PROVISIONS

7.1 Term. The term of this Agreement shall be twenty-five (25) years after the Effective Date unless extended by mutual agreement of the Parties ("Term"), provided however, that the total duration of this Agreement, including successive renewals or extensions, may not exceed forty-five (45) years.

7.2 Inspections and Acceptance of Public Infrastructure. The City shall accept and inspect any public infrastructure necessary to support the proposed development within the Property, including water, sanitary sewer, drainage, and street improvements for compliance with City Code provisions, and other ordinances or regulations duly adopted by the City Council relating to the same.

7.3 Eminent Domain. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or Chapter 212 development agreement.

ARTICLE VIII ADDITIONAL PROVISIONS

8.1 Notices. Any notice, submittal, or instrument required or permitted by this Agreement to be given or delivered to any Party shall be deemed to have been received when personally delivered or 72 hours following deposit of the same in any United States Post Office, registered or certified mail, postage prepaid, addressed as follows:

To the City: Attn: City Manager
 City of Hutto, Texas
 500 W. Live Oak Street
 Hutto, Texas 78634

To the Owner: No-Count, LLC
 Attn: Gary Olander
 311 Royale Heights Lane
 Houston, Texas 77024

With a copy to: Winstead PC
 Attn: Laura Hoffmann
 500 Winstead Building
 2728 N. Harwood Street
 Dallas, Texas 75201

Any Party may change its address or addresses for delivery of notice by delivering written notice of such change of address to the other Party.

8.2 Interpretation. The Parties acknowledge that each has been actively involved in negotiating this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not apply to interpreting this Agreement. In the event of any dispute over the meaning or application of any provision of this Agreement, the provision will be interpreted fairly and reasonably and neither more strongly for nor against any Party, regardless of which Party originally drafted the provision.

8.3 Authority. The City represents and warrants that this Agreement has been approved by official action by the City Council of the City in accordance with all applicable public notice requirements (including, but not limited to, notices required by the Texas Open

Meetings Act) and that the individual executing this Agreement on behalf of the City has been duly authorized to do so. The Owner represents that it is the current owner of the Property and to its knowledge there is no other person claiming an ownership interest in the Property who has not signed the Agreement. The Owner represents and warrants that this Agreement has been approved by appropriate action of the Owner, and that the individual executing this Agreement on behalf of the Owner has been duly authorized to do so.

8.4 Severability and Amendment. This Agreement shall not be modified or amended except by mutual agreement in writing and signed by both Parties. If any provision of this Agreement is determined by a court of competent jurisdiction to be void or unenforceable for any reason, including the covenants regarding involuntary annexation, then: (a) such unenforceable provision shall be deleted from this Agreement; (b) the unenforceable provision shall, to the extent possible and upon mutual agreement of the Parties, be rewritten to be enforceable and to give effect to the intent of the Parties; and (c) the remainder of this Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the Parties.

8.5 Applicable Law; Venue. This Agreement is entered into pursuant to, and is to be construed and enforced in accordance with, the laws of the State of Texas, and all obligations of the Parties are performable in Williamson County, Texas. Exclusive venue for any action related to, arising out of, or brought in connection with this Agreement shall be in Williamson County, Texas.

8.6 Enforceability and Non Waiver. Each Party acknowledges and agrees that this Agreement is binding upon such Party and is enforceable against such Party, in accordance with its terms and conditions and to the extent provided by law. This Agreement may be enforced by any Party by any proceeding at law or equity. Failure by a Party to enforce any provision of the Agreement shall not be deemed a waiver to enforce the provisions of this Agreement thereafter, and the Party shall have the right at any time thereafter to insist upon strict performance of any and all provisions of this Agreement. No provision of this Agreement may be waived except by writing signed by the Party waiving such provision. Any waiver shall be limited to the specific purposes for which it is given. No waiver by any Party of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

8.7 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

8.8 Force Majeure. Each Party shall use good faith, due diligence and reasonable care in the performance of its respective obligations under this Agreement; however, in the event a Party is unable, due to force majeure, to perform its obligations under this Agreement, then the obligations affected by the force majeure shall be temporarily suspended. Within fifteen (15) business days after the occurrence of a force majeure, the Party claiming the right to temporarily suspend its performance, shall give Notice to all the Parties, including a detailed explanation of the force majeure and a description of the action that will be taken to remedy the force majeure and resume full performance at the earliest possible time. The term "force majeure" shall

include events or circumstances that are not within the reasonable control of the Party whose performance is suspended, including but not limited to war, civil commotion, acts of God, strike, inclement weather, shortages or unavailability of labor or materials, unreasonable delays by the City (based on the then-current workload of the City department(s) responsible for undertaking the activity in question) in issuing any permits, consents, or certificates of occupancy or conducting any inspections of or with respect to the Property and development thereon, or other circumstances which are reasonably beyond the control of the Party obligated or permitted under the terms of this Agreement to do or perform the same, regardless of whether any such circumstance is similar to any of those enumerated or not.

8.9 Complete Agreement. This Agreement embodies the entire Agreement between the Parties and cannot be varied or terminated except as set forth in this Agreement, or by written agreement of both the City and Owner expressly amending the terms of this Agreement.

8.10 Consideration. This Agreement is executed by the Parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is hereby acknowledged.

[SIGNATURES PAGES FOLLOW, REMAINDER OF THIS PAGE INTENTIONALLY LEFT
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EXECUTED BY THE PARTIES TO BE EFFECTIVE ON THE EFFECTIVE DATE:

CITY:

By:

Odis Jones

City Manager, City of Hutto, Texas

Date:

9/6/19

APPROVED AS TO FORM:

Name:

Title: Attorney for the City

STATE OF TEXAS

COUNTY OF WILLIAMSON

This instrument was acknowledged before me on the 6th day of September, 2019 by Odis Jones, City Manager, City of Hutto, Texas, on behalf of said City.

(SEAL)



Lacie Gene Hale

Notary Public, State of Texas

Name printed or typed:

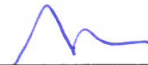
Lacie Gene Hale

Commission Expires:

March 31, 2023

OWNER:

NO-COUNT HUTTO, LLC,
a Texas limited liability company

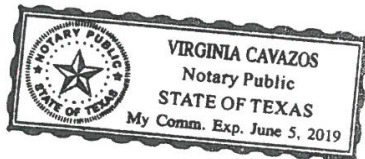
By: 
Name: GARY OLANDER
Title: MEMBER / VP
Date: 9-4-19

STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before me on the 4th day of September, 2019 by Gary Olander, VP of No-Count Hutto, LLC, a Texas limited liability company, on behalf of said entity.

(SEAL)



Virginia Cavazos
Notary Public, State of Texas
Name printed or typed: Virginia Cavazos
Commission Expires: June 5, 2019

Exhibit A

LEGAL DESCRIPTION OF THE PROPERTY

8.36 acres of land out of the Aaron Armstrong Survey, Abstract No. 26, in Williamson County, Texas, being a portion of that same 76.5 acre tract described in Deed recorded in Volume 74, Page 443, Deed Records of Williamson County, Texas, said 8.36 acre tract being more particularly described by metes and bounds as follows:

All that certain tract or parcel of land lying and being situated in the County of Williamson and State of Texas, a part of the Aaron Armstrong Survey, and being a part of a tract of 76 1/2 acre of land conveyed to P.A. Orlander by S.P. Croslin and wife, N.A. Croslin, by Deed recorded in Book 74, Page 443-444 of the Deed Records of Williamson County, Texas; the tract herein conveyed being described by metes and bounds as follows, to-wit:

Beginning at the Northeast corner of said tract of 76 1/2 acres of land for the Northeast corner of this tract;

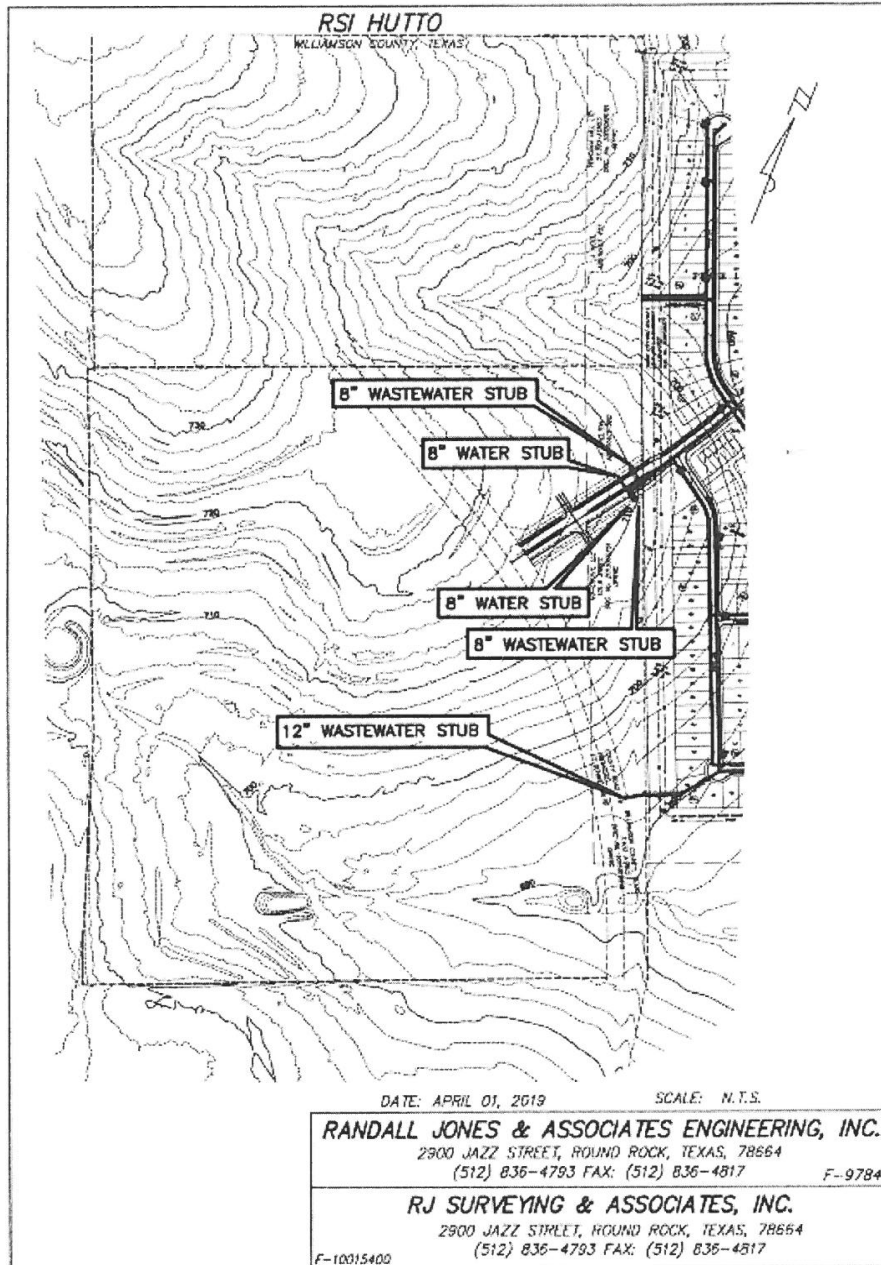
Thence South 71 West with the North line of said tract 143 varas to a stake for the Northwest corner of this tract;

Thence South 19 East 330.30 varas, a rock for the Southwest corner of this tract;

Thence North 71 East 143 varas;

Thence North 19 West 330.3 varas to the Place of Beginning and containing 8.36 acres of land.

Exhibit B



4825-1406-4022v.2

63183-1 7/25/2019

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Exhibit C

MUNICIPAL SERVICE PLAN FOR PROPERTY UPON ANNEXATION

The City of Hutto, Texas will provide for the extension of full municipal services into the area proposed to be annexed in accordance with Texas Local Government Code §43.056.

FIRE

Existing Services: Williamson County Emergency Service District #3

Services to be Provided:

Provides fire suppression and emergency services to the area. Primary fire response will be provided by Williamson County Emergency Service District #3, located at the following address: 501 Exchange Boulevard. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

POLICE

Existing Services: Williamson County Sheriff's Department

Services to be Provided:

Upon annexation, the City of Hutto Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriations.

BUILDING INSPECTION

Existing Services: None

Services to be Provided:

The Development Services Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City of Hutto. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

PLANNING AND ZONING

Existing Services: Review of subdivision development plans under City's Subdivision Ordinance. No municipal zoning or land use controls except for those imposed by State Law.

Services to be Provided:

The Hutto Development Services Department has responsibility for regulating development and land use through the administration of the City of Hutto's Zoning Ordinance, and this will extend to the area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Hutto's Subdivision Ordinance. These services can be provided within the departments' current budgets.

LIBRARY

Existing Services: None

Services to be Provided:

City Library privileges will be available to future residents in this area.

HEALTH DEPARTMENT - HEALTH CODE ENFORCEMENT SERVICE

Existing Services: Williamson Cities and County Health District

Services to be Provided:

Williamson Cities and County Health District will continue to implement enforcement of the health districts regulations on the effective date of annexation. Animal control services will also be provided to the area as needed by Hutto Animal Control Division of the Police Department.

STREET MAINTENANCE

Existing Services: Williamson County

Services to be Provided:

Maintenance and access to adjacent existing street facilities will be provided/overseen by appropriate City of Hutto departments.

STORM WATER MANAGEMENT

Existing Services: Williamson County Flood Plain Administrator

Services to be Provided:

Developers will provide storm water drainage facilities as required of their development at their own expense and such will be inspected by the City's engineers at time of completion. The City of Hutto will then maintain the drainage in public rights of way upon approval of the construction. Property owners and/or Home Owner's Associations or similar entities will maintain drainage facilities located on private property. All construction within the flood plain will be through the appropriate Hutto department(s) and will meet FEMA Flood Plain regulations.

STREET LIGHTING

Existing Services: Oncor Electric Delivery

Services to be Provided:

There are no existing street lights in this area. The Developer will be responsible for initial installation and maintenance of street lighting, if required, within the development until such time as any internal streets have been accepted by the City Council.

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided:

The City of Hutto, through its appropriate departments, will be able to provide any necessary additional traffic control devices after the effective date of annexation.

WATER SERVICE

Existing Services: None

Services to be Provided:

Water service to the properties will be provided by Jonah S.U.D.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided:

Sanitary sewer service to the properties will be provided by City of Hutto.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided:

Solid waste collection shall be provided to the area of annexation in accordance with current ordinances. Service shall comply with existing City of Hutto policies, beginning with occupancy of structures.

PARKS AND TRAILS

Existing Service: None

Services to be Provided:

All City operated parks and trail systems will be available to the residents of this area upon annexation.

MISCELLANEOUS

Existing Services: None

Services to be Provided:

All other applicable municipal services will be provided to the area in accordance with the City of Hutto's established policies governing extension of municipal services to newly-annexed areas.

Regular City Council
AGENDA ITEM
11.C.



To: City Council
Subject: Consideration and possible action on a resolution authorizing the execution of an annexation development agreement between the City of Hutto and No-Count LLC, for 50.8268 acres, more or less, of land, located on CR 108. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

The City of Hutto adopted an Annexation Policy in 2018. The stated purpose of the policy is to promote orderly growth and facilitate long-range planning efforts and diversifying and expanding the economic base of the City of Hutto. The policy further outlines one way to achieve the purpose is to, "provide a means for meaningful public engagement in preparing an annexation prioritization list as part of an annual update to City Council".

Offering development agreements in lieu of annexation was the next step in preparing the annexation prioritization list and annexing territory, or managing future growth, in the extraterritorial jurisdiction (ETJ).

Staff held multiple open houses for property owners that were offered agreements, starting in November 2018 through January 2019, to answer questions or offer one-on-one discussions for particular concerns. Should a property owner enter into a development agreement with the City for the acres identified in the agreement, the specific tract of land will not be annexed proactively by the City for a period of time, typically twenty-five years. In return, the property owner agrees to maintain the agricultural exemption and not further develop the property into a larger development. The area adjacent or contiguous to an area that is the subject of a development agreement is considered adjacent or contiguous to the municipality, which allows the city to annex ETJ land adjacent prior to development.

RECOMMENDATION:

Staff recommends that the Council approve the resolution.

ATTACHMENTS:

[\(Res\)DA-No-CountLLC-50.8268ac\(Res\)Complete](#)

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ANNEXATION DEVELOPMENT AGREEMENT BETWEEN THE CITY OF HUTTO AND NO-COUNT LLC, FOR 50.8268 ACRES, MORE OR LESS OF LAND, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", AND ATTACHED HERETO; IN THE CITY OF HUTTO, WILLIAMSON COUNTY, TEXAS.

WHEREAS, the purpose of this Agreement is to comply with all requirements of Sections 43.035 and 212.172 of the Texas Local Government Code pertaining to the annexation of property into the Hutto city limits, and;

WHEREAS, both parties agree that in consideration of the mutual promises stated herein, that the property will not be annexed by the City of Hutto so long as 1) the property continues to receive an agricultural exemption from the Williamson County Central Appraisal District, and 2) no action is taken by the Owner or his assigns to file a subdivision plat or any related development document regarding the property. If one or more of the above circumstances occur, the City is authorized to commence proceedings to annex all or some of the property, and;

WHEREAS, as consideration for the City foregoing annexation proceedings as described above, the Owner hereby authorizes the City to enforce all regulations and planning authority of the City, except for any regulations which interfere with Owner's use of the property for agricultural purposes, wildlife management or timber production, and;

WHEREAS, both parties agree that upon annexation of the property by the City, the City shall, within 30 days of the effective date of the annexation, initiate an initial zoning of the property conforming with the land use designation for the Property as shown on the most recent amendment of City's Growth Guidance Plan.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

that the Hutto City Council authorizes the City Manager of Hutto to execute an annexation development agreement between the City of Hutto and No-Count LLC, for the property described in **Exhibit "A"**, a copy of same being attached hereto and incorporated herein for all purposes.

CONSIDERED and RESOLVED on this the **19th** day of the month **September, 2019**.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Lacie Hale, City Secretary

STATE OF TEXAS)
)
COUNTY OF WILLIAMSON)

SECTION 212.172 TEXAS LOCAL GOVERNMENT CODE
DEVELOPMENT AGREEMENT

This Development Agreement (this “Agreement”) is entered into pursuant to Section 212.172 of the Texas Local Government Code by and between the City of Hutto, Texas (the “City”) and No-Count, LLC, a Texas limited liability company (the “Owner”), to be effective as of _____, 2019 (the “Effective Date”). The City and the Owner are sometimes referred to herein individually as a “Party”, or collectively as the “Parties”.

RECITALS

WHEREAS, Owner owns approximately **50.8268 acres** of real property located within Williamson County, Texas (the “County”), which property is more particularly described by metes and bounds on **Exhibit A** (“Property”) attached hereto and incorporated herein by reference;

WHEREAS, the Property is located wholly within the extraterritorial jurisdiction (“ETJ”) of the City;

WHEREAS, Owner desires the Property remain in the City’s ETJ until development occurs and be developed pursuant to mutually agreeable governing regulations that will remain in place for the Term of the Agreement, in consideration for which the Parties agree to enter into this Agreement;

WHEREAS, the Parties have agreed that the Property will continue to remain within the City’s ETJ and be immune from annexation by the City until certain development occurs, as further provided by this Agreement;

WHEREAS, it is the Parties’ mutual intent that during the Term, this Agreement sets forth the development regulations on the Property, and if during the Term there is a direct conflict between a City development regulation and this Agreement, the terms of this Agreement control;

WHEREAS, the Parties have the authority to enter into this Agreement including, but not limited to, the authority granted pursuant to Section 212.172 of the Texas Local Government Code; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties agree as follows:

ARTICLE I

DEVELOPMENT REGULATIONS

1.1 Use of Property. Prior to filing a preliminary plat application with the City for all or any portion of the Property, the Owner covenants and agrees not to use the Property for any use other than for agriculture, wildlife management and/or timber land consistent with Chapter 23 of the Texas Tax Code, or for existing single-family residential use of the Property, without the prior written consent of the City. Upon filing a preliminary plat application for all or any portion of the Property with the City, the portion(s) of the Property subject to the preliminary plat application will be governed by the Governing Regulations (defined below).

1.2 Governing Regulations. Upon annexation into the City's corporate limits of all or any portion of the Property, development of the portion(s) of the Property that have been annexed shall be governed by the following regulations (collectively, the "Governing Regulations") for the Term of the Agreement:

(a) except as modified in the Development Regulations (defined below) the Unified Development Code of the City of Hutto, Texas, as amended, in effect on the date an application for a preliminary plat of all or any portion of the Property is filed with the City (the "UDC"), including but not limited to the zoning regulations for the City, Chapter 6 of the UDC (the "Subdivision Regulations"), Chapter 8 of the UDC (the "Stormwater and Drainage Regulations") and Chapter 4, Section 10.410 of the UDC (the "Sign Ordinance");

(b) the development regulations for the Property set forth in Section 1.4 of this Agreement (the "Development Regulations"); and

(c) upon annexation pursuant to Section 3.1 of this Agreement, the uniform building codes, as amended from time to time, including any local amendments thereto adopted by the City (the "Building Codes"). The term "Building Codes," as applied to a particular building shall mean the Building Codes in effect on the date an application is filed for a building permit for the building in question. The Parties envision that annexation of the Property will occur in phases as the Property is developed. The Building Codes shall only apply to the portion(s) of the Property that have been annexed into the City, upon such annexation.

During the Term of this Agreement, the Governing Regulations are the regulations for development of the Property. The Governing Regulations are considered part of this Agreement and are incorporated herein by reference.

1.3 Timing of Plat Applications. The Owner covenants and agrees that it will not file any type of subdivision plat for the Property with Williamson County, the City, or any other governmental entity that has jurisdiction over the Property until Owner has filed a voluntary annexation petition for the portion(s) of the Property included within the boundaries of the subdivision plat in accordance with Section 3.1. of this Agreement. Plats may be filed in phases

and only the portion(s) of the Property included within the boundaries of a subdivision plat submitted to the City are required to be annexed.

1.4 Development Regulations. There are two development options for how the Property may be developed: (1) in accordance with the B-2 commercial: general district (“B-2 District”), subject to the same allowed uses and conditions applicable in the B-2 district set forth in the UDC; or (2) in accordance with the LI industrial: light industry district (“LI District”), subject to the same allowed uses and conditions applicable in the LI district set forth in the UDC. The development option (B-2 District or LI District) shall be selected by Owner in Owner’s site plan application(s). The development option that Owner selects in the initial site plan for land subject to a final plat will determine the allowed uses and development standards (based on either the B-2 District or the LI District) for the remainder of the land included in the same final plat as the land included in the initial site plan. Each land area subject to a separate final plat may be developed with a different development option.

1.5 Compliance with House Bill 2439. All aesthetic requirements of the zoning district, as outlined in the Unified Development Code or Planned Unit Development, as adopted and amended, shall be followed in a manner consistent with House Bill 2439 of the 86th Regular Legislative Session passed by the Texas Senate on May 19, 2019.

1.6 Conflicts. In the event of any conflict between the Development Regulations and any other City development regulations that apply to the Property, the Development Regulations shall control.

ARTICLE II **UTILITIES AND FEES**

2.1 Wastewater Service.

(a) The Property may be connected to wastewater service through (a) a tie-in to the wastewater facilities depicted on Exhibit B planned to be constructed by a neighboring landowner; (b) or an alternative connection mutually agreed upon by Owner and the City.

(b) The City shall be the retail provider of wastewater service to the Property. If the City is at any time unable or unwilling to provide adequate wastewater treatment capacity for the Property for development permitted under this Agreement, the City agrees and consents to Owner’s use of septic tanks to treat wastewater for development located on the Property. At Owner’s request, if after a period of two years from the Effective Date, the City is unable or unwilling to provide adequate wastewater service, the City agrees to work in good faith with Owner to allow an alternative retail provider, a municipal utility district or other similar district to provide retail wastewater service to the Property.

2.2 Water Service.

(a) The Property may be connected to water service through (a) a tie-in to the water facilities depicted on Exhibit C planned to be constructed by a neighboring

landowner; (b) or an alternative connection mutually agreed upon by Owner and the City or the Jonah S.U.D.

(b) Jonah S.U.D. will be the retail provider of water service to the Property.

(c) The City does not object to the use of water wells, subject to any applicable state rules and regulations, as a potable water supply for the Property.

ARTICLE III **ANNEXATION AND ZONING**

3.1 Annexation.

(a) The Parties agree that the Property may be annexed in phases to coincide with development of the Property. Prior to submission of a preliminary plat, Owner shall file a voluntary annexation petition with the City for the portion of the Property to be subject to the preliminary plat, entitling the City to annex the subject portion of the Property included in the annexation petition. The City shall annex such portion(s) of the Property within 90 days after receipt of an annexation petition. Except for portion(s) of the Property voluntarily annexed pursuant to this Section 3.1, for the Term of this Agreement the City agrees to the continuation of the extraterritorial status of the Property, its immunity from annexation by the City and its immunity from City property taxes, subject to the provisions of this Agreement. During the Term of this Agreement, the City will not annex into its corporate limits any portion of the Property other than portion(s) of the Property included in a voluntary annexation petition filed by Owner in accordance with this Section 3.1.

(b) Upon expiration of the Term of this Agreement, Owner, its heirs, successors and assigns shall be deemed to have filed a petition for voluntary annexation for the annexation of the Property (or remainder of the Property) to be completed on or after the end of the Term. Except as set forth in Section 3.1(a) or in the limited remedy in Section 4.2(b), the City may only commence the voluntary annexation of the Property on or after expiration of the Term. The Owner agrees that such annexation shall be voluntary and the Owner hereby consents pursuant to Section 212.172(b)(7).

(c) As portion(s) of the Property are annexed into the City, the City shall provide services to all or a portion of the Property (in addition to services already provided under Article II), as applicable, in accordance with the service plan enclosed as **Exhibit C** and Section 43.056 of the Texas Local Government Code.

3.2 **Zoning.** Upon annexation of all or a portion of the Property pursuant to Section 3.1 or Section 4.2(b), the applicant shall submit a zoning application requesting either B-2 District or LI District zoning and the City shall consider zoning to the extent allowed by law, with regulations identical to those in the Development Regulations in accordance with the provisions of applicable law and the City's Code of Ordinances. Owner may submit separate zoning applications for portions of the Property so that some application(s) may be for B-2 District zoning and some application(s) may be for LI District zoning.

ARTICLE IV
EVENTS OF DEFAULT; REMEDIES

4.1 Events of Default. No Party shall be in default under this Agreement until notice of the alleged failure of such Party to perform has been given in writing (which notice shall set forth in reasonable detail the nature of the alleged failure) and until such Party has been given a reasonable time to cure the alleged failure (such reasonable time to be determined based on the nature of the alleged failure, but in no event less than forty-five (45) days) after written notice of the alleged failure has been given. Notwithstanding the foregoing, no Party shall be in default under this Agreement if, within the applicable cure period, the Party to whom the notice was given begins performance and thereafter diligently and continuously pursues performance until the alleged failure has been cured.

4.2 Remedies.

(a) Except as provided in 4.2(b) below, as compensation for the other Party's default, an aggrieved Party is limited to seeking specific performance of the other Party's obligations under this Agreement.

(b) If Owner files a subdivision plat in violation of Section 1.3 or if the Owner commences development of the Property for a use other than agriculture, wildlife management, timber land, or the existing single-family residential use on the Property prior to filing a preliminary plat with the City in violation of Section 1.1, and such act remains uncured beyond the applicable notice and cure period, then such act will constitute a petition for voluntary annexation by the Owner for such portion of the Property that is the subject of the subdivision plat or such portion of the Property that has been developed in violation of Section 1.1. The City may, in its discretion, subject the Property (or portion thereof) to annexation by the City. In such an instance, Owner agrees that such annexation shall be voluntary and the Owner hereby consents pursuant to Section 212.172(b)(7). In the event of such an annexation as a result of Owner's violation of Section 1.1 or 1.3, services will be provided to the annexed Property in accordance with Section 3.1(c). Owner waives any vested rights claims that it may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of actions Owner has taken set forth in the first sentence of this Section 4.2(b).

ARTICLE V
ASSIGNMENT; ENCUMBRANCE

5.1 Assignment. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the Parties hereto. Owner may assign the Agreement, in whole or in part, to a future purchaser or owner of all or any portion of the Property without the prior written consent of the City, but upon written notice to the City. Except with respect to future owners, Owner may not assign the Agreement without the prior written consent of City, which consent shall not be unreasonably withheld, conditioned or delayed. An assignee shall be considered a "Party" for the purposes of this Agreement. Each assignment shall be in writing executed by Owner and the assignee and shall obligate the assignee to be bound by this Agreement to the

extent this Agreement applies or relates to the obligations, rights, title, or interests being assigned.

5.2 Third-Party Beneficiaries. This Agreement only inures to the benefit of, and may only be enforced by, the Parties. No other person or entity shall have any right, title, or interest under this Agreement or otherwise be deemed to be a third-party beneficiary of this Agreement.

5.3 Notice of Assignment. The following requirements shall apply in the event that the Owner sells, assigns, transfers, or otherwise conveys the Property or any part thereof and/or any of its rights or benefits under this Agreement:

- (a) the Owner must provide written notice to the City to the extent required under Section 5.1 after any such sale, assignment, transfer, or other conveyance;
- (b) prior to the sale, assignment, transfer, or other conveyance, the Owner must give written notice of this Agreement to the prospective purchaser or grantee;
- (c) any such notice under this Section 5.3 must describe the extent to which any rights or benefits under this Agreement have been or will be sold, assigned, transferred, or otherwise conveyed;
- (d) the notice to the City must state the name and mailing address of the person(s) that have acquired any rights or benefits as a result of any such sale, assignment, transfer or other conveyance; and
- (e) any such notice must be signed by a duly authorized person representing the Owner.

ARTICLE VI

RECORDATION AND ESTOPPEL CERTIFICATES

6.1 Binding Obligations. This Agreement and all amendments thereto and assignments hereof shall be recorded in the Real Property Records of Williamson County, Texas. This Agreement binds and constitutes a covenant running with the Property and, upon the Effective Date, is binding upon the Parties. This Agreement, when recorded, shall be binding upon the Parties, their successors and permitted assigns for the Term of the Agreement.

6.2 Estoppel Certificates. From time to time upon written request of the Owner or any future owner, and upon the payment to the City of a \$100.00 fee, the City Manager, or his/her designee will, in his/her official capacity and to his/her reasonable knowledge and belief, execute a written estoppel certificate, which shall include, but not necessarily be limited to, statements that this Agreement is in full force and effect without default (or if default exists, the nature of default and curative action, which should be undertaken to cure same), the remaining Term of this Agreement, and such other matters reasonably requested by the party to receive the certificate.

ARTICLE VII
GENERAL PROVISIONS

7.1 Term. The term of this Agreement shall be twenty-five (25) years after the Effective Date unless extended by mutual agreement of the Parties ("Term"), provided however, that the total duration of this Agreement, including successive renewals or extensions, may not exceed forty-five (45) years.

7.2 Inspections and Acceptance of Public Infrastructure. The City shall accept and inspect any public infrastructure necessary to support the proposed development within the Property, including water, sanitary sewer, drainage, and street improvements for compliance with City Code provisions, and other ordinances or regulations duly adopted by the City Council relating to the same.

7.3 Eminent Domain. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or Chapter 212 development agreement.

ARTICLE VIII
ADDITIONAL PROVISIONS

8.1 Notices. Any notice, submittal, or instrument required or permitted by this Agreement to be given or delivered to any Party shall be deemed to have been received when personally delivered or 72 hours following deposit of the same in any United States Post Office, registered or certified mail, postage prepaid, addressed as follows:

To the City: Attn: City Manager
 City of Hutto, Texas
 500 W. Live Oak Street
 Hutto, Texas 78634

To the Owner: No-Count, LLC
 Attn: Gary Olander
 311 Royale Heights Lane
 Houston, Texas 77024

With a copy to: Winstead PC
 Attn: Laura Hoffmann
 500 Winstead Building
 2728 N. Harwood Street
 Dallas, Texas 75201

Any Party may change its address or addresses for delivery of notice by delivering written notice of such change of address to the other Party.

8.2 Interpretation. The Parties acknowledge that each has been actively involved in negotiating this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not apply to interpreting this Agreement. In the event of

any dispute over the meaning or application of any provision of this Agreement, the provision will be interpreted fairly and reasonably and neither more strongly for nor against any Party, regardless of which Party originally drafted the provision.

8.3 Authority. The City represents and warrants that this Agreement has been approved by official action by the City Council of the City in accordance with all applicable public notice requirements (including, but not limited to, notices required by the Texas Open Meetings Act) and that the individual executing this Agreement on behalf of the City has been duly authorized to do so. The Owner represents that it is the current owner of the Property and to its knowledge there is no other person claiming an ownership interest in the Property who has not signed the Agreement. The Owner represents and warrants that this Agreement has been approved by appropriate action of the Owner, and that the individual executing this Agreement on behalf of the Owner has been duly authorized to do so.

8.4 Severability and Amendment. This Agreement shall not be modified or amended except by mutual agreement in writing and signed by both Parties. If any provision of this Agreement is determined by a court of competent jurisdiction to be void or unenforceable for any reason, including the covenants regarding involuntary annexation, then: (a) such unenforceable provision shall be deleted from this Agreement; (b) the unenforceable provision shall, to the extent possible and upon mutual agreement of the Parties, be rewritten to be enforceable and to give effect to the intent of the Parties; and (c) the remainder of this Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the Parties.

8.5 Applicable Law; Venue. This Agreement is entered into pursuant to, and is to be construed and enforced in accordance with, the laws of the State of Texas, and all obligations of the Parties are performable in Williamson County, Texas. Exclusive venue for any action related to, arising out of, or brought in connection with this Agreement shall be in Williamson County, Texas.

8.6 Enforceability and Non Waiver. Each Party acknowledges and agrees that this Agreement is binding upon such Party and is enforceable against such Party, in accordance with its terms and conditions and to the extent provided by law. This Agreement may be enforced by any Party by any proceeding at law or equity. Failure by a Party to enforce any provision of the Agreement shall not be deemed a waiver to enforce the provisions of this Agreement thereafter, and the Party shall have the right at any time thereafter to insist upon strict performance of any and all provisions of this Agreement. No provision of this Agreement may be waived except by writing signed by the Party waiving such provision. Any waiver shall be limited to the specific purposes for which it is given. No waiver by any Party of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

8.7 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

8.8 Force Majeure. Each Party shall use good faith, due diligence and reasonable care in the performance of its respective obligations under this Agreement; however, in the event a Party is unable, due to force majeure, to perform its obligations under this Agreement, then the obligations affected by the force majeure shall be temporarily suspended. Within fifteen (15) business days after the occurrence of a force majeure, the Party claiming the right to temporarily suspend its performance, shall give Notice to all the Parties, including a detailed explanation of the force majeure and a description of the action that will be taken to remedy the force majeure and resume full performance at the earliest possible time. The term “force majeure” shall include events or circumstances that are not within the reasonable control of the Party whose performance is suspended, including but not limited to war, civil commotion, acts of God, strike, inclement weather, shortages or unavailability of labor or materials, unreasonable delays by the City (based on the then-current workload of the City department(s) responsible for undertaking the activity in question) in issuing any permits, consents, or certificates of occupancy or conducting any inspections of or with respect to the Property and development thereon, or other circumstances which are reasonably beyond the control of the Party obligated or permitted under the terms of this Agreement to do or perform the same, regardless of whether any such circumstance is similar to any of those enumerated or not.

8.9 Complete Agreement. This Agreement embodies the entire Agreement between the Parties and cannot be varied or terminated except as set forth in this Agreement, or by written agreement of both the City and Owner expressly amending the terms of this Agreement.

8.10 Consideration. This Agreement is executed by the Parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is hereby acknowledged.

[SIGNATURES PAGES FOLLOW, REMAINDER OF THIS PAGE INTENTIONALLY LEFT
BLANK]

EXECUTED BY THE PARTIES TO BE EFFECTIVE ON THE EFFECTIVE DATE:

CITY:

By:

[Signature]

Odis Jones
City Manager, City of Hutto, Texas

Date:

9/6/19

APPROVED AS TO FORM:

Name:

[Signature]

Title: Attorney for the City

STATE OF TEXAS

COUNTY OF WILLIAMSON

This instrument was acknowledged before me on the 6th day of September, 2019 by Odis Jones, City Manager, City of Hutto, Texas, on behalf of said City.

(SEAL)



Lacie Gene Hale
Notary Public, State of Texas

Name printed or typed: Lacie Gene Hale

Commission Expires: March 31, 2023

OWNER:

NO-COUNT HUTTO, LLC,
a Texas limited liability company

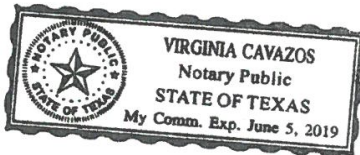
By: [Signature]
Name: GARY OLANDER
Title: MEMBER / VP
Date: 9-4-19

STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before me on the 4th day of September, 2019 by Gary Olander, VP of No-Count Hutto, LLC, a Texas limited liability company, on behalf of said entity.

(SEAL)



Virginia Cavazos
Notary Public, State of Texas

Name printed or typed: Virginia Cavazos
Commission Expires: June 5, 2019

Exhibit A

LEGAL DESCRIPTION AND DEPICTION OF THE PROPERTY

BEING a 87.56-acre tract of land situated in the Aaron Armstrong Survey, Abstract No. 26, Williamson County, Texas and being that part East of County Road No. 108 of that certain tract of land conveyed by deed to Arthur Olander as recorded in Volume 378, Page 576, Deed Records of Williamson County, Texas. Surveyed on the ground in the month of October, 1978, by R. T. Magness, Jr., Registered Professional Engineer, and being more particularly described as follows:

BEGINNING at an iron pin set marking the N.E. corner of said Olander Tract, for the N.E. corner hereof;

THENCE S 71° 08' W, 1672.98 feet with the North line of said Olander Tract to an iron pin set in the East line of County Road No. 108, for the N.W. corner hereof;

THENCE S 19° 24' E, 2614.00 feet with said East line of County Road No. 108 to an iron pin set by existing fence corner post, for the S.W. corner hereof;

THENCE along the South line of the 87.56 acre tract, along an existing wire fence; N 70 deg. 18 min. 35 sec., East 951.05 feet to a nail found in top of a post; North 67 deg. 40 min. 50 sec., East 307.63 feet to an iron pin set under a nail found on the West edge of a fence corner post at the lower southeast corner of the said 87.56 acre tract;

THENCE N 19° 02' W, 1287.86 feet with fence line to an iron pin set by existing corner post, for an inner corner hereof;

THENCE N 66° 03' E, 401.99 feet with fence line to an iron pin found marking the most northerly S.E. corner hereof;

THENCE N 19° 10' W, 1270.84 feet with the East line of said Olander Tract to the place of BEGINNING and containing 87.56 acres of land.

LESS:

36.7332 ACRES OUT OF THE AARON ARMSTRONG SURVEY ABSTRACT NO. 26 IN WILLIAMSON COUNTY, TEXAS BEING A PORTION OF A 87.56 ACRE TRACT DESCRIBED AS TRACT 4 IN DEED TO NO-COUNT, LLC RECORDED IN DOC. NO. 2013060751 OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a mag nail found in a fence post on the East R.O>W. of County Road 108 being the Northwest corner of a 27.985 acre tract conveyed to Todd Riggan in Doc. No. 2007024092 Official Records of Williamson County, Texas also being the Southwest corner of said 87.56 acre tract for the Southwest corner of this tract and the POINT OF BEGINNING.

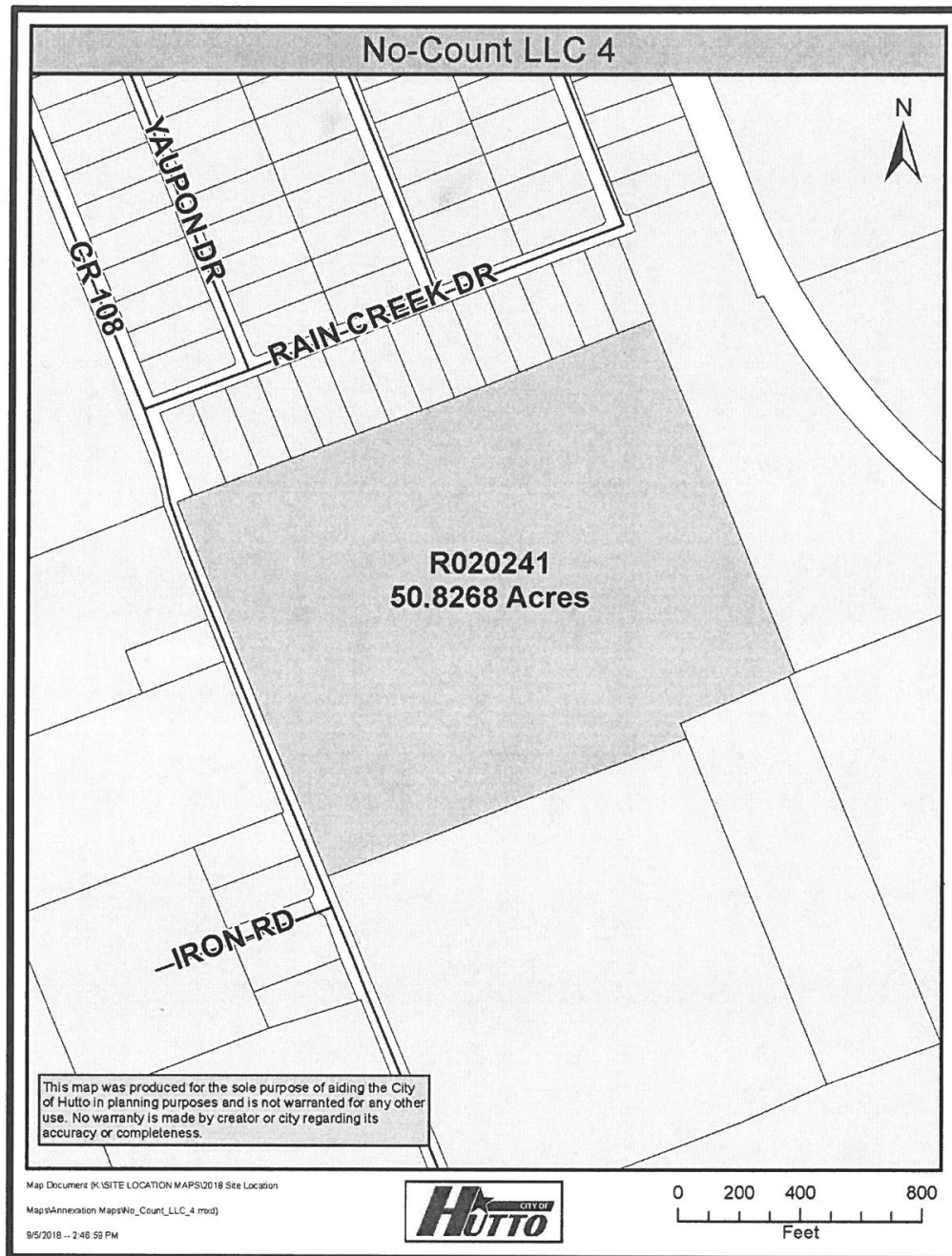
THENCE N21°50'98"W with the East R.O.W. of County Road 108, a distance of 1,271.16 feet to a ½" iron pin set for the Northwest corner of this tract.

THENCE N68°27'08"E through the interior of said 87.56 acre tract, a distance of 1,264.01 feet to a ½" iron pin set being on the common line of said 87.56 acre tract and a 8.36 acre tract called Tract 1 in said Doc. No. 2013060751 from which a mag nail found in a fence post at the Northwest corner of said 8.36 acre tract bears N21°36'16"W, 50.00 feet for the Northeast corner of this tract.

THENCE S21°36'16"E with the East line of said 87.56 acre tract, passing the West common corner of said 8.36 acre tract and a 3.50 acre tract called Tract 3 in said Doc. No. 2013060751, in all a distance of 1,255.61 feet to a ½" iron pin found being the Southwest corner of said 3.50 acre tract, the Southeast corner of said 87.56 acre tract also being on the North line of said 27.895 acre tract for the Southeast corner of this tract.

THENCE with the common line of said 87.56 acre tract and said 27.895 acre tract the following two (2) courses:

- 1) S65°49'12"W, a distance of 307.66 feet to a mag nail in a fence post found.
- 2) S68°22'04"W, a distance of 951.35 feet to the POINT OF BEGINNING and containing 36.7332 acres, more or less.



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63183-1 7/25/2019

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Exhibit B

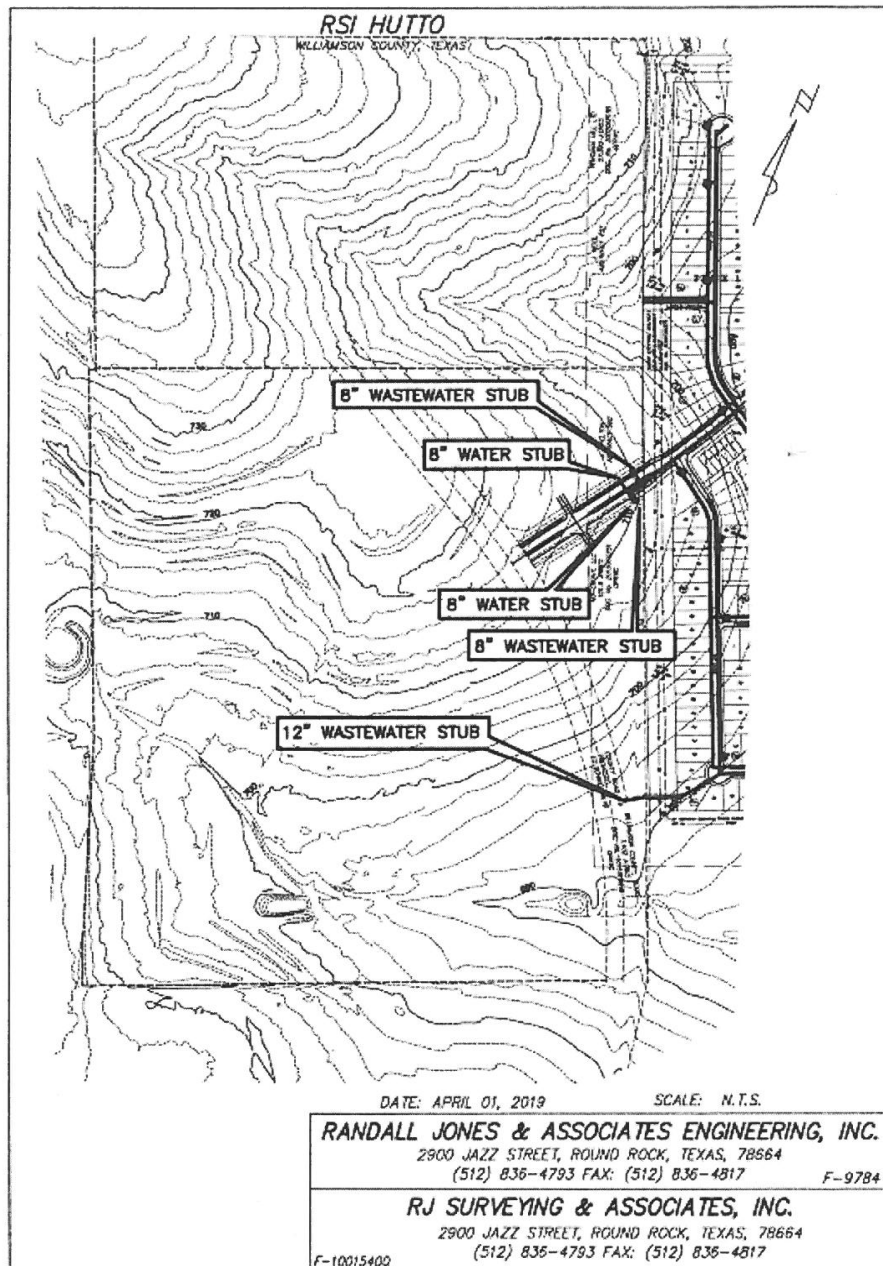


Exhibit C

MUNICIPAL SERVICE PLAN FOR PROPERTY UPON ANNEXATION

The City of Hutto, Texas will provide for the extension of full municipal services into the area proposed to be annexed in accordance with Texas Local Government Code §43.056.

FIRE

Existing Services: Williamson County Emergency Service District #3

Services to be Provided:

Provides fire suppression and emergency services to the area. Primary fire response will be provided by Williamson County Emergency Service District #3, located at the following address: 501 Exchange Boulevard. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

POLICE

Existing Services: Williamson County Sheriff's Department

Services to be Provided:

Upon annexation, the City of Hutto Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriations.

BUILDING INSPECTION

Existing Services: None

Services to be Provided:

The Development Services Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City of Hutto. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

PLANNING AND ZONING

Existing Services: Review of subdivision development plans under City's Subdivision Ordinance. No municipal zoning or land use controls except for those imposed by State Law.

Services to be Provided:

The Hutto Development Services Department has responsibility for regulating development and land use through the administration of the City of Hutto's Zoning Ordinance, and this will extend to the area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Hutto's Subdivision Ordinance. These services can be provided within the departments' current budgets.

LIBRARY

Existing Services: None

Services to be Provided:

City Library privileges will be available to future residents in this area.

HEALTH DEPARTMENT - HEALTH CODE ENFORCEMENT SERVICE

Existing Services: Williamson Cities and County Health District

Services to be Provided:

Williamson Cities and County Health District will continue to implement enforcement of the health districts regulations on the effective date of annexation. Animal control services will also be provided to the area as needed by Hutto Animal Control Division of the Police Department.

STREET MAINTENANCE

Existing Services: Williamson County

Services to be Provided:

Maintenance and access to adjacent existing street facilities will be provided/overseen by appropriate City of Hutto departments.

STORM WATER MANAGEMENT

Existing Services: Williamson County Flood Plain Administrator

Services to be Provided:

Developers will provide storm water drainage facilities as required of their development at their own expense and such will be inspected by the City's engineers at time of completion. The City of Hutto will then maintain the drainage in public rights of way upon approval of the construction. Property owners and/or Home Owner's Associations or similar entities will maintain drainage facilities located on private property. All construction within the flood plain will be through the appropriate Hutto department(s) and will meet FEMA Flood Plain regulations.

STREET LIGHTING

Existing Services: Oncor Electric Delivery

Services to be Provided:

There are no existing street lights in this area. The Developer will be responsible for initial installation and maintenance of street lighting, if required, within the development until such time as any internal streets have been accepted by the City Council.

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided:

The City of Hutto, through its appropriate departments, will be able to provide any necessary additional traffic control devices after the effective date of annexation.

WATER SERVICE

Existing Services: None

Services to be Provided:

Water service to the properties will be provided by Jonah S.U.D.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided:

Sanitary sewer service to the properties will be provided by City of Hutto.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided:

Solid waste collection shall be provided to the area of annexation in accordance with current ordinances. Service shall comply with existing City of Hutto policies, beginning with occupancy of structures.

PARKS AND TRAILS

Existing Service: None

Services to be Provided:

All City operated parks and trail systems will be available to the residents of this area upon annexation.

MISCELLANEOUS

Existing Services: None

Services to be Provided:

All other applicable municipal services will be provided to the area in accordance with the City of Hutto's established policies governing extension of municipal services to newly-annexed areas.

Regular City Council
AGENDA ITEM
11.D.



To: City Council
Subject: Consideration and possible action on a resolution authorizing the execution of an annexation development agreement between the City of Hutto and No-Count LLC, for 93.341 acres, more or less, of land, located on CR 108. (Ashley Lumpkin)
Meeting: Regular City Council - 19 Sep 2019
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

The City of Hutto adopted an Annexation Policy in 2018. The stated purpose of the policy is to promote orderly growth and facilitate long-range planning efforts and diversifying and expanding the economic base of the City of Hutto. The policy further outlines one way to achieve the purpose is to, "provide a means for meaningful public engagement in preparing an annexation prioritization list as part of an annual update to City Council".

Offering development agreements in lieu of annexation was the next step in preparing the annexation prioritization list and annexing territory, or managing future growth, in the extraterritorial jurisdiction (ETJ).

Staff held multiple open houses for property owners that were offered agreements, starting in November 2018 through January 2019, to answer questions or offer one-on-one discussions for particular concerns. Should a property owner enter into a development agreement with the City for the acres identified in the agreement, the specific tract of land will not be annexed proactively by the City for a period of time, typically twenty-five years. In return, the property owner agrees to maintain the agricultural exemption and not further develop the property into a larger development. The area adjacent or contiguous to an area that is the subject of a development agreement is considered adjacent or contiguous to the municipality, which allows the city to annex ETJ land adjacent prior to development.

RECOMMENDATION:

Staff recommends that the Council approve the resolution.

ATTACHMENTS:

[\(Res\)DA-No-CountLLC-93.341ac\(Res\)Complete](#)

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ANNEXATION DEVELOPMENT AGREEMENT BETWEEN THE CITY OF HUTTO AND NO-COUNT LLC, FOR 93.341 ACRES, MORE OR LESS OF LAND, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", AND ATTACHED HERETO; IN THE CITY OF HUTTO, WILLIAMSON COUNTY, TEXAS.

WHEREAS, the purpose of this Agreement is to comply with all requirements of Sections 43.035 and 212.172 of the Texas Local Government Code pertaining to the annexation of property into the Hutto city limits, and;

WHEREAS, both parties agree that in consideration of the mutual promises stated herein, that the property will not be annexed by the City of Hutto so long as 1) the property continues to receive an agricultural exemption from the Williamson County Central Appraisal District, and 2) no action is taken by the Owner or his assigns to file a subdivision plat or any related development document regarding the property. If one or more of the above circumstances occur, the City is authorized to commence proceedings to annex all or some of the property, and;

WHEREAS, as consideration for the City foregoing annexation proceedings as described above, the Owner hereby authorizes the City to enforce all regulations and planning authority of the City, except for any regulations which interfere with Owner's use of the property for agricultural purposes, wildlife management or timber production, and;

WHEREAS, both parties agree that upon annexation of the property by the City, the City shall, within 30 days of the effective date of the annexation, initiate an initial zoning of the property conforming with the land use designation for the Property as shown on the most recent amendment of City's Growth Guidance Plan.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

that the Hutto City Council authorizes the City Manager of Hutto to execute an annexation development agreement between the City of Hutto and No-Count LLC, for the property described in **Exhibit "A"**, a copy of same being attached hereto and incorporated herein for all purposes.

CONSIDERED and RESOLVED on this the **19th** day of the month **September, 2019**.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Lacie Hale, City Secretary

STATE OF TEXAS)
)
COUNTY OF WILLIAMSON)

SECTION 212.172 TEXAS LOCAL GOVERNMENT CODE
DEVELOPMENT AGREEMENT

This Development Agreement (this “Agreement”) is entered into pursuant to Section 212.172 of the Texas Local Government Code by and between the City of Hutto, Texas (the “City”) and No-Count, LLC, a Texas limited liability company (the “Owner”), to be effective as of _____, 2019 (the “Effective Date”). The City and the Owner are sometimes referred to herein individually as a “Party”, or collectively as the “Parties”.

RECITALS

WHEREAS, Owner owns approximately **93.341 acres** of real property located within Williamson County, Texas (the “County”), which property is more particularly described by metes and bounds on **Exhibit A** (“Property”) attached hereto and incorporated herein by reference;

WHEREAS, the Property is located wholly within the extraterritorial jurisdiction (“ETJ”) of the City;

WHEREAS, Owner desires the Property remain in the City’s ETJ until development occurs and be developed pursuant to mutually agreeable governing regulations that will remain in place for the Term of the Agreement, in consideration for which the Parties agree to enter into this Agreement;

WHEREAS, the Parties have agreed that the Property will continue to remain within the City’s ETJ and be immune from annexation by the City until certain development occurs, as further provided by this Agreement;

WHEREAS, it is the Parties’ mutual intent that during the Term, this Agreement sets forth the development regulations on the Property, and if during the Term there is a direct conflict between a City development regulation and this Agreement, the terms of this Agreement control;

WHEREAS, the Parties have the authority to enter into this Agreement including, but not limited to, the authority granted pursuant to Section 212.172 of the Texas Local Government Code; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties agree as follows:

ARTICLE I

DEVELOPMENT REGULATIONS

1.1 Use of Property. Prior to filing a preliminary plat application with the City for all or any portion of the Property, the Owner covenants and agrees not to use the Property for any use other than for agriculture, wildlife management and/or timber land consistent with Chapter 23 of the Texas Tax Code, or for existing single-family residential use of the Property, without the prior written consent of the City. Upon filing a preliminary plat application for all or any portion of the Property with the City, the portion(s) of the Property subject to the preliminary plat application will be governed by the Governing Regulations (defined below).

1.2 Governing Regulations. Upon annexation into the City's corporate limits of all or any portion of the Property, development of the portion(s) of the Property that have been annexed shall be governed by the following regulations (collectively, the "Governing Regulations") for the Term of the Agreement:

(a) except as modified in the Development Regulations (defined below) the Unified Development Code of the City of Hutto, Texas, as amended, in effect on the date an application for a preliminary plat of all or any portion of the Property is filed with the City (the "UDC"), including but not limited to the zoning regulations for the City, Chapter 6 of the UDC (the "Subdivision Regulations"), Chapter 8 of the UDC (the "Stormwater and Drainage Regulations") and Chapter 4, Section 10.410 of the UDC (the "Sign Ordinance");

(b) the development regulations for the Property set forth in Section 1.4 of this Agreement (the "Development Regulations"); and

(c) upon annexation pursuant to Section 3.1 of this Agreement, the uniform building codes, as amended from time to time, including any local amendments thereto adopted by the City (the "Building Codes"). The term "Building Codes," as applied to a particular building shall mean the Building Codes in effect on the date an application is filed for a building permit for the building in question. The Parties envision that annexation of the Property will occur in phases as the Property is developed. The Building Codes shall only apply to the portion(s) of the Property that have been annexed into the City, upon such annexation.

During the Term of this Agreement, the Governing Regulations are the regulations for development of the Property. The Governing Regulations are considered part of this Agreement and are incorporated herein by reference.

1.3 Timing of Plat Applications. The Owner covenants and agrees that it will not file any type of subdivision plat for the Property with Williamson County, the City, or any other governmental entity that has jurisdiction over the Property until Owner has filed a voluntary annexation petition for the portion(s) of the Property included within the boundaries of the subdivision plat in accordance with Section 3.1. of this Agreement. Plats may be filed in phases

and only the portion(s) of the Property included within the boundaries of a subdivision plat submitted to the City are required to be annexed.

1.4 Development Regulations. There are two development options for how the Property may be developed: (1) in accordance with the B-2 commercial: general district ("B-2 District"), subject to the same allowed uses and conditions applicable in the B-2 district set forth in the UDC; or (2) in accordance with the MF residential: multiple household ("MF District"), subject to the same allowed uses and conditions applicable in the MF District set forth in the UDC. The development option (B-2 District or MF District) shall be selected by Owner in Owner's site plan application(s). The development option that Owner selects in the initial site plan for land subject to a final plat will determine the allowed uses and development standards (based on either the B-2 District or the MF District) for the remainder of the land included in the same final plat as the land included in the initial site plan. Each land area subject to a separate final plat may be developed with a different development option.

1.5 Compliance with House Bill 2439. All aesthetic requirements of the zoning district, as outlined in the Unified Development Code or Planned Unit Development, as adopted and amended, shall be followed in a manner consistent with House Bill 2439 of the 86th Regular Legislative Session passed by the Texas Senate on May 19, 2019.

1.6 Conflicts. In the event of any conflict between the Development Regulations and any other City development regulations that apply to the Property, the Development Regulations shall control.

ARTICLE II

UTILITIES AND FEES

2.1 Wastewater Service.

(a) The Property may be connected to wastewater service through (a) a tie-in to the wastewater facilities depicted on Exhibit B planned to be constructed by a neighboring landowner; (b) or an alternative connection mutually agreed upon by Owner and the City.

(b) The City shall be the retail provider of wastewater service to the Property. If the City is at any time unable or unwilling to provide adequate wastewater treatment capacity for the Property for development permitted under this Agreement, the City agrees and consents to Owner's use of septic tanks to treat wastewater for development located on the Property. At Owner's request, if after a period of two years from the Effective Date, the City is unable or unwilling to provide adequate wastewater service, the City agrees to work in good faith with Owner to allow an alternative retail provider, a municipal utility district or other similar district to provide retail wastewater service to the Property.

2.2 Water Service.

(a) The Property may be connected to water service through (a) a tie-in to the water facilities depicted on Exhibit C planned to be constructed by a neighboring

landowner; (b) or an alternative connection mutually agreed upon by Owner and the City or the Jonah S.U.D.

(b) Jonah S.U.D. will be the retail provider of water service to the Property.

(c) The City does not object to the use of water wells, subject to any applicable state rules and regulations, as a potable water supply for the Property.

ARTICLE III **ANNEXATION AND ZONING**

3.1 Annexation.

(a) The Parties agree that the Property may be annexed in phases to coincide with development of the Property. Prior to submission of a preliminary plat, Owner shall file a voluntary annexation petition with the City for the portion of the Property to be subject to the preliminary plat, entitling the City to annex the subject portion of the Property included in the annexation petition. The City shall annex such portion(s) of the Property within 90 days after receipt of an annexation petition. Except for portion(s) of the Property voluntarily annexed pursuant to this Section 3.1, for the Term of this Agreement the City agrees to the continuation of the extraterritorial status of the Property, its immunity from annexation by the City and its immunity from City property taxes, subject to the provisions of this Agreement. During the Term of this Agreement, the City will not annex into its corporate limits any portion of the Property other than portion(s) of the Property included in a voluntary annexation petition filed by Owner in accordance with this Section 3.1.

(b) Upon expiration of the Term of this Agreement, Owner, its heirs, successors and assigns shall be deemed to have filed a petition for voluntary annexation for the annexation of the Property (or remainder of the Property) to be completed on or after the end of the Term. Except as set forth in Section 3.1(a) or in the limited remedy in Section 4.2(b), the City may only commence the voluntary annexation of the Property on or after expiration of the Term. The Owner agrees that such annexation shall be voluntary and the Owner hereby consents pursuant to Section 212.172(b)(7).

(c) As portion(s) of the Property are annexed into the City, the City shall provide services to all or a portion of the Property (in addition to services already provided under Article II), as applicable, in accordance with the service plan enclosed as **Exhibit C** and Section 43.056 of the Texas Local Government Code.

3.2 **Zoning.** Upon annexation of all or a portion of the Property pursuant to Section 3.1 or Section 4.2(b), the applicant shall submit a zoning application requesting either B-2 District or MF District zoning and the City shall consider zoning to the extent allowed by law, with regulations identical to those in the Development Regulations in accordance with the provisions of applicable law and the City's Code of Ordinances. Owner may submit separate zoning applications for portions of the Property so that some application(s) may be for B-2 District zoning and some application(s) may be for MF District zoning.

ARTICLE IV
EVENTS OF DEFAULT; REMEDIES

4.1 Events of Default. No Party shall be in default under this Agreement until notice of the alleged failure of such Party to perform has been given in writing (which notice shall set forth in reasonable detail the nature of the alleged failure) and until such Party has been given a reasonable time to cure the alleged failure (such reasonable time to be determined based on the nature of the alleged failure, but in no event less than forty-five (45) days) after written notice of the alleged failure has been given. Notwithstanding the foregoing, no Party shall be in default under this Agreement if, within the applicable cure period, the Party to whom the notice was given begins performance and thereafter diligently and continuously pursues performance until the alleged failure has been cured.

4.2 Remedies.

(a) Except as provided in 4.2(b) below, as compensation for the other Party's default, an aggrieved Party is limited to seeking specific performance of the other Party's obligations under this Agreement.

(b) If Owner files a subdivision plat in violation of Section 1.3 or if the Owner commences development of the Property for a use other than agriculture, wildlife management, timber land, or the existing single-family residential use on the Property prior to filing a preliminary plat with the City in violation of Section 1.1, and such act remains uncured beyond the applicable notice and cure period, then such act will constitute a petition for voluntary annexation by the Owner for such portion of the Property that is the subject of the subdivision plat or such portion of the Property that has been developed in violation of Section 1.1. The City may, in its discretion, subject the Property (or portion thereof) to annexation by the City. In such an instance, Owner agrees that such annexation shall be voluntary and the Owner hereby consents pursuant to Section 212.172(b)(7). In the event of such an annexation as a result of Owner's violation of Section 1.1 or 1.3, services will be provided to the annexed Property in accordance with Section 3.1(c). Owner waives any vested rights claims that it may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of actions Owner has taken set forth in the first sentence of this Section 4.2(b).

ARTICLE V
ASSIGNMENT; ENCUMBRANCE

5.1 Assignment. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the Parties hereto. Owner may assign the Agreement, in whole or in part, to a future purchaser or owner of all or any portion of the Property without the prior written consent of the City, but upon written notice to the City. Except with respect to future owners, Owner may not assign the Agreement without the prior written consent of City, which consent shall not be unreasonably withheld, conditioned or delayed. An assignee shall be considered a "Party" for the purposes of this Agreement. Each assignment shall be in writing executed by Owner and the assignee and shall obligate the assignee to be bound by this Agreement to the

extent this Agreement applies or relates to the obligations, rights, title, or interests being assigned.

5.2 Third-Party Beneficiaries. This Agreement only inures to the benefit of, and may only be enforced by, the Parties. No other person or entity shall have any right, title, or interest under this Agreement or otherwise be deemed to be a third-party beneficiary of this Agreement.

5.3 Notice of Assignment. The following requirements shall apply in the event that the Owner sells, assigns, transfers, or otherwise conveys the Property or any part thereof and/or any of its rights or benefits under this Agreement:

- (a) the Owner must provide written notice to the City to the extent required under Section 5.1 after any such sale, assignment, transfer, or other conveyance;
- (b) prior to the sale, assignment, transfer, or other conveyance, the Owner must give written notice of this Agreement to the prospective purchaser or grantee;
- (c) any such notice under this Section 5.3 must describe the extent to which any rights or benefits under this Agreement have been or will be sold, assigned, transferred, or otherwise conveyed;
- (d) the notice to the City must state the name and mailing address of the person(s) that have acquired any rights or benefits as a result of any such sale, assignment, transfer or other conveyance; and
- (e) any such notice must be signed by a duly authorized person representing the Owner.

ARTICLE VI

RECORDATION AND ESTOPPEL CERTIFICATES

6.1 Binding Obligations. This Agreement and all amendments thereto and assignments hereof shall be recorded in the Real Property Records of Williamson County, Texas. This Agreement binds and constitutes a covenant running with the Property and, upon the Effective Date, is binding upon the Parties. This Agreement, when recorded, shall be binding upon the Parties, their successors and permitted assigns for the Term of the Agreement.

6.2 Estoppel Certificates. From time to time upon written request of the Owner or any future owner, and upon the payment to the City of a \$100.00 fee, the City Manager, or his/her designee will, in his/her official capacity and to his/her reasonable knowledge and belief, execute a written estoppel certificate, which shall include, but not necessarily be limited to, statements that this Agreement is in full force and effect without default (or if default exists, the nature of default and curative action, which should be undertaken to cure same), the remaining Term of this Agreement, and such other matters reasonably requested by the party to receive the certificate.

ARTICLE VII
GENERAL PROVISIONS

7.1 Term. The term of this Agreement shall be twenty-five (25) years after the Effective Date unless extended by mutual agreement of the Parties ("Term"), provided however, that the total duration of this Agreement, including successive renewals or extensions, may not exceed forty-five (45) years.

7.2 Inspections and Acceptance of Public Infrastructure. The City shall accept and inspect any public infrastructure necessary to support the proposed development within the Property, including water, sanitary sewer, drainage, and street improvements for compliance with City Code provisions, and other ordinances or regulations duly adopted by the City Council relating to the same.

7.3 Eminent Domain. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or Chapter 212 development agreement.

ARTICLE VIII
ADDITIONAL PROVISIONS

8.1 Notices. Any notice, submittal, or instrument required or permitted by this Agreement to be given or delivered to any Party shall be deemed to have been received when personally delivered or 72 hours following deposit of the same in any United States Post Office, registered or certified mail, postage prepaid, addressed as follows:

To the City: Attn: City Manager
 City of Hutto, Texas
 500 W. Live Oak Street
 Hutto, Texas 78634

To the Owner: No-Count, LLC
 Attn: Gary Olander
 311 Royale Heights Lane
 Houston, Texas 77024

With a copy to: Winstead PC
 Attn: Laura Hoffmann
 500 Winstead Building
 2728 N. Harwood Street
 Dallas, Texas 75201

Any Party may change its address or addresses for delivery of notice by delivering written notice of such change of address to the other Party.

8.2 Interpretation. The Parties acknowledge that each has been actively involved in negotiating this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not apply to interpreting this Agreement. In the event of

any dispute over the meaning or application of any provision of this Agreement, the provision will be interpreted fairly and reasonably and neither more strongly for nor against any Party, regardless of which Party originally drafted the provision.

8.3 Authority. The City represents and warrants that this Agreement has been approved by official action by the City Council of the City in accordance with all applicable public notice requirements (including, but not limited to, notices required by the Texas Open Meetings Act) and that the individual executing this Agreement on behalf of the City has been duly authorized to do so. The Owner represents that it is the current owner of the Property and to its knowledge there is no other person claiming an ownership interest in the Property who has not signed the Agreement. The Owner represents and warrants that this Agreement has been approved by appropriate action of the Owner, and that the individual executing this Agreement on behalf of the Owner has been duly authorized to do so.

8.4 Severability and Amendment. This Agreement shall not be modified or amended except by mutual agreement in writing and signed by both Parties. If any provision of this Agreement is determined by a court of competent jurisdiction to be void or unenforceable for any reason, including the covenants regarding involuntary annexation, then: (a) such unenforceable provision shall be deleted from this Agreement; (b) the unenforceable provision shall, to the extent possible and upon mutual agreement of the Parties, be rewritten to be enforceable and to give effect to the intent of the Parties; and (c) the remainder of this Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the Parties.

8.5 Applicable Law; Venue. This Agreement is entered into pursuant to, and is to be construed and enforced in accordance with, the laws of the State of Texas, and all obligations of the Parties are performable in Williamson County, Texas. Exclusive venue for any action related to, arising out of, or brought in connection with this Agreement shall be in Williamson County, Texas.

8.6 Enforceability and Non Waiver. Each Party acknowledges and agrees that this Agreement is binding upon such Party and is enforceable against such Party, in accordance with its terms and conditions and to the extent provided by law. This Agreement may be enforced by any Party by any proceeding at law or equity. Failure by a Party to enforce any provision of the Agreement shall not be deemed a waiver to enforce the provisions of this Agreement thereafter, and the Party shall have the right at any time thereafter to insist upon strict performance of any and all provisions of this Agreement. No provision of this Agreement may be waived except by writing signed by the Party waiving such provision. Any waiver shall be limited to the specific purposes for which it is given. No waiver by any Party of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

8.7 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

8.8 Force Majeure. Each Party shall use good faith, due diligence and reasonable care in the performance of its respective obligations under this Agreement; however, in the event a Party is unable, due to force majeure, to perform its obligations under this Agreement, then the obligations affected by the force majeure shall be temporarily suspended. Within fifteen (15) business days after the occurrence of a force majeure, the Party claiming the right to temporarily suspend its performance, shall give Notice to all the Parties, including a detailed explanation of the force majeure and a description of the action that will be taken to remedy the force majeure and resume full performance at the earliest possible time. The term “force majeure” shall include events or circumstances that are not within the reasonable control of the Party whose performance is suspended, including but not limited to war, civil commotion, acts of God, strike, inclement weather, shortages or unavailability of labor or materials, unreasonable delays by the City (based on the then-current workload of the City department(s) responsible for undertaking the activity in question) in issuing any permits, consents, or certificates of occupancy or conducting any inspections of or with respect to the Property and development thereon, or other circumstances which are reasonably beyond the control of the Party obligated or permitted under the terms of this Agreement to do or perform the same, regardless of whether any such circumstance is similar to any of those enumerated or not.

8.9 Complete Agreement. This Agreement embodies the entire Agreement between the Parties and cannot be varied or terminated except as set forth in this Agreement, or by written agreement of both the City and Owner expressly amending the terms of this Agreement.

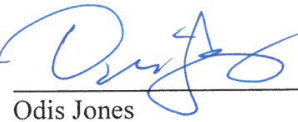
8.10 Consideration. This Agreement is executed by the Parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is hereby acknowledged.

[SIGNATURES PAGES FOLLOW, REMAINDER OF THIS PAGE INTENTIONALLY LEFT
BLANK]

EXECUTED BY THE PARTIES TO BE EFFECTIVE ON THE EFFECTIVE DATE:

CITY:

By:



Odis Jones
City Manager, City of Hutto, Texas

Date:

9/6/19

APPROVED AS TO FORM:

Name:



Title: Attorney for the City

STATE OF TEXAS

COUNTY OF WILLIAMSON

This instrument was acknowledged before me on the 6th day of September, 2019 by Odis Jones, City Manager, City of Hutto, Texas, on behalf of said City.

(SEAL)




Notary Public, State of Texas

Name printed or typed: Lacie Gene Hale

Commission Expires: March 31, 2023

OWNER:

NO-COUNT HUTTO, LLC,
a Texas limited liability company

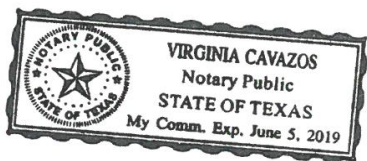
By: 
Name: GARY OLANDER
Title: MEMBER / VP
Date: 9-4-19

STATE OF TEXAS

COUNTY OF Harris

This instrument was acknowledged before me on the 4th day of September, 2019 by Gary Olander, VP of No-Count Hutto, LLC, a Texas limited liability company, on behalf of said entity.

(SEAL)



Virginia Cavazos
Notary Public, State of Texas

Name printed or typed: Virginia Cavazos
Commission Expires: June 5, 2019

Exhibit A

LEGAL DESCRIPTION AND DEPICTION OF THE PROPERTY

101.8 acres of land out of the James Shelton Survey, Abstract No. 560, in Williamson County, Texas, being a portion of that same property described in Deed recorded in Volume 74, page 443, Deed Records of Williamson County, Texas, said 101.8 acre tract being more particularly described by metes and bounds as follows:

All that certain tract or parcel of land lying and being situated in the County of Williamson and State of Texas, a part of the James Shelton Survey and being described by metes and bounds as follows, to-wit:

BEGINNING at the Southeast corner of the Neil Survey;

THENCE South 19 East 805 1/2 varas to corner;

THENCE South 71 West 721 1/2 varas to corner;

THENCE North 16 West 329 varas to corner near center of land;

THENCE North 19 West 479 varas to the Southwest corner of the Neil Survey;

THENCE North 71 East 708 varas to the PLACE OF BEGINNING and containing 101.8 acres of land.

LESS:

A 7.402 ACRE (322,410 SQ.FT.) TRACT OF LAND LOCATED IN THE JAMES SHELTON SURVEY, ABSTRACT NO. 580 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A CALLED 101.8 ACRE TRACT OF LAND, TRACT 2, DESCRIBED IN DEED TO GARY M. OLANDER, ET AL, RECORDED IN DOCUMENT NUMBER 9828013 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, (O.P.R.W.C.TX.), SAID 7,402 ACRE (322,410 SQ.FT.) TRACT, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM, FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at a 1/2-inch iron rod with a plastic cap stamped "SAM INC" set 60.00 left of County Road (C.R.) 119 Engineer's Centerline Station (E.C.S.) 42+11.77, in the proposed west right-of-way line of C.R. 119, said point also being in the north line of a called 48.44 acre tract of land, Tract 2, described in deed to Jo Blaine Anderson and James Wesley Anderson, recorded In Document Number 2008080963, O.P.R.W.C.TX., for the POINT OF BEGINNING, also being the northwest corner of the tract described herein and the beginning of a curve to the left, from which a 3/8-inch iron rod found for the southwest corner of said 101.8 acre tract and the northwest corner of said 48.44 acre tract bears S 68°06'35" W, a distance of 1,871.50 feet;

THENCE, with the proposed curving west right-of-way line of said C.R. 119, the following three courses and distances numbered 1-3:

- 1) with the proposed curving west right-of-way line of said C.R. 119, being a curve to the left, an arc distance of 1,811.07 feet, through a central angle of 42°31'39", having a radius of 2,440.00 feet, and a chord that bears N 38°53'15" W, a distance of 1,769.79 feet to a 1/2-inch iron rod with a plastic cap stamped "SAM INC" set 60.00 feet left of E.C.S. 60+67.38;
- 2) N 60°09'04" W, a distance of 626.27 feet to a 1/2-inch iron rod with a plastic cap stamped "SAM INC" set 60.00 feet left of E.C.S. 66+93.64 for the beginning of a curve to the right, and
- 3) with the proposed curving west right-of-way line of said C.R. 119, being a curve to the right, an arc distance of 67.82 feet, through a central angle of 01°31'04", having a radius of 2,560.00 feet, and a chord that bears N 59°23'32" W, a distance of 67.81 feet to a 1/2-inch iron rod with a plastic cap stamped "SAM INC" set 60.00 feet left of E.C.S. 67+59.87, said point being on the south line of a called 57,895 acre tract of land described in General Warranty Deed to Ventana Hills, LTD., recorded in Document Number 2007068155 O.P.R.W.C.TX., and the north line of said 101.8 acre tract for the northwest corner of the tract described herein, from which a 1/2-inch iron pipe found for the northwest corner of said 101.8 acre tract and the southwest corner of said 57.895 acre tract bears S 68°21'55"W, a distance of 864.97 feet;
- 4) **THENCE** N 68°21'55" E, with the south line of said 57.895 acre tract and the north line of said 101.8 acre tract, a distance of 152.22 feet to a 1/2-inch iron rod with a plastic cap stamped "SAM INC" set 60.00 feet right of E.C.S. 66+66.66 for northeast corner of the tract described herein, from which a 1/2-inch iron rod found for the southeast corner of said 57.895 acre tract and the northeast corner of said 101.8 acre tract bears N 68°21'55" E. a distance of 939.49 feet;

THENCE, with the proposed west right-of-way line of said C.R. 119, the following three courses and distances numbered 5-7:

- 5) S 60°09'04" E, a distance of 599.28 feet to a 1/2-inch iron rod with a plastic cap stamped "SAM INC" set 60.00 feet right of E.O.S. 60+67.38 for the beginning of a curve to the right,
- 6) with the proposed curving west right-of-way line of said C.R. 119, being a curve to the right, an arc distance of 1,220.99 feet, through a central angle of 27°19'38", having a radius of 2,560.00 feet, and a chord that bears S 46°29'15" E, a distance of 1,209.45 feet to a 1/2-inch iron rod with a plastic cap stamped "SAM INC" set 60.00 feet right of E.C.S. 48+75.00, and
- 7) N 57°10'34" E, a distance of 68.64 feet to a 1/2-inch iron rod with a plastic cap stamped "SAM INC" set 128.64 feet right of E.C.S. 48+75.00, said point being on the west line of a called 103.111 acre tract of land, Tract 1, described in deed to Harry Ronald Hanson, recorded in Document Number 2006074636 O.P.R.W.C.TX.;

8) **THENCE** S 21°58'49" E, with the west line of said 103.111 acre tract and the east line of said 101.8 acre tract, a distance of 680.11 feet to a 1/2-inch iron rod with a plastic cap stamped "SAM INC" set on the existing east right-of-way line of CR 119 (Hutto Bypass), a variable width right-of-way (no record information found), also being the southeast corner of said 101.8 acre tract and the tract described herein:

9) **THENCE** S 68°06'35" W, with the south line of said 101.8 acre tract, passing at a distance of 41.09 feet, an 8-inch wooden fence post for the northeast corner of said 48.44 acre tract, and continuing for a total distance of 148.76 feet to the **POINT OF BEGINNING**, and containing 7.402 acres (322,410 sq. ft.) of land, more or less.

This property description is accompanied by a plat of even date.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83. All distances shown hereon are adjusted to the surface using a combined scale factor of 1.000122465.

LESS:

1.057 Acre Parcel

THAT PART OF THE J. SHELTON SURVEY, ABSTRACT NO. 560 IN WILLIAMSON COUNTY, TEXAS, BEING A PART OF THAT 101.8 ACRE TRACT OF LAND CONVEYED TO NO-COUNT, LLC BY DEED RECORDED IN DOCUMENT NUMBER 2013060751 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (OPRWC); MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN at a 1/2" iron rod set on the east line of the above referenced tract, same being the west line of a 181.329 acre tract conveyed to Patsy Louise Overton by deed recorded in Document Number 2013031396, OPRWC, for the POINT OF BEGINNING of this parcel, from which a 1/2" iron rod found monumenting the northeast corner of said 101.8 acre tract and the southeast corner of a 57.895 acre tract conveyed to Ventana Hill Ltd. by deed recorded in Document Number 2007068155, OPRWC bears, N22°26'10"W a distance of 352.61 feet;

THENCE along said west line, S22°26'10"E a distance of 109.13 foot to a 1/2" iron rod set on a non-tangent curve to the right;

THENCE across said 101.8 acre tract the following two courses:

1. Southwesterly, along the arc of said curve a length of 3.28 feet, having a radius of 3046.00 feet, a central angle of 00°03'42" and a chord bearing S35°36'52"W, 3.28 feet;
2. S35°38'43"W a distance of 468.97 feet to a 1/2" iron rod set on a non-tangent curve to the left on the northeast right-of-way line of a 7.402 acre tract of land conveyed to

Williamson County, Texas by deed recorded in Document Number 2016010818,
OPRWC, from which a 1/2" iron rod found with cap stamped "SAM" bears,
S43°04'48"E a distance of 910.66 feet;

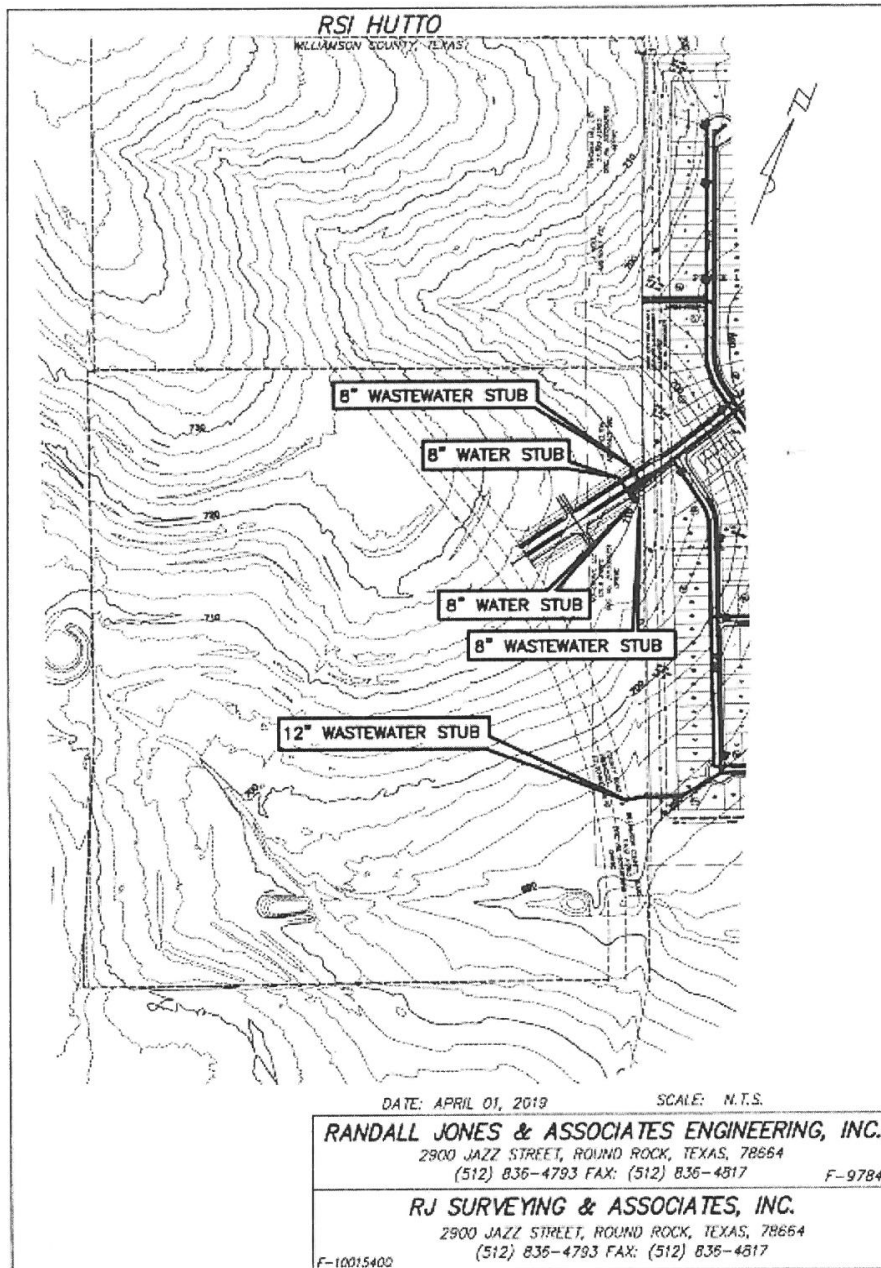
THENCE along said northeast right-of-way line, Northwesterly, along the arc of said curve
a length of 92.00 feet, having a radius of 2560.00 feet, a central angle of 02°03'33" and a
chord bearing N54°21'17"W, 92.00 feet a 1/2" iron rod set;

THENCE across said 101.8 acre tract the following two courses:

1. N35°38'43"E a distance of 468.97 feet to a point of curvature of a curve to the left;
2. Northeasterly, along the arc of said curve a length of 60.98 feet, having a radius of
2954.00 feet, a central angle of 01°10'58", and a chord bearing N35°03'14"E, 60.98 feet to the
said Point of Beginning.

Containing 1.057 acres, more or less.

Exhibit B



4825-1406-4022v.2

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Exhibit C

MUNICIPAL SERVICE PLAN FOR PROPERTY UPON ANNEXATION

The City of Hutto, Texas will provide for the extension of full municipal services into the area proposed to be annexed in accordance with Texas Local Government Code §43.056.

FIRE

Existing Services: Williamson County Emergency Service District #3

Services to be Provided:

Provides fire suppression and emergency services to the area. Primary fire response will be provided by Williamson County Emergency Service District #3, located at the following address: 501 Exchange Boulevard. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

POLICE

Existing Services: Williamson County Sheriff's Department

Services to be Provided:

Upon annexation, the City of Hutto Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriations.

BUILDING INSPECTION

Existing Services: None

Services to be Provided:

The Development Services Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City of Hutto. Fire code inspections and enforcement will be handled by Williamson County Emergency Services District #3 on behalf of the City of Hutto.

PLANNING AND ZONING

Existing Services: Review of subdivision development plans under City's Subdivision Ordinance. No municipal zoning or land use controls except for those imposed by State Law.

Services to be Provided:

The Hutto Development Services Department has responsibility for regulating development and land use through the administration of the City of Hutto's Zoning Ordinance, and this will extend to the area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Hutto's Subdivision Ordinance. These services can be provided within the departments' current budgets.

LIBRARY

Existing Services: None

Services to be Provided:

City Library privileges will be available to future residents in this area.

HEALTH DEPARTMENT - HEALTH CODE ENFORCEMENT SERVICE

Existing Services: Williamson Cities and County Health District

Services to be Provided:

Williamson Cities and County Health District will continue to implement enforcement of the health districts regulations on the effective date of annexation. Animal control services will also be provided to the area as needed by Hutto Animal Control Division of the Police Department.

STREET MAINTENANCE

Existing Services: Williamson County

Services to be Provided:

Maintenance and access to adjacent existing street facilities will be provided/overseen by appropriate City of Hutto departments.

STORM WATER MANAGEMENT

Existing Services: Williamson County Flood Plain Administrator

Services to be Provided:

Developers will provide storm water drainage facilities as required of their development at their own expense and such will be inspected by the City's engineers at time of completion. The City of Hutto will then maintain the drainage in public rights of way upon approval of the construction. Property owners and/or Home Owner's Associations or similar entities will maintain drainage facilities located on private property. All construction within the flood plain will be through the appropriate Hutto department(s) and will meet FEMA Flood Plain regulations.

STREET LIGHTING

Existing Services: Oncor Electric Delivery

Services to be Provided:

There are no existing street lights in this area. The Developer will be responsible for initial installation and maintenance of street lighting, if required, within the development until such time as any internal streets have been accepted by the City Council.

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided:

The City of Hutto, through its appropriate departments, will be able to provide any necessary additional traffic control devices after the effective date of annexation.

WATER SERVICE

Existing Services: None

Services to be Provided:

Water service to the properties will be provided by Jonah S.U.D.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided:

Sanitary sewer service to the properties will be provided by City of Hutto.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided:

Solid waste collection shall be provided to the area of annexation in accordance with current ordinances. Service shall comply with existing City of Hutto policies, beginning with occupancy of structures.

PARKS AND TRAILS

Existing Service: None

Services to be Provided:

All City operated parks and trail systems will be available to the residents of this area upon annexation.

MISCELLANEOUS

Existing Services: None

Services to be Provided:

All other applicable municipal services will be provided to the area in accordance with the City of Hutto's established policies governing extension of municipal services to newly-annexed areas.

Regular City Council
AGENDA ITEM
12.A.



To:
Subject: Consideration and possible appointments to City Boards and Commissions. (Lacie Hale, City Secretary)
Meeting:
Department: City Secretary
Staff Contact: Lacie Hale, City Secretary

BACKGROUND INFORMATION:

On July 7, 2018, the City Council approved Ordinance O-18-07-05-8B that changed the terms of service of the boards, commissions and corporation members to be realigned to match those of the council places and terms. Beginning July 1, 2019, new terms will expire on June 30, of the corresponding Council Member term. All current board and commission members have been assigned Place numbers to coincide with existing council members.

FINANCIAL IMPACT:

Not applicable.

POLICY IMPLICATIONS:

Not applicable.

RECOMMENDATION:

Not applicable.

ATTACHMENTS:

**Boards and Commissions Master
Transition**

Council Member Place 1	Scott Rose	May-20
Council Member Place 2	Tom Hines	May-21
Council Member Place 3	Mike Snyder	May-22
Council Member Place 4	Peter Gordon	May-20
Council Member Place 5	Patti Turner	May-21
Council Member Place 6	Tanner Rose	May-22
Mayor (Place 7)	Doug Gaul	May-22

All Boards and Commissions terms Realigned for appointment in June

Terms Run 7/1 to 6/30 unless otherwise indicated

Last update: 9/13/2019

Planning & Zoning Commission							
Meets: 1st Tuesday @ 7:00pm of each month in the City Council Chamber							
2 yr Terms Per Charter							
Liaison - Ashley Lumpkin							
				Appointed	Term Ends		
Place 1	Davey	Robinson	Commissioner	September 20, 2018	June 20, 2020		
Place 2	Randal	Clark	Commissioner	December 6, 2018	June 20, 2020		
Place 3	Jessica	Romigh	Chair	July 3, 2019	June 30, 2021		
Place 4	Tony	Wertz	Vice-Chair	July 3, 2019	June 30, 2021		
Place 5	Richard	Hudson	Commissioner	August 2, 2018	June 20, 2020		
Place 6	Kyle	Lovinggood	Commissioner	August 1, 2019	June 30, 2021		
Place 7	Susanna	Boyer	Commissioner	August 1, 2019	June 30, 2021		
Parks Advisory Board							
Meets: 2nd Wednesday @ 7:00pm of each month in the City Council Chamber							
Liaison - Jeffrey White							
				Appointed	Term Ends		
Place 1	Katie	Weiss	Member	September 20, 2018	June 30, 2020		
Place 2	Michael	Orman	Member	September 20, 2018	June 30, 2021		
Place 3	Patrick	Donathan	Member	July 3, 2019	June 30, 2022		
Place 4	Liaga	Gasu	Member	June 20, 2019	June 30, 2020		
Place 5	Vacant		Member		June 30, 2021		
Place 6	Rose	McMillin	Member	June 20, 2019	June 30, 2022		
Place 7	Perry	Savard	Acting Chair	June 20, 2019	June 30, 2022		
Library Advisory Board							
Meets: Quarterly @ 6:00pm of each month in the City Council Chamber							
Liaison - Lisa Riggs							
				Appointed	Term Ends		
Place 1	Christina	Garza	Member	May 16, 2019	June 30, 2020		
Place 2	Dwight	Baker	Chair	September 20, 2018	June 30, 2021		
Place 3	Tara	Chappell	Vice Chair	July 3, 2019	June 30, 2022		
Place 4	Kathi	Shilling	Member	September 20, 2018	June 30, 2020		
Place 5	Havala	Merit	Member	May 16, 2019	June 30, 2021		
Place 6	Vacant		Member		June 30, 2022		
Place 7	Vacant		Member		June 30, 2022		
Zoning Board of Adjustments							
Meets: 4th Wednesday @ 7:00pm of each month in the City Council Chamber							
Liaison - Ashby Grundman							
				Appointed	Term Ends		
Place 1	Bryan	Dempsey	Member	January 17, 2019	June 30, 2020		
Place 2	Thomas	McGowan	Member	September 20, 2018	June 30, 2021		
Place 3	David	Meyer	Member	July 3, 2019	June 30, 2022		
Place 4	Wendell	Teltow	Member	June 20, 2019	June 30, 2020		
Place 5	Vacant		Member		June 30, 2021		
Place 6	Maureen	Rooker	Member	June 20, 2019	June 30, 2022		
Place 7	Vacant		Member		June 30, 2022		

Historic Preservation Commission							
Meets: 4th Tuesday @ 6:00pm of each month in the City Council Chamber							
Liaison - John Byrum							
					Appointed	Term Ends	
	Place 1	DeAnne	Worley	Commissioner	July 3, 2019	June 30, 2020	
	Place 2	Mary	Belton	Commissioner	August 2, 2018	June 30, 2021	
	Place 3	Curtis	Orton	Commissioner	September 20, 2018	June 30, 2022	
	Place 4	Robert	Lykins	Commissioner	September 20, 2018	June 30, 2020	
	Place 5	Vacant		Commissioner		June 30, 2021	
	Place 6	Travis	Allen	Commissioner	June 20, 2019	June 30, 2022	
	Place 7	Vacant		Commissioner		June 30, 2022	
Building and Standards Commission							
Meets: As Needed in the City Council Chamber							
Liaison - Tamera Baird							
					Appointed	Term Ends	
	Place 1	Troy	Manella	Commissioner	January 3, 2019	June 30, 2020	
	Place 2	Olinda	Ramirez	Commissioner	September 20, 2018	June 30, 2021	
	Place 3	Kendrick	Whittington	Commissioner	August 2, 2018	June 30, 2022	
	Place 4	Bryan	Dempsey	Commissioner	June 20, 2019	June 30, 2020	
	Place 5	Tom	Brown	Commissioner	September 20, 2018	June 30, 2021	
	Place 6	Maureen	Rooker	Commissioner	June 20, 2019	June 30, 2022	
	Place 7	Richard	Hudson	Commissioner	June 20, 2019	June 30, 2022	
Ethics Review Commission							
Meets: As Needed in the City Council Chamber (at least once a year)							
Liaison - Lacie Hale							
					Appointed	Term Ends	
	Place 1	Craig	Cargill	Member	September 20, 2018	June 30, 2020	
	Place 2	Lori	Brown-Duncan	Vice-Chair	September 20, 2018	June 30, 2021	
	Place 3	Bill	Kohl	Member	July 11, 2019	June 30, 2022	
	Place 4	Russell	Daniel	Chair	September 20, 2018	June 30, 2020	
	Place 5	Vacant		Member		June 30, 2021	
	Place 6	April	Willis	Member	August 15, 2019	June 30, 2022	
	Place 7	Vacant		Member		June 30, 2022	
Economic Development Corporation							
Meets: 1st Monday @ 6:30pm of each month in the City Council Chamber							
Liaison - Tim Jordan							
					Appointed	Term Ends	
	Place 1	Nelson	Nagle	Treasurer	July 3, 2019	June 30, 2021	
	Place 2	James	Guzman	Member	June 20, 2019	June 30, 2021	
	Place 3	Dan	Thornton	Secretary	July 3, 2019	June 30, 2021	
	Place 4	Don	Carlson	Member	July 3, 2019	June 30, 2021	
	Place 5	Kevin	LaFrance	Member	July 3, 2019	June 30, 2021	
	Place 6	Henry	Gideon	Vice-Chair	June 20, 2019	June 30, 2021	
	Place 7	Steve	Harris	Chair	June 20, 2019	June 30, 2021	