
ROCKWALL PARKS & RECREATION BOARD MEETING

Wednesday, March 15, 2023 - 6:00 PM

City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

- I. **Call Public Meeting to Order**
- II. **Open Forum**
- III. **Action Items**
 - 1. Discuss and consider the minutes from the February 8, 2023 Park Board Meeting, and take any action necessary.
 - 2. Discuss and consider Park Land Dedication Ordinance and fees, and take any action necessary.
- IV. **Monthly Reports**
- V. **Adjournment**

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 771-7700 or FAX (972) 771-7727 for further information.

I, Kristy Teague, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 9th day of March, 2023 at 5PM and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Kristy Teague, City Secretary

Date Removed

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MINUTES
PARKS AND RECREATION BOARD
City Hall, 385 S Goliad, Rockwall, TX 75087
Wednesday, February 8, 2023
6:00 PM

Call To Order

The meeting was called to order in the Council Chambers at 6:00pm by Chairman Kevin Johnson with the following Board Members present: Amanda Fowler, Jake Wimpee, Jason Alvarado, Marcia Hasenyager, Angela Kleinheksel and Jenny Krueger. Also present were Director of Parks & Recreation, Travis Sales and Recreation Superintendent, Cory Dentler, Administrative Assistant, Wendy Young, and Parks Superintendent Brian Sartain.

Open Forum

Chairman Johnson explained how Open Forum is conducted and asked if anyone in the audience would like to come forth and speak during this time. There being no one wishing to speak, Johnson then closed the Open Forum.

Discuss and consider minutes from the December 6, 2022 Park Board Meeting and take any action necessary.

The minutes from the December 6, 2022 Park Board meeting were provided to The Board for their review. Hasenyager made a motion to approve the minutes. Alvarado seconded the motion which passed unanimously.

P2023-002 Discuss and consider the approval of a final plat for the Quail Hollow Subdivision consisting of 250 single family residential lots generally located at the southeast corner of the intersection of Hays Rd and John King Blvd and take any action necessary.

Director of Parks & Recreation Travis Sales explained that this final plat is located in Park District 5. The cash in lieu of land is \$516 per lot times 250 lots is \$129,000. The pro-rata equipment fee is \$489 per lot times 250 lots is \$122,250. The total fees being \$251,250. Fowler made a motion to make a recommendation to City Council to approve the final plat for Quail Hollow Subdivision consisting of 250 lots totaling \$251,250 per fees. Krueger seconded the motion which passed unanimously.

SP2023-001 Discuss and consider the approval of a site plan for the Quail Hollow Subdivision consisting of 250 single family residential lots generally located at the southeast corner of the intersection of Hays Rd and John King Blvd and take any action necessary.

Mr. Sales stated that the trail location and landscape have been designed to continue to current layout through neighborhood and along John King rights-of-way for continuity throughout all developments. The Parks & Recreation Department has reviewed landscape plans and accepted them with one comment to add a trail head feature on the corner of Hays Rd and John King. The tree mitigation approved but hackberry species are no longer protected and can be removed from the protected list. Johnson made a

46 recommendation to approve the site plan additionally adding the trail head feature.
47 Fowler seconded the motion which passed unanimously.

48
49 **SP2023-002 Discuss and consider the approval of a site plan for Phase 1 of**
50 **Discovery Lakes consisting of 31 single family residential lots generally located on**
51 **the north side of SH276 east of the intersection of SH276 and Rochelle Rd and take**
52 **any action necessary.**

53 Mr. Sales explained that this site plan is located in Park District 30. The cash in lieu of
54 land fee is \$383 per lot times 31 lots is \$11,873. The pro-rata equipment fees are \$363
55 per lot times 31 lots equals \$11,253 with a total of \$23,126. He also explained that an 11
56 acre park is being provided in future phase with development and a request has been
57 made to provide a future phase plan showing the location, so we will only be collecting
58 the pro-rata equipment fees. This park location will be out of the flood plain and an
59 acceptable piece of land for park development. The Parks and Recreation Department has
60 accepted the landscape plans with comments that there are better species of Bermuda, turf
61 grass such as tif tuf and Tahoma 31 that are more drought, cold and wear tolerant. Also
62 an 8” caliper live oaks can be very difficult to get acclimated and successfully survive
63 transplant. Also must provide tree mitigation plan for review. Johnson made a motion to
64 accept the site plan collecting the pro-rata fees only for Phase 1 of Discovery Lakes with
65 recommendations provided by Parks & Recreation Department. Wimpee seconded the
66 motion which passed unanimously.

67
68 **Adjournment**

69 There being no further business to come before The Board at this time, the meeting was adjourned
70 at 6:39 p.m.

71
72 PASSED AND APPROVED BY THE PARK BOARD OF THE CITY OF ROCKWALL, TEXAS,
73 this 7th day of March 2023.

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Kevin Johnson, Park Board Chairman

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78 ATTEST:

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Wendy Young, Administrative Assistant
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CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Park Board

FROM: Travis Sales, Director of Parks & Recreation

DATE: March 7, 2023

SUBJECT: PARK LAND DEDICATION ORDINANCE

SUMMARY:

DISCUSS AND CONSIDER PARK LAND DEDICATION ORDINANCE AND TAKE ANY ACTION NECESSARY.

PARK LAND DEDICATION ORDINANCE

[1] the *Pro-Rata Equipment Fee* of \$702,000.00 for a fully developed neighborhood park and the corresponding methodology, [2] an increase in the cost per acre of parkland from \$67,000.00 to \$68,000.00 (*total cost of an 11-acre neighborhood park would be \$748,000.00*), and [3] the adoption of the new *Subdivision Ordinance* which contains the new *Parkland Dedication Ordinance*. Staff intends to forward this recommendation -- *along with the Planning and Zoning Commission's recommendation on the Subdivision Ordinance* -- to the City Council for consideration at March 20, 2023 City Council meeting. Finally, it is worth noting that as was done with the OURHometown Vision 2040 Comprehensive Plan [*adopted on October 21, 2019*] and the new Unified Development Code (UDC) [*adopted on February 3, 2020*], the *Subdivision Ordinance* and *Parkland Dedication Ordinance* was prepared by City staff without the use of consultants. The City Attorney, however, did review *this* document to ensure that all legal language and references were correct to form. Should the Parks and Recreation Board have any questions concerning the proposed *Subdivision Ordinance*, staff will be available at the March 7, 2023 Parks and Recreation Board meeting.

STAFF NOTES & RECOMMENDATIONS:

The current *Subdivision Ordinance* was originally adopted by the City Council on September 15, 1978 through *Ordinance No. 78-20*, and -- *since its adoption* -- multiple amendments have been drafted over the years changing various sections of the ordinance. The piecemealing of changes to the *Subdivision Ordinance* overtime, has led to inconsistent language used throughout the document and discrepancies in the requirements within the code. In 2019, during the 86th Legislative Session, several planning and zoning related bills were approved by the legislature that effected the City's codes. After reviewing the impact of these bills, staff determined that both the Unified Development Code (UDC) and *Subdivision Ordinance* would need to be reviewed and changed for compliance with the adopted bills (*e.g. HB347, HB3167, HB2439, etc.*). Staff began this process by addressing the most pressing issues, which mostly related to the City's zoning requirements contained within the Unified Development Code (UDC). A new version of the Unified Development Code (UDC) was completed in December 2019, with the City Council adopting the document on February 3, 2020 through *Ordinance No. 20-02*.

More recently, City staff has completed drafting a new *Subdivision Ordinance*, which is intended to replace the current ordinance. The new ordinance will bring all of the City's planning and zoning related ordinances into compliance with current State laws. In addition, the new *Subdivision Ordinance* contains a new version of the *Parkland Dedication Ordinance*, which clarifies how *Cash-in-Lieu-of-Land* and *Pro-Rata Equipment Fees* are calculated. The proposed ordinance also breaks down these fees into a spreadsheet showing how these fees are broken out and the total cost for each fee in each *Park District*. In addition, staff has incorporated maps showing the City's Park Districts, which is not contained within the current *Parkland Dedication Ordinance*.

For the Parks and Recreation Board's review, staff has included a copy of the proposed *Parkland Dedication Ordinance*. This document was reviewed by the Parks and Recreation Board on December 6, 2022, and at this meeting the Board provided no additional comments or changes for staff to include in the new ordinance; however, recently the City's consultant has completed a new market study for the price per acre of parkland. This study increases the price per acre from \$67,000.00 in 2021 to \$68,000.00 in 2023. In addition, staff has been reviewing the methodology for the *Pro-Rata Equipment Fees* and is requesting that the Board consider adopting the following fee schedule for *Pro-Rata Equipment Fees*, which represents the full cost to install/provide equipment for an 11-acre neighborhood park:

METHODOLOGY

All neighborhood parks consist of one (1) acre public parking, four (4) acres of fully developed amenities, and six (6) acres of natural open space. The four (4) acres of fully developed amenities shall consist of the following:

ITEMS	NOTES	REFERENCE	QUOTE
AUTOMATIC IRRIGATION SYSTEM	IRRIGATION SYSTEM AND CONTROLLER	PHILIPS LAWN SPRINKLER	\$93,000.00
TURF INSTALLATION	TIF-TUF SPECIES	TRI-TEX GRASS	\$96,000.00
LANDSCAPE AND TREE INSTALLATION	LANDSCAPING PER ORDINANCE	COVINGTON'S NURSERY	\$58,000.00
TRAIL INSTALLATION	~1,500-FEET OF EIGHT (8) FOOT TRAIL	B&B CONCRETE	\$96,000.00
PICNIC PAVILION	30-FOOT BY 30-FOOT PAVILION WITH STONE COLUMNS, CONCRETE FOUNDATION AND ARCHITECTURAL SHINGLES	DEAN CONSTRUCTION	\$89,000.00
PLAYGROUND	STANDARD PLAYGROUND WITH ARTIFICIAL TURF	CHILD'S PLAY INC.	\$250,000.00
MISCELLANEOUS AMENITIES	TRASH CANS, TABLES AND BENCHES	SITESCAPES	\$20,000.00
TOTAL:			\$702,000.00

Based on the above information staff is requesting that the Parks and Recreation Board provide a recommendation to the City Council to adopt: [1] the *Pro-Rata Equipment Fee* of \$702,000.00 for a fully developed neighborhood park and the corresponding methodology, [2] an increase in the cost per acre of parkland from \$67,000.00 to \$68,000.00 (total cost of an 11-acre neighborhood park would be \$748,000.00), and [3] the adoption of the new *Subdivision Ordinance* which contains the new *Parkland Dedication Ordinance*. Staff intends to forward this recommendation -- along with the *Planning and Zoning Commission's recommendation on the Subdivision Ordinance* -- to the City Council for consideration at March 20, 2023 City Council meeting. Finally, it is worth noting that as was done with the *OURHometown Vision 2040 Comprehensive Plan [adopted on October 21, 2019]* and the new *Unified Development Code (UDC) [adopted on February 3, 2020]*, the *Subdivision Ordinance* and *Parkland Dedication Ordinance* was prepared by City staff without the use of consultants. The City Attorney, however, did review this document to ensure that all legal language and references were correct to form. Should the Parks and Recreation Board have any questions concerning the proposed *Subdivision Ordinance*, staff will be available at the March 7, 2023 Parks and Recreation Board meeting.



CITY OF ROCKWALL
PARK AND RECREATION BOARD MEMORANDUM

TO: Park and Recreation Board
FROM: Travis Sales, *Director of Parks and Recreation*
CC: Ryan Miller, *Director of Planning and Zoning*
DATE: March 7, 2023
SUBJECT: Subdivision Ordinance

The City's *Subdivision Ordinance* is contained within Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances. This section of the City's code regulates the division and assemblage of land within the City's corporate boundaries, and -- *per the City's Interlocal Cooperation Agreement with Rockwall County* -- the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall. Contained within this document is the City's process for subdivision plats, the criteria for approval, and the role of City staff, the Planning and Zoning Commission, the Parks and Recreation Board, and City Council in the adoption of a subdivision plat. Also, contained within this chapter of the Municipal Code of Ordinances are sections pertaining to the adequate provisions of utilities, proportionality appeals, determination of vested rights, the *Parkland Dedication Ordinance*, impact fee regulations, enabling language for the City's *Engineering Standards of Design and Construction*, the City's engineering approval process, and regulations pertaining to disaster warning sirens.

The current *Subdivision Ordinance* was originally adopted by the City Council on September 15, 1978 through *Ordinance No. 78-20*, and -- *since its adoption* -- multiple amendments have been drafted over the years changing various sections of the ordinance. The piecemealing of changes to the *Subdivision Ordinance* overtime, has led to inconsistent language used throughout the document and discrepancies in the requirements within the code. In 2019, during the 86th Legislative Session, several planning and zoning related bills were approved by the legislature that effected the City's codes. After reviewing the impact of these bills, staff determined that both the Unified Development Code (UDC) and *Subdivision Ordinance* would need to be reviewed and changed for compliance with the adopted bills (e.g. *HB347, HB3167, HB2439, etc.*). Staff began this process by addressing the most pressing issues, which mostly related to the City's zoning requirements contained within the Unified Development Code (UDC). A new version of the Unified Development Code (UDC) was completed in December 2019, with the City Council adopting the document on February 3, 2020 through *Ordinance No. 20-02*.

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TOTAL:			\$702,000.00

Based on the above information staff is requesting that the Parks and Recreation Board provide a recommendation to the City Council to adopt: [1] the *Pro-Rata Equipment Fee* of \$702,000.00 for a fully developed neighborhood park and the corresponding methodology, [2] an increase in the cost per acre of parkland from \$67,000.00 to \$68,000.00 (*total cost of an 11-acre neighborhood park would be \$748,000.00*), and [3] the adoption of the new *Subdivision Ordinance* which contains the new *Parkland Dedication Ordinance*. Staff intends to forward this recommendation -- *along with the Planning and Zoning Commission's recommendation on the Subdivision Ordinance* -- to the City Council for consideration at March 20, 2023 City Council meeting. Finally, it is worth noting that as was done with the OURHometown Vision 2040 Comprehensive Plan [adopted on October 21, 2019] and the new Unified Development Code (UDC) [adopted on February 3, 2020], the *Subdivision Ordinance* and *Parkland Dedication Ordinance* was prepared by City staff without the use of consultants. The City Attorney, however, did review this document to ensure that all legal language and references were correct to form. Should the Parks and Recreation Board have any questions concerning the proposed *Subdivision Ordinance*, staff will be available at the March 7, 2023 Parks and Recreation Board meeting.



CHAPTER 38, *SUBDIVISIONS*, OF THE MUNICIPAL CODE OF ORDINANCES

CITY OF ROCKWALL, TEXAS
PLANNING AND ZONING DEPARTMENT



CHAPTER 38, *SUBDIVISIONS*, OF THE MUNICIPAL CODE OF ORDINANCES
ADOPTED AND SUMMARY OF AMENDMENTS

This table provides a summary of all of the ordinances that were adopted by the City Council amending Chapter 38, *Subdivisions*, of the Municipal Code of Ordinances. Ordinances adopted and not listed below have been omitted as repealed, superseded, or not of a general and permanent nature.

ORDINANCE NO.	DATE OF ADOPTION	SUMMARY
		Adoption of the new Chapter 38, <i>Subdivisions</i> , of the Municipal Code of Ordinance; amending the previous <i>Chapter</i> in its entirety.



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ARTICLE I. IN GENERAL

SECTION 38-1: AUTHORITY AND PURPOSE

This ordinance is adopted under the authority of the constitution and laws of the State of Texas, including particularly Chapter 212, Texas Local Government Code.

The regulation of the subdivision and development of land is a valid function of municipal government, and this function has a direct effect on the public interest and the community's quality of life. The regulations contained within this *Chapter* are intended to protect the interests of the public and confer certain rights and privileges for private land owners. In order to achieve the orderly, efficient and environmentally sound subdivision of land, the city must be provided with appropriate guidelines and development management mechanisms. The requirements of this *Chapter* are also intended to establish a fair and rational procedure for developing and subdividing land such that land will be developed in accordance with the existing physical, social, and economic conditions of the City of Rockwall. In addition, the purpose of this *Chapter* is intended to implement the following objectives:

- (1) Provide for the orderly, efficient and economical development of residential, commercial and industrial land uses, and community facilities, including transportation, water, sewerage, drainage, schools, parks, recreation and any other related element or service.
- (2) To promote the utilization and development of land in accordance with the City's Comprehensive Plan and Unified Development Code (UDC).
- (3) To provide a clear and coherent process to guide property owners through the proper procedures for the subdivision and/or development of land within the City of Rockwall.
- (4) To protect the public interest by providing requirements relating to the provision of public infrastructure (e.g. *streets, utilities, sidewalks, trails, alleyways, and other essential public services*).
- (5) To provide for public or private facilities that are available and will have sufficient capacity to serve proposed and future developments and citizens within the City of Rockwall and its Extraterritorial Jurisdiction (ETJ).
- (6) To assist in the orderly and efficient coordination of development within the City of Rockwall's Extraterritorial Jurisdiction (ETJ).
- (7) To integrate the development of various tracts of land into the City of Rockwall, and to coordinate the future development of adjoining tracts of land.
- (8) To establish adequate and accurate records of the subdivisions of land.
- (9) To provide for efficient traffic circulation throughout the City of Rockwall.
- (10) Promote the health, safety, morals and general welfare of the people, and the safe, orderly and healthful development of the community.

SECTION 38-2: DEFINITIONS

When the following words, terms, and phrases are used in this *Chapter* (i.e. *Chapter 38, Subdivisions, of the Municipal Code of Ordinances*) they shall have the meanings ascribed to them in this section (except where the context clearly indicates a different meaning):

- (1) 100-Year Floodplain. 100-Year Floodplain is property that has a one (1) percent chance of having a flood event in a given year, based on a fully developed watershed.
- (2) Abutting. Abutting is synonymous with the words adjacent, adjoining, or contiguous. It shall mean having a common lot line between lots with a right-of-way or easement, or a physical improvement (e.g. *a street, waterline, park, or creek*).
- (3) Access. Access is a means of approaching or entering a property, or the ability to cross a property (e.g. *a cross access easement or a pedestrian access easement*).
- (4) Alley. A minor right-of-way -- typically dedicated to public use -- not intended to provide the primary means of access to an abutting lot or tract, which is used primarily for vehicular access to the back or side of the property. Alleys may be used for utility service purposes.
- (5) Amending Plat. See [Section 38-7\(8\)](#).
- (6) Amenity. An Amenity is any aesthetic or physical improvement to a development that increases the development's quality, desirability, and/or marketability to the general public. Examples of Amenities include but are not limited to an amenity center, private recreational facility (e.g. *swimming pool, club house, tennis courts, etc.*), entry features, open space, ponds, water fountains, water features, and hike and bike trails.
- (7) Applicant. An Applicant is the person or entity responsible for the submission of a *Development Application*. The Applicant must be the actual owner of the property for which a *Development Application* has been submitted, or be the duly authorized representative of the property owner [also see *Developer*].



- (8) Block. A Block is a grouping of lots that are partially or fully surrounded by one (1) or more streets and/or alleyways. A Block can consist of one (1) or two (2) tiers of lots. Lots that are separated by an alleyway can be in the same Block, but lots that are separated by a street shall be in different blocks.
- (9) Builder. See Developer.
- (10) Building Setback Line. A Building Setback Line shall mean the line on a subdivision plat delineating the nearest point to which a building or buildings may be located to a street, alleyway, or property line.
- (11) Building. A Building is any structure for the support, shelter and enclosure of persons or movable property of any kind [also see Structure].
- (12) Building Code. The Building Code shall mean the current version of the International Building Code (IBC) adopted by the City of Rockwall.
- (13) Chapter. Chapter 38, Subdivisions, of the Municipal Code of Ordinances.
- (14) City. The City shall mean the City of Rockwall.
- (15) City Council. The City Council shall mean the governing body of the City of Rockwall.
- (16) City Engineer. The City Engineer is the individual, or his/her designee, with responsibility to review and approve construction plans for development projects. He/she is also responsible for overseeing the construction of the development to ensure that it meets the requirements of the City of Rockwall Construction Design Standards.
- (17) Civil Engineering Plans. Civil Engineering Plans are the drawings and technical specifications that conform to this Chapter and the Engineering Department's Standards of Design and Construction Manual.
- (18) Commission. The Commission shall mean the Planning and Zoning Commission of the City of Rockwall.
- (19) Comprehensive Plan. The Comprehensive Plan shall mean the City's current Comprehensive Plan, which includes the goals and policies with regards -- *but not limited* -- to land use, growth management, environment/ecology, parks, open space, trails, infrastructure (e.g. *thoroughfares, water, and wastewater*), and other facets of the City's physical form. The policies and goals contained within this document govern the future development of the City and consist of various components that regulate specific geographic areas, functions, and services of the City of Rockwall.
- (20) Construction Plans. See Civil Engineering Plans.
- (21) Conveyance Plat. See [Section 38-7\(5\)](#).
- (22) Cul-de-Sac. Cul-de-Sac shall mean a local street with only one primary outlet and having a terminal of sufficient width for the reversal of traffic movement.
- (23) Dead-End Street. A Dead-End Street shall mean a public or private street, other than a Cul-De-Sac, with only one (1) outlet.
- (24) Developer. A Developer is a person or entity -- *limited to the property owner or the property owner's duly authorized representative* -- who proposes the division or improvement of land and/or other activities covered by this Chapter so as to constitute a Subdivision, including the preparation of a subdivision plat showing the layout of the land and the public improvements involved with the development and/or subdivision of the property. The word Developer is intended to include the terms subdivider, property owner, and applicant.
- (25) Development. Development consists of any activities related to the platting or physical subdivision of land including the construction, reconstruction, conversion, or enlargement of buildings or structures; the construction of impervious surfaces (e.g. *parking lots*); the installation of utilities, roadways, drainage facilities or other infrastructure; or any disturbance of the surface or subsurface of the land in preparation for construction activities, including grading, drainage, storage, paving, clearing, filling, and/or removal of vegetation or soil, and any mining dredging, excavation or drilling operations.
- (26) Development Agreement. A Development Agreement is an agreement authorized in accordance with Section 212.172, Development Agreement, of the Texas Local Government Code between the City of Rockwall and a property owner within the corporate limits of the City of Rockwall or its Extraterritorial Jurisdiction (ETJ) [see Facilities Agreement].
- (27) Development Application. A Development Application is an application for any type of subdivision plat authorized or addressed by this Chapter or the Unified Development Code (UDC). A Development Application may also be referred to as a Permit within Chapter 245, Issuance of Local Permits, of the Texas Local Government Code.



- (28) Development Services Departments. The Development Services Departments refers to the Engineering, Planning and Zoning, and Building Inspections Departments of the City of Rockwall.
- (29) Director of Planning and Zoning. The Director of Planning and Zoning (also referred to as the Director of the Planning and Zoning Department) of the City of Rockwall or his/her designee.
- (30) Dwelling Unit. A Dwelling Unit is a single unit providing complete, independent living facilities for a family, and including a residential kitchen, bathroom, and provisions for living, sleeping and sanitation.
- (31) Double Frontage Lot. A Double Frontage Lot is a lot that has a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
- (32) Easement. An Easement is a grant of one or more of the property rights by the property owner to and/or for the use or benefit by the public, a corporation, or other person or entity. An Easement shall be identified on a subdivision plat, or by a separate instrument and filed for record with the Rockwall County Clerk.
- (33) Engineer. An Engineer shall mean an individual who has been duly licensed by and in good standing with the Texas Board of Professional Engineers, and has been entitled to engage in the practice of engineering by the State of Texas.
- (34) Facilities Agreement. A Facilities Agreement is an agreement between the City of Rockwall and a property owner and/or developer that is required whenever the construction of a public improvement is funded entirely or in part by a property owner and/or private developer. The agreement sets out the terms and conditions of the provision of the public improvement [see Development Agreement].
- (35) Final Plat. See [Section 38-7\(4\)](#).
- (36) Fire Code. The Fire Code shall mean the current version of the International Fire Code (IFC) adopted by the City of Rockwall.
- (37) Homeowner's Association (HOA). The term Homeowner's Association (HOA) shall mean an association that is organized within a development in which individual owners share a common interests and responsibilities for open space, drainage and detention facilities, landscaping, amenities or facilities, and which operates under recorded land agreements. A Homeowner's Association (HOA) shall include the term Property Owner's Association (POA), Neighborhood Organization, and or Property Management Corporation (PMC).
- (38) Inspector. An Inspector is a person that is duly authorized by the City Manager who may be employed by the City of Rockwall or as a consultant, and is designated to inspect any portion or all of the construction performed in a subdivision wither on a part-time or full-time basis. The duties of the Inspector shall consist of inspecting all work during construction and/or after completion to determine compliance with the Civil Engineering Plans, specifications, and subdivision regulations, with authority to stop work during construction for non-completion, if the work is defective or non-compliant.
- (39) Lot. A Lot is an undivided tract or parcel of land having frontage on a public or private street, which is -- or may be in the future -- offered for sale, conveyance, transfer, or improvement and is intended to be occupied by a structure or group of structures.
- (40) Lot of Record. A Lot of Record is a lot or parcel of land which is part of a subdivision, the map or plat of which has been recorded in the office of the County Clerk of Rockwall County; or a lot or parcel of land not a part of an urban or town lot subdivision, the deed of which has been recorded in the office of the County Clerk of Rockwall County prior to the adoption date of the Unified Development Code (UDC) (i.e. June 7, 2004; Ordinance No. 04-38).
- (41) Master Plat. See [Section 38-7\(2\)](#).
- (42) Minor Plat. See [Section 38-7\(6\)](#).
- (43) Official Filing Date. The Official Filing Date shall mean the date an application is deemed to be complete by the responsible City official in the manner prescribed by [Section 38-6\(2\)\(C\)](#).
- (44) Owner. The Owner is the fee simple owner(s) of property being platted or their representative(s) when authorized by a power of attorney, corporate resolution or another appropriate document.
- (45) Preliminary Plat. See [Section 38-7\(3\)](#).
- (46) Pro-Rata Agreement. A Pro-Rata Agreement is an agreement between a property owner and/or developer and the City of Rockwall whereby the property owner and/or developer constructs infrastructure in accordance with the City's Master Water Distribution Plan and/or Master Wastewater



Collection Plan, which are designed and constructed to service other developments, making the property owner and/or developer eligible for reimbursement of a percentage of the cost of such improvement [see *Development Agreement*].

- (47) Replat. See [Section 38-7\(7\)](#).
- (48) Right-of-Way. A Right-of-Way is a use of land dedicated by subdivision plat or by metes and bounds to and for the use of the general public, which is separate and distinct from the lots and parcels abutting it, and which is not included within the dimensions or areas of such lots or parcels. Right-of-Way generally describes an area used for the provision of streets and utilities. Unless otherwise specified, the term Right-of-Way shall refer to public right-of-way.
- (49) Street. A Street is an access way for vehicular traffic and other public uses, whether designated as a street, highway, thoroughfare, arterial, parkway, thoroughfare, road, avenue, boulevard, lane, place or otherwise designated; however, an alleyway shall not be considered a Street.
- (50) Sidewalk. A Sidewalk is a paved travel way intended for pedestrian use.
- (51) State Roadway. State Roadways shall include IH-30, SH-205, SH-276, SH-66, FM-549, FM-740, FM-552, FM-3097, FM1141, FM-3549, and FM-1139.
- (52) Structure. A Structure is anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including, but not limited to, buildings, communications towers, signs and swimming pools, and excluding utility poles, parking lots, fences and retaining walls [also see *Building*].
- (53) Subdivider. See *Developer*.
- (54) Subdivision. A Subdivision is the division or assemblage of any tract or parcel of land situated within the corporate limits of the City of Rockwall - or within the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall – into two (2) or more parts (*whether immediate or future*) for sale or development or for the purpose of establishing or laying out a subdivision and/or delineating a residential or non-residential lot, street, alleyway, or other public or private infrastructure or use. This term includes *Re-Subdivision*, but does *not* include the division of land for agricultural purposes on parcels or tracts of land five (5) acres or more that does not involve the creation/dedication of a new street, alleyway, or easement.
- (55) Subdivision Plat. A Subdivision Plat shall mean a plan which shows the exact layout and proposed construction of a proposed development into one (1) or more lots, blocks, streets, parks, school sites, easements, alleys, and/or any other elements as required by this *Chapter*, including any engineering or construction standards for related improvements, and which conform to all requirements of this *Chapter* and any other applicable City codes or ordinances, and which is subject to approval by the Planning and Zoning Commission and City Council, unless otherwise specified herein.
- (56) Surveyor. A Surveyor shall mean a licensed state land surveyor or a registered public surveyor as authorized by the State of Texas to practice the profession of surveying.
- (57) Thoroughfare. Thoroughfare is a general term for a Street, which has a more specific meaning when used in conjunction with a distinct classification (e.g. *Minor Collector, Collector, A4D, P6D, etc.*). Each class provides a certain degree of continuity, capacity, and accessibility to adjacent land uses.
- (58) Tract. A Tract is all contiguous property in common ownership.
- (59) Unified Development Code (UDC). The Unified Development Code (UDC) shall mean the zoning code for the City of Rockwall.
- (60) Variance. A Variance is a modification of the provisions of these regulations, as applied to a specific piece of property, as further set out in [Section 38-62](#) of this *Chapter*.

SECTION 38-3: AUTHORITY

The regulations contained within this *Chapter* are adopted under the authority of [Chapter 212, Municipal Regulation of Subdivisions and Property Development](#), and [Chapter 43, Municipal Annexation, of the Texas Local Government Code](#) and the City's Charter.

- STATE LAW REFERENCE: AUTHORITY TO ADOPT SUBDIVISION REGULATION IS GRANTED BY [V. T. C. A., LOCAL GOVERNMENT CODE § 212.002](#).



SECTION 38-4: JURISDICTION

The provisions of this *Chapter* are intended to provide regulations for the subdivision and development of land -- *where applicable* -- to all areas within the City's corporate boundaries and within the City's Extraterritorial Jurisdiction (ETJ), as exist at the time of the adoption of this *Chapter* and as may be adjusted in the future through the annexation or incorporation of land or through the City's *Interlocal Agreements* with Rockwall County in accordance with Chapter 242, *Authority of Municipality and County to Regulate Subdivisions in and Outside Municipality's Extraterritorial Jurisdiction*, of the Local Government Code.

- *STATE LAW REFERENCE*: JURISDICTION IS GRANTED BY [V. T. C. A., LOCAL GOVERNMENT CODE § 212.003](#).

SECTION 38-5: APPLICABILITY

The provisions of this *Chapter*, the technical standards contained in the Engineering Department's *Standards of Design and Construction Manual*, and the standards and requirements regulating the construction of facilities that are applicable to subdivision plats contained in other portions of the Municipal Code of Ordinances shall constitute the subdivision rules and regulations of the City of Rockwall and shall apply to any division, assemblage (*i.e. the combination of separate parcels of land*), and/or development of land within the City of Rockwall's corporate boundaries or its Extraterritorial Jurisdiction (ETJ). No building permits or other permits shall be issued for any building or structure on a property until a subdivision plat has been approved and recorded.

SECTION 38-6: APPLICATION PROCESSING PROCEDURES

(1) PRE-APPLICATION MEETING.

- (A) *Purpose of the Pre-Application Meeting.* Prior to the submittal of an application, applicants are encouraged to schedule a *Pre-Application Meeting* to meet with the City's Development Services Departments to discuss the development requirements, review procedures, and approval process. While strongly encouraged, a *Pre-Application Meeting* is optional and is not a prerequisite to submitting an application.
- (B) *Pre-Application Meeting Request.* A request for a *Pre-Application Meeting* shall be accompanied by information that clearly conveys the type of development being proposed and/or the type of development application that the applicant intends to submit.
- (C) *Vested Rights.* The *Pre-Application Meeting* is for informational purposes only and does not constitute a permit as defined by [Chapter 245, Issuance of Local Permits, of the Texas Local Government Code](#). In addition, the *Pre-Application Meeting Request* form is not considered to be an application and does not confer vested rights. No applications or other materials pertaining to development will be submitted or accepted for review or filing during the *Pre-Application Meeting*.

(2) DEVELOPMENT APPLICATION.

- (A) *Development Application Content.* All *Development Applications* for subdivision plats shall conform to the requirements stipulated by the *Complete Development Packet* -- *as currently exists or as may be amended in the future* --, which shall be established and maintained by the Director of the Planning and Zoning Department.
- (B) *Development Application Fees.* Every *Development Application* shall be accompanied by the prescribed fees set forth in the City of Rockwall's Unified Development Code (UDC), and approved by the City Council; however, these fees may be waived from time-to-time by the City Council of the City of Rockwall or the City Manager or his/her designee.
- (C) *Complete Development Application.* No *Development Application* shall be accepted by the City unless such request is accompanied by the documents and plans required by and prepared in accordance with the *Complete Development Packet*. Every *Development Application* shall be subject to a determination of completeness by the Director of the Planning and Zoning Department and City Engineer; however, a determination of completeness does not constitute a determination of compliance with the substantive requirements of this *Chapter*. The filing or processing of any application by City staff prior to the *Application Deadline* is deemed to be null and void, and -- *upon discovery of such a filing or processing* -- City staff shall return the application to the applicant in accordance with [Section 38-6\(2\)\(D\)\(3\)](#). In addition, the Director of the Planning and Zoning Department may -- *on a case-by-case basis* -- require additional documents or plans to be submitted with a *Development Application* that are not typically required by the *Complete Development Packet*, but are consistent with the application contents and standards contained within this *Chapter*. If a *Development Application* is determined to be complete, the application shall be processed as prescribed by this *Chapter*.
- (D) *Relationship to Zoning.* For land in the corporate limits of the City of Rockwall, no *Development Application* shall be determined to be complete or accepted where the intended land use or the intensity of a proposed land use is not authorized in the zoning district in which the property is located, unless the application is accompanied by a copy of the Unified Development Code (UDC) or other certification verifying that the proposed use for which the *Development Application* being submitted is authorized by the zoning district in which the property is



located. If a request to change the zoning for the land to be platted to allow the development proposed in the plat is pending, the zoning application shall be decided before a determination is made whether the subdivision plat is complete. If the zoning application is denied, the subdivision plat shall be deemed incomplete. For newly annexed land, no subdivision plat will be accepted for any use or intensity of use not authorized in the Agricultural (AG) District as stipulated by the Unified Development Code (UDC), until the property has been permanently classified on the zoning district map.

- (E) Development Applications for Subdivision Plats in the City of Rockwall's Extraterritorial Jurisdiction (ETJ). Where the land to be platted lies within the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall, no Development Application for a subdivision plat shall be accepted as complete for filing by the municipal authority unless such Development Application adheres to the Interlocal Cooperation Agreement entered with Rockwall County prepared in accordance with Chapter 242. Authority of Municipality and County to Regulate Subdivisions In and Outside Municipality's Extraterritorial Jurisdiction, of the Texas Local Government Code.
- (F) Grounds for the Denial or Non-Acceptance of a Development Application. The following shall be grounds for denial or non-acceptance of a Development Application:
- (1) Incomplete Application. The processing of a Development Application by City staff prior to the time the application is determined to be complete shall not constitute acceptance of the Development Application. In addition, incomplete Development Applications shall not be accepted by the City of Rockwall.
 - (2) Delinquent City Taxes. A Development Application shall not be deemed accepted or complete, nor shall it be approved, if there are delinquent City taxes owed by the subject property.
 - (3) Denial or Non-Acceptance of a Development Application. City staff shall send written notice by mail or email to the applicant of a Development Application that is denied or deemed to be not accepted within ten (10) business days of the determination of completeness. The written notice does not need to identify all the reasons the application was denied or deemed to be not accepted; however, the notice should contain at least one or more reasons for the non-acceptance.
- (G) Vested Rights. For the purposes of determining Vested Rights -- pursuant to Section 38-10(4) -- no vested rights are accrued solely from the filing of a Development Application that has expired pursuant to the requirements of this Chapter, or from the filing of a complete Development Application that is subsequently denied.

(3) EXPIRATION FOR PROJECT APPROVED PRIOR TO THE ADOPTION OF THIS CHAPTER.

- (A) Two (2) Year Expiration Established. Notwithstanding any other provisions of this Chapter, any approved Development Application for which no expiration date was in effect on the effective date of this Chapter, an expiration date of two (2) years following the effective date of this Chapter shall apply, unless the applicant files a written petition before such date for a Vested Rights Determination pursuant to Section 38-10(4) alleging that progress has been made toward completion of the project for which the application subject to expiration was filed. If a Vested Rights Petition is timely filed and subsequently approved, the City Council shall determine the expiration date of the Development Application in deciding the petition.
- (B) Five (5) Year Expiration Established. Notwithstanding any other provision of this Chapter, once a Development Application has expired under Section 38-6(3)(A), all previously approved applications for the same land shall also expire not later than five (5) years following the date of filing of the first Development Application for the project for which the expired application was filed, unless the applicant files a written petition before such date for a Vested Rights Determination pursuant to Section 38-10(4). If a Vested Rights Petition is timely filed and subsequently approved, the City Council shall determine the expiration date of the previously approved applications in deciding the petition.

SECTION 38-7: SUBDIVISION AND PLATTING PROCEDURES

(1) GENERAL PLATTING REQUIREMENTS, PROCEDURES, AND PROCESS.

(A) GENERAL PLATTING REQUIREMENTS.

- (1) Required Information for all Subdivision Plats. Unless provided for below or required in the Development Application, all subdivision plats shall conform to -- or be accompanied by -- the following information:
 - (a) General Subdivision Plat Information. All subdivision plats shall show the following information:
 - (1) Case Number. The Case Number will be provided by the City, and shall be placed in the lower right-hand corner of all subdivision plats.



- (2) Ownership Information. The Ownership Information of the area being platted shall be provided and shall include the name, address, and phone number of all property owners.
- (3) Developer Information. If applicable, the information of the Developer for the proposed subdivision plat shall be provided and shall include the name, company, address, and phone number of the Developer.
- (4) Survey/Engineer Information. The information of the Surveyor/Engineer who prepared the subdivision plat shall be provided and shall include the name, company, address, and phone number of the Surveyor/Engineer.
- (5) Date of Subdivision Plat Preparation. The date the subdivision plat was prepared shall be indicated on the subdivision plat.
- (6) Survey Monuments/State Plane Coordinates. The location of the development is required to be tied to a Rockwall Survey Monument, or two (2) corners of the development should be tied to the State Plan Coordinates (i.e. NAD 83 State Plane Texas, North Central [7202], US Survey Feet).
- (7) Vicinity Map. A Vicinity Map should show the boundaries of the proposed subdivision relative to the rest of the City at an appropriate scale to determine the general location of the area being platted.
- (8) North Point or North Arrow. The North Point or North Arrow must be facing true north on all subdivision plats, unless the scale of the drawings or scope of the project requires a different position.
- (9) Numeric and Graphic Scale. Subdivision plats should be drawn to an appropriate engineering scale (i.e. 1" = 50', 1" = 100', and etcetera.).
- (10) Subdivision Boundary, Acreage, and Square Footage. Indicate the Subdivision Boundary Lines, Acreage, and Square Footage.
- (11) Lot and Block. Each Lot and Block should be clearly indicated by number or letter. For each lot, an indication of the square footage and acreage should be provided. As an alternative a calculation sheet can be provided. A total lot count shall also be provided.
- (12) Building Setbacks. For all residential plats, the building setback lines shall be indicated for all property lines that are adjacent to a street.
- (13) Easements. Label all existing and proposed easements relative to the site and include the type, width, and purpose of the easement. All off-site easements shall be labeled with the filing information.
- (14) City Limits/Limits of the Extraterritorial Jurisdiction (ETJ). If contiguous with the area being platted or if visible on the vicinity map, the corporate limits of the City of Rockwall and its Extraterritorial Jurisdiction (ETJ) should be clearly labeled.
- (15) Property Lines. The Property Lines for all lots proposed or existing shall be indicated on all subdivision plats.
- (16) Streets. Label all the proposed and existing Streets with the proposed and approved street names.
- (17) Right-of-Way and Centerlines. Label the Right-of-Way widths and street Centerlines for each street within and adjacent to the proposed area depicted on the subdivision plat. Also, indicate the location and dimensions of any proposed right-of-way dedication.
- (18) Corner Clips. Indicate all existing and proposed Corner Clips and any subsequent dedication.
- (19) Adjacent Properties. Indicate all ownership information of the parcels adjacent to and contiguous with the area for the proposed subdivision plat. In addition, indicate the lot patterns and name of all contiguous subdivisions, and the recorded instrument numbers, record name, and/or deed record by volume and page.
- (20) Dedication of Public Land Uses. If applicable, indicate the boundary lines, dimensions, and descriptions of spaces to be dedicated for Public Land Uses.
- (21) Floodplain. If applicable, show the boundaries of the 100-Year Floodplain and floodway including cross sections with the 100-year surface elevation being labeled at each cross section.



- (22) Wetlands and Waters of the United States (WOTUS). If applicable, indicate the boundary lines of delineated Wetlands and Water of the United States (WOTUS).
- (23) Legal Description. Place the Legal Description -- metes and bounds description and field notes -- on the proposed subdivision plat.
- (b) General Notes. The following General Notes shall be provided on all subdivision plats:
- (1) Subdivider's Statement. Selling a portion of this addition by metes and bounds is unlawful and a violation of the Subdivision Ordinance of the City of Rockwall and Chapter 212, Municipal Regulation of Subdivisions and Property Development, of the Texas Local Government Code, and shall be subject to the City of Rockwall withholding utilities and building permits.
 - (2) Public Improvement Statement. It shall be the policy of the City of Rockwall to withhold issuing buildings permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a subdivision plat by the City of Rockwall does not constitute any representation, assurance or guarantee that any building within such subdivision plat shall be approved, authorized, or permit issued, nor shall such approval constitute any representation, assurance or guarantee by the City of Rockwall of the adequacy and availability for water and sanitary sewer for personal use and fire protection within such subdivision plat, as required under the Subdivision Ordinance of the City of Rockwall.
 - (3) Drainage and Detention Easements. The property owner shall be responsible for maintaining, repairing, and replacing and shall bear sole liability of all systems within the drainage and detention easements.
 - (4) Fire Lanes. All Fire Lanes will be constructed, maintained, repaired and replaced by the property owner. Fire Lanes shall be constructed in accordance with the approved Civil Engineering Plans for both on-site and off-site Fire Lane improvements.
 - (5) Street Appurtenances. All decorative signage, posts, or lights installed in public right-of-way shall be installed, maintained, repaired, and replaced by the Homeowner's Association (HOA).
- (c) Owner's Certificate of Dedication. An Owner's Certificate of Dedication for all public rights-of-way, easements, parks and open space, and other public uses shall be signed by the property owner and all other parties who have a mortgage or lien interest on the property being platted. These signatures require the acknowledgement of a notary public. All deed restrictions or Covenants, Conditions, and Restrictions (CC&Rs) that are to be filed in conjunction with the subdivision plat shall be shown or filed separately. The Owner's Certificate of Dedication shall be as follows:

**STATE OF TEXAS
COUNTY OF ROCKWALL**

WHEREAS [OWNER'S NAME], BEING THE OWNER OF A TRACT OF land in the County of Rockwall, State of Texas, said tract being described as follows: **[LEGAL DESCRIPTION]**

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

**STATE OF TEXAS
COUNTY OF ROCKWALL**

I (we) the undersigned owner(s) of the land shown on this plat, and designated herein as the **[SUBDIVISION NAME]** subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I (we) further certify that all other parties who have a mortgage or lien interest in the **[SUBDIVISION NAME]** subdivision have been notified and signed this plat. I (we) understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. I (we) also understand the following;

- (1) No buildings shall be constructed or placed upon, over, or across the off-site and on-site utility easements as described herein.
- (2) Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and



either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.

- (3) The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
- (4) The developer/property owner and subdivision engineer shall bear total responsibility for storm drain improvements.
- (5) The developer/property owner shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
- (6) No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall; or

Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or

Until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall.

I (we) further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; I (we), my (our) successors and assigns hereby waive any claim, damage, or cause of action that I (we) may have as a result of the dedication of exactions made herein.

PROPERTY OWNER SIGNATURE

SIGNATURE OF PARTY WITH MORTGAGE OR LIEN INTEREST **[IF APPLICABLE]**

- (d) Notary Public Signature Block. All signatures on the Owner's Certificate of Dedication shall be required to be acknowledged by a notary public. The Notary Public Signature Block shall be provided as follows:

**STATE OF TEXAS
COUNTY OF ROCKWALL**

Before me, the undersigned authority, on this day personally appeared **[PROPERTY OWNER]**, 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 purpose and consideration therein stated.

Given upon my hand and seal of office this **[DAY]** day of **[MONTH]**, **[YEAR]**.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES

- (e) Surveyor's/Registered Engineer Certificate. A registered engineer or state licensed surveyor shall be required to sign the subdivision plat certifying that the subdivision plat has been prepared by them, in accordance with the City of Rockwall's Subdivision Ordinance, and that all the necessary survey monuments are shown correctly on the subdivision plat. The Surveyor's/Register Engineer Certificate shall be provided as follows:



NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, **[SURVEYOR'S NAME]**, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.

SURVEYOR **[OR]** REGISTERED ENGINEER

REGISTERED PUBLIC SURVEYOR NO. **[OR]**
PROFESSIONAL ENGINEER NO.

- (f) Profiles and Cross Sections for Floodplains. Profiles and cross sections of all floodplains shall be shown on the subdivision plat at a minimum distance of 300-feet in order to determine that the subdivision plat will function in accordance with the City's *Standards of Design and Construction*. These profiles and cross sections shall contain the elevations and source of data for the information provided.

(B) GENERAL PLATTING PROCEDURES.

- (1) Action on a Subdivision Plat Application. All *Development Applications* for the subdivision plats identified in this *Chapter* shall be subject to the following:
- (a) Official Filing Date. The time period established by Section 212.009, Approval Procedure: Initial Approval, of the Texas Local Government Code for acting upon an application for a subdivision plat shall commence on the official filing date for the complete application pursuant to the requirements of this *Chapter*. The official filing date shall be defined as the date the application is deemed to be complete by the Director of the Planning and Zoning Department and City Engineer in accordance with the manner prescribed in Section 38-6(2)(C). The Planning & Zoning Commission shall act on the plat within 30-days after official filing date. The subdivision plat shall be considered approved if it is not disapproved by the Planning & Zoning Commission within such 30-day period. Once the Planning & Zoning Commission considers such subdivision plat, the City Council shall act on the plat within 30-days after Planning & Zoning Commission consideration. The subdivision plat shall be considered approved if it is not disapproved by the City Council within such thirty (30) day period.
- (b) Extension Request. An applicant may submit a written request to extend the time period established by Section 212.009, Approval Procedure: Initial Approval, of the Texas Local Government Code for a one (1) time extension not to exceed a period of 30-days (i.e. the Extension Request). An Extension Request must be received by the City of Rockwall two (2) business days prior to the Planning and Zoning Commission action date. Failure to submit an Extension Request by this date shall not be considered properly submitted, and action shall be taken on the subdivision plat application at the regularly scheduled meeting. Acceptance of an Extension Request shall not be deemed in anyway a waiver of any of the requirements contained within this *Chapter*.
- STATE LAW REFERENCE: AUTHORITY TO ADOPT SUBDIVISION REGULATION IS GRANTED BY V. T. C. A., LOCAL GOVERNMENT CODE § 212.009.

(C) GENERAL PLATTING PROCESS.

- (1) General Stages of Subdivision Plat Approval and Development Process Inside the Corporate Limits of the City of Rockwall. Unless otherwise stated in this *Chapter* for a specific type of subdivision plat, the following is the general stages of subdivision plat approval and development process in the City of Rockwall are as follows:
- (a) The general stages of subdivision platting approval and the development process for Commercial property in the City of Rockwall is as follows:
- (1) Zoning. See Section 02, Zoning, of Article 11, Development Applications and Review Procedures, of the Unified Development Code.
 - (2) Preliminary Plat. See Section 38-7(3).
 - (3) Site Plan. See Section 03, Site Plans, of Article 11, Development Applications and Review Procedures, of the Unified Development Code.
 - (4) Civil Engineering Plans. See Section 38-8(2).
 - (5) Final Plat. See Section 38-7(4).
- (b) The general stages of subdivision platting approval and the development process for a Residential Subdivision in the City of Rockwall is as follows:



- (1) Zoning. See [Section 02, Zoning, of Article 11, Development Applications and Review Procedures, of the Unified Development Code](#).
- (2) Master Plat. See [Section 38-7\(2\)](#).
- (3) Preliminary Plat. See [Section 38-7\(3\)](#).
- (4) Civil Engineering Plans. See [Section 38-8](#).
- (5) Site Plan. See [Section 03, Site Plans, of Article 11, Development Applications and Review Procedures, of the Unified Development Code](#).
- (6) Final Plat. See [Section 38-7\(4\)](#).

(2) MASTER PLATS.

- (A) Purpose. The purpose of a Master Plat is to delineate the timing and sequence of each phase of a subdivision or residential development that is proposed to consist of multiple phases within a larger parcel or tract of land, and to ensure the availability and capacity of the public improvements necessary to serve the proposed development.
- (B) Applicability. A Master Plat shall be required for any division of land within the corporate boundaries of the City of Rockwall where a proposed residential development is to occur in multiple phases. A Master Plat is neither required nor permitted within the City's Extraterritorial Jurisdiction (ETJ), unless required through a Development Agreement pursuant to [Section 212.172 of the Texas Local Government Code](#).
- (C) Exceptions. A Master Plat shall not be required when a proposed subdivision or residential development consists of only one (1) phase.
- (D) Required Information. A Master Plat shall conform to -- or be accompanied by -- the following information:

- (1) General Master Plat Information. In addition to the General Subdivision Plat Information contained in [Section 38-7\(1\)\(A\)\(1\)\(a\)](#), all Master Plats shall show the following information:
 - (a) Subdivision. A Master Plat shall provide a schematic layout of the entire tract to be subdivided, any remainder tracts and its relationship to adjacent property and existing developments.
 - (b) Title Block. Provide the following Title Block in the lower right-hand corner of the subdivision plat:

MASTER PLAT
[SUBDIVISION NAME]
 BEING
[TOTAL RESIDENTIAL LOTS] Residential Lots and **[TOTAL OPEN SPACE LOTS]** Open Space Lots
[TOTAL ACREAGE]-Acres or **[TOTAL SQUARE FEET]** SF
 SITUATED IN THE
[SURVEY], [ABSTRACT NO.]
 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

- (c) Dwelling Units/Population Density. Indicate the proposed number of Dwelling Units and the proposed Population Density (i.e. the total number of Dwelling Units/Total Acreage = Population Density).
- (d) Zoning and Land Use Information. Indicate the Zoning classifications, and the existing and proposed Land Uses.
- (e) Parks and Open Space. Identify the dimensions, names, and description of all existing and proposed public and private parks and open spaces. Also, indicate the dimensions, names, and descriptions of all schools and other public use and indicate the phase of completion.
- (2) Parks and Open Space Plan. A Master Plat shall be accompanied by a Parks and Open Space Plan that shows all proposed trails, parks and open space and any proposed amenities for these private and public uses of land and indicate the phase of completion.
- (3) Phasing Plan. A Master Plat shall delineate the boundary of each phase for a proposed subdivision, the order of the development of each phase, and a schedule for the development of each phase.
- (4) Signature Block. The following signature block shall be placed on all Master Plat:

APPROVED: I hereby certify that the above and forgoing Master Plat was reviewed by the Planning and Zoning Commission and approved by the City Council of the City of Rockwall, Texas on the **[DAY]** day of **[MONTH]**, **[YEAR]**.



 MAYOR OF THE CITY OF ROCKWALL

 PLANNING AND ZONING COMMISSION CHAIRMAN

(E) Approval Process. Master Plats shall be accepted and processed in accordance with the procedures outline in [Section 38-6\(2\)](#) & [Section 38-7\(1\)](#) above, and be subject to the following approval process:

- (1) Planning and Zoning Commission. The Planning and Zoning Commission shall review the Master Plat, the findings and recommendations from all Development Services Departments, and any other applicable information required to be reviewed prior to acting on the proposed plat. From this information, the Planning and Zoning Commission shall determine if the Master Plat conforms to the criteria for approval outlined in [Section 38-7\(2\)\(F\)](#), and provide a recommendation to the City Council to either approve the plat as submitted, approve the plat with conditions (*i.e. the Master Plat shall be considered to be approved once such conditions are satisfied -- these conditions may include, but are not limited to, matters involving the City's zoning regulations, the availability and capacity of existing and proposed infrastructure, and/or the timing and phasing of the development*), or deny the plat as submitted. If the Planning and Zoning Commission chooses to make a recommendation to deny a Master Plat, the Planning and Zoning Commissioner making the motion for denial shall summarize the findings supporting the motion to deny.
- (2) City Council. Upon receiving a recommendation from the Planning and Zoning Commission, the City Council shall review the Master Plat, the findings and recommendations from all Development Services Departments, the recommendations of the Planning and Zoning Commission, and any other applicable information required to be reviewed prior to acting on the proposed plat. From this information, the City Council shall determine if the Master Plat conforms to the criteria for approval outlined in [Section 38-7\(2\)\(F\)](#), and either approve the plat as submitted, approve the plat with conditions (*i.e. the Master Plat shall be considered to be approved once such conditions are satisfied -- these conditions may include, but are not limited to, matters involving the City's zoning regulations, the availability and capacity of existing and proposed infrastructure, and/or the timing and phasing of the development*), or deny the subdivision plat as submitted. If the City Council chooses to deny a Master Plat, the City Council member making the motion for denial shall summarize the findings supporting the motion to deny.

NOTE: Conditions of approval for a Master Plat should be deemed conditions necessary to assure the compliance with the criteria for approval outlined in [Section 38-7\(2\)\(F\)](#). In addition, a Master Plat may be approved with conditions excluding certain land area should it be deemed necessary to conform with the criteria for approval outlined in [Section 38-7\(2\)\(F\)](#).

(F) Criteria for Approval. In reviewing a Master Plat, the following criteria shall be used by the Planning and Zoning Commission and City Council to determine if the Master Plat should be approved, approved with conditions (*i.e. the Master Plat shall be considered to be approved once such conditions are satisfied*), or denied:

- (1) Phasing Plan. If the location, size, and sequencing of the proposed phases as depicted on the Master Plat assures orderly and efficient land development.
- (2) Development Schedule. If the proposed development schedule (*i.e. the sequence and timing of the proposed subdivision or residential development*) for the Master Plat is feasible, and ensures that the proposed development will progress to completion within the time limits proposed.
- (3) Planned Development District Ordinance. If applicable, the conformance of the Master Plat to the Planned Development District ordinance.
- (4) Subdivision Requirements. If the Master Plat is in conformance with all applicable requirements of this *Chapter*.
- (5) Unified Development Code (UDC). If the Master Plat is in conformance with all applicable requirements of the Unified Development Code (UDC).
- (6) Standards of Design and Construction. If the Master Plat is in conformance with all of the requirements of the Engineering Department's *Standards of Design and Construction Manual* as stipulated by [Section 38-8](#).
- (7) Comprehensive Plan. If the Master Plat is in conformance with the Master Trail Plan, Master Thoroughfare Plan, Master Water Plan, Master Wastewater Plan, and the goals and policies contained within the City's Comprehensive Plan.
- (8) Adequate Public Utilities. If all phases depicted on the Master Plat will be adequately served by public utilities, facilities, and services (*i.e. water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities*) at the time of Final Plat in accordance with [Section 38-9\(1\)\(C\)](#).



- (9) Developer's Agreement. If the Master Plat is in conformance with any existing Developer's Agreement affecting the area depicted in the subdivision plat or if the applicant or property owner is proposing a Developer's Agreement pursuant to [Section 212.172, Development Agreement, of the Texas Local Government Code](#).
- (G) Recordation. Upon receiving approval of a Master Plat from the City Council, the applicant or property owner shall submit the required number of signed and executed copies of the subdivision plat (*on the media specified by the Director of Planning and Zoning*) and any other required information necessary to file the Master Plat with the City of Rockwall. After receiving the Master Plat and all necessary information, the Planning and Zoning Department shall procure all the required City of Rockwall signatures, and retain a copy of the Master Plat in the City's official records. After this expiration, the applicant or property owner shall be required to submit a new Master Plat, which will be subject to all zoning and subdivision standards in place at the time of the new application.
- (H) Effect of Approval. The approval of a Master Plat shall:
- (1) Establish the sequence and timing of each phase of a subdivision or proposed residential development.
 - (2) Authorize the applicant to submit a Preliminary Plat (*unless the Director of Planning and Zoning allows the Master Plat and Preliminary Plat to be submitted concurrently*).
- (I) Expiration. Approval of a Master Plat from the City Council shall establish the development schedule (*i.e. the sequence and timing of the proposed subdivision or residential development*). A Preliminary Plat shall be submitted by the applicant in accordance with the development schedule for each phase as depicted on the Master Plat. Failure to submit a Preliminary Plat in accordance with the development schedule shall result in the expiration of the Master Plat for that phase and all subsequent phases of the subdivision. Expiration of the Preliminary Plat in accordance with [Section 38-7\(3\)\(I\)](#) for any phase depicted on the Master Plat shall result in the expiration of the Master Plat for all phases which a Preliminary Plat has not been approved.
- (J) Extension Procedures. The expiration date for any phase depicted on a Master Plat may be extended by the Director of Planning and Zoning for a period not to exceed one (1) year, provided that a request for the extension is made in writing by the applicant at least 30-days prior to the date the Master Plat lapses. Any subsequent requests for extension shall require the approval of the Planning and Zoning Commission pending a recommendation from the Director of Planning and Zoning, and should not exceed a period of two (2) years. Requests for a subsequent extension shall be submitted in writing to the Director of Planning and Zoning at least 30-days prior to the date the Master Plat lapses. The Planning and Zoning Commission should consider: [1] the reason for the requested extension, [2] the ability of the applicant to comply with the conditions approved with the original Master Plat approval, [3] whether the extension is likely to result in the timely completion of the project, and [4] the extent to which newly adopted regulations should be applied to the original Master Plat approval. The Planning and Zoning Commission may adopt conditions of approval for an extension request when it is determined the conditions are needed to assure that the land will be developed in a timely manner and will serve the public interest.

(3) PRELIMINARY PLATS.

- (A) Purpose. The purpose of a Preliminary Plat is to ensure that the general layout and design of a subdivision of land and/or the development of land is consistent with the requirements of this *Chapter*, the Engineering Department's *Standards of Design and Construction Manual*, the Comprehensive Plan, the Unified Development Code (UDC), and any other applicable requirements to allow the plat to be recorded.
- (B) Applicability. A Preliminary Plat shall be required for all subdivisions or development of land within the corporate boundaries of the City of Rockwall. A Preliminary Plat shall also be required for all subdivisions or developments of land within the City's Extraterritorial Jurisdiction (ETJ).
- (C) Exceptions. A Preliminary Plat shall not be required when a Minor Plat is able to be submitted [see [Section 38-7\(6\)](#)]. The Director of the Planning and Zoning Department may unilaterally waive the requirement for a Preliminary Plat where it is deemed that a Final Plat will meet the intent of this *Chapter*.
- (D) Required Information. In addition to the applicable requirements outlined in [Section 38-7\(1\)\(A\)](#) above, a Preliminary Plat shall conform to -- or be accompanied by -- the following information:
- (1) Additional Plans. A Preliminary Plat shall be accompanied by a Preliminary Drainage Plan, Preliminary Utility Plan, and any other plans deemed necessary for review by the Director of the Planning and Zoning Department and City Engineer. These additional plans shall be considered to be documents necessary to review the Preliminary Plat and shall not be acted upon or considered filed as part of the Preliminary Plat. A final Drainage Plan and Utility Plan -- and any other plans necessary for the proposed development -- shall be submitted for approval with the Civil Engineering Plans. Failure to submit these plans with the Preliminary Plat, shall be grounds for the denial or non-acceptance of a development application in accordance with the requirements of [Section 38-6\(2\)\(D\)](#).



(2) General Preliminary Plat Information. All Preliminary Plats shall show the following information:

(a) Title Block. Provide the appropriate Title Block in the lower right-hand corner of the subdivision plat.

(1) Residential Preliminary Plats. The Title Block for Residential Preliminary Plats shall be as follows:

PRELIMINARY PLAT
[LOT/BLOCK DESIGNATION IF APPLICABLE]
[SUBDIVISION NAME]
 BEING
[TOTAL RESIDENTIAL LOTS] Residential Lots and **[TOTAL OPEN SPACE LOTS]** Open Space Lots
[TOTAL ACREAGE]-Acres or **[TOTAL SQUARE FEET]** SF
 SITUATED IN THE
[SURVEY], [ABSTRACT NO.]
 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

(2) Non-Residential Preliminary Plats. The Title Block for Non-Residential Preliminary Plats shall be as follows:

PRELIMINARY PLAT
[LOT/BLOCK DESIGNATION IF APPLICABLE]
[SUBDIVISION NAME]
 BEING
[TOTAL LOTS] Lots
[TOTAL ACREAGE]-Acres or **[TOTAL SQUARE FEET]** SF
 SITUATED IN THE
[SURVEY], [ABSTRACT NO.]
 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

(b) Dwelling Units/Population Density. Indicate the proposed number of Dwelling Units and the proposed Population Density (i.e. the total number of Dwelling Units/Total Acreage = Population Density).

(c) Zoning and Land Use Information. Indicate the Zoning classifications, and the existing and proposed Land Uses.

(d) Parks and Open Space. Identify the dimensions, names, and description of all existing and proposed public and private Parks and Open Spaces. Also, indicate the dimensions, names, and descriptions of all schools and other public uses.

(e) Utilities. Indicate the locations of all existing and proposed Utilities. Include the size and type of each utility.

(f) Median Openings. Locate and identify existing and/or proposed Median Openings and left and/or right turn channelization.

(g) Topographical Contours. Indicate Topographical information and physical features to include Contours at two (2) foot intervals.

(h) Wooded Areas. Indicate the boundaries of all Wooded Areas or dense tree clusters.

(i) Existing Man-Made Features. Indicate all significant Existing Man-Made Features such as railroads, roads, buildings, utilities or other physical structures as shown on the USGS topographic maps, utility company records and City records when such features affect the plans.

(j) Proposed Improvements. Indicate how the Proposed Improvements would relate to those in the surrounding area.

(k) Water Sources. Indicate Water Sources inside the City Limits or in the Extraterritorial Jurisdiction (ETJ).

(l) Sewage Disposal. Indicate Sewage Disposal method inside the City Limits or in the Extraterritorial Jurisdiction (ETJ).

(3) Signature Block. The following signature block shall be placed on all Preliminary Plats:

APPROVED: I hereby certify that the above and forgoing Preliminary Plat was reviewed by the Planning and Zoning Commission and approved by the City Council of the City of Rockwall, Texas for the preparation of a Final Plat on the **[DAY]** day of **[MONTH], [YEAR]**.



- (E) Approval Process. Preliminary Plats shall be accepted and processed in accordance with the procedures outline in [Section 38-6\(2\)](#) & [Section 38-7\(1\)](#) above, and be subject to the following approval process:
- (1) Planning and Zoning Commission. The Planning and Zoning Commission shall review the Preliminary Plat, the findings and recommendations from all Development Services Departments, the recommendations from the Parks and Recreation Board (*if applicable*), and any other applicable information required to be reviewed prior to acting on the proposed plat. From this information, the Planning and Zoning Commission shall determine if the Preliminary Plat conforms to the regulations and requirements outlined in this *Chapter* and provide a recommendation to the City Council to either approve the plat as submitted, approve the plat with conditions (*i.e. the Preliminary Plat shall be considered to be approved once such conditions are satisfied -- these conditions may include, but are not limited to, matters involving the City's zoning regulations, the availability and capacity of existing and proposed infrastructure, and if applicable the phasing of the development*), or deny the subdivision plat as submitted. If the Planning and Zoning Commission chooses to make a recommendation to deny a Preliminary Plat, the Planning and Zoning Commissioner making the motion for denial shall summarize the findings supporting the motion to deny.
 - (2) Parks and Recreation Board. If required, the Parks and Recreation Board shall review the Preliminary Plat, the findings and recommendations from the Development Services Departments, and any other applicable information required to be reviewed prior to making recommendations concerning the proposed plat. From this information, the Parks and Recreation Board shall provide a recommendation to the City Council and Planning and Zoning Commission regarding park improvements and/or park fees associated with the Preliminary Plat.
 - (3) City Council. Upon receiving a recommendation from the Planning and Zoning Commission, the City Council shall review the Preliminary Plat, the findings and recommendations from all Development Services Departments, the recommendations of the Planning and Zoning Commission and Parks and Recreation Board (*if applicable*), and any other applicable information required to be reviewed prior to acting on the proposed plat. From this information, the City Council shall determine if the Preliminary Plat conforms to the regulations and requirements outlined in this *Chapter* and either approve the plat as submitted, approve the plat with conditions (*i.e. the Preliminary Plat shall be considered to be approved once such conditions are satisfied -- these conditions may include, but are not limited to, matters involving the City's zoning regulations, the availability and capacity of existing and proposed infrastructure, and if applicable the phasing of the development*), or deny the subdivision plat as submitted. If the City Council chooses to deny a Preliminary Plat, the City Council member making the motion for denial shall summarize the findings supporting the motion to deny.
- (F) Criteria for Approval. In reviewing a Preliminary Plat, the following criteria shall be used by the Planning and Zoning Commission and City Council to determine if the Preliminary Plat should be approved, approved with conditions (*i.e. the Preliminary Plat shall be considered to be approved once such conditions are satisfied*), or denied:
- (1) Master Plat. If a Master Plat was approved prior to the Preliminary Plat, the Preliminary Plat shall conform to the approved Master Plat, the established development schedule (*i.e. the sequence and timing of the proposed subdivision or residential development*), and all conditions of approval imposed at the time of approval of the Master Plat.
 - (2) Planned Development District Ordinance. If applicable, the conformance of the Preliminary Plat to the Planned Development District ordinance.
 - (3) Subdivision Requirements. If the Preliminary Plat is in conformance with all applicable requirements of this *Chapter*.
 - (4) Unified Development Code. If the Preliminary Plat is in conformance with all applicable requirements of the Unified Development Code (UDC).
 - (5) Standards of Design and Construction. If the Preliminary Plat is in conformance with all of the requirements of the *Standards of Design and Construction Manual* as stipulated by [Section 38-8](#).
 - (6) Comprehensive Plan. If the Preliminary Plat is in conformance with the Master Trail Plan, Master Thoroughfare Plan, Master Water Plan, Master Wastewater Plan, and the goals and policies contained within the City's Comprehensive Plan.
 - (7) Adequate Public Utilities. If all phases depicted on the Preliminary Plat will be adequately served by public utilities, facilities, and services (*i.e. water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities*) at the time of Preliminary Plat in accordance with [Section 38-9\(C\)](#).



- (8) Developer's Agreement. If the Preliminary Plat is in conformance with any existing Developer's Agreement affecting the area depicted in the subdivision plat or if the applicant or property owner is proposing a Developer's Agreement pursuant to [Section 212.172, Development Agreement, of the Texas Local Government Code](#).
- (9) Interlocal Agreements. If the Preliminary Plat is situated within the City's Extraterritorial Jurisdiction (ETJ), the Preliminary Plat shall conform to the requirements and subdivision regulations required by the Interlocal Cooperation Agreement for Subdivision Regulations agreed upon by the City and County under [Chapter 242, Authority of Municipality and County to Regulate Subdivisions In and Outside Municipality's Extraterritorial Jurisdiction, of the Texas Local Government Code](#).
- (G) Recordation. Upon receiving approval of a Preliminary Plat from the City Council, the applicant or property owner shall submit the required number of signed and executed copies of the subdivision plat (*on the media specified by the Director of Planning and Zoning*) and any other required information necessary to file the Preliminary Plat with the City of Rockwall. After receiving the Preliminary Plat and all necessary information, the Planning and Zoning Department shall procure all the required City of Rockwall signatures, and retain a copy of the Preliminary Plat in the City's official records.
- (H) Effect of Approval. The approval of a Preliminary Plat shall:
- (1) Authorize the applicant to submit Civil Engineering Plans in accordance with [Section 38-8](#) (*unless previously permitted to submit for civil engineering plans by the City Engineer*) and/or a Final Plat in accordance with [Section 38-7\(4\)](#) if Civil Engineering Plans are not required.
 - (2) Approval of a Preliminary Plat is valid until a final plat is approved by the City Council or until a new Preliminary Plat is filed, whichever is earlier.

NOTE: The approval of a Preliminary Plat shall only be deemed as general approval of the layout of a subdivision or development, and does not constitute approval or acceptance of Civil Engineering Plans or a Final Plat.

- (I) Expiration. Upon receiving approval of a Preliminary Plat from the City Council, a Preliminary Plat shall expire if:
- (1) Recordation Time Period. The applicant or property owner fails to submit the information required for recordation as outlined in [Section 38-7\(3\)\(G\)](#) within 180-days from the date of approval. If the applicant or property owner fails to provide the required information within the recordation time period, the approval of the Preliminary Plat -- and any previously approved Master Plat -- shall lapse. After this expiration, the applicant or property owner shall be required to submit a new Master Plat and/or Preliminary Plat, which will be subject to all zoning and subdivision standards in place at the time of the new application.
 - (2) Civil Engineering Plans and Final Plat. The applicant or property owner fails to submit and an application for Civil Engineering Plans and/or Final Plat within one (1) year of the approval date of the Preliminary Plat. After this expiration, the applicant or property owner shall be required to submit a new Master Plat and/or Preliminary Plat, which will be subject to all zoning and subdivision standards in place at the time of the new application.
 - (3) Relationship to Civil Engineering Plans. The applicant or property owner allows the Civil Engineering Plans to lapse or expire more than one (1) year of the approval date of the Preliminary Plat. After this expiration, the applicant or property owner shall be required to submit a new Master Plat and/or Preliminary Plat, which will be subject to all zoning and subdivision standards in place at the time of the new application.
 - (4) Relationship to Final Plat. The applicant or property owner submits an application for Final Plat within the one (1) year time period, but the application is not acted upon by the City Council within the one (1) year time period or filed with Rockwall County in said time period. After this expiration, the applicant or property owner shall be required to submit a new Master Plat and/or Preliminary Plat, which will be subject to all zoning and subdivision standards in place at the time of the new application.
- (J) Extension Procedures. A Preliminary Plat may be extended under the following circumstances:
- (1) Extension to the Recordation Time Period. An applicant or property owner that has a Preliminary Plat in need of an extension to the 180-day timeline outlined in [Section 38-7\(3\)\(I\)\(1\)](#), may petition the Planning and Zoning Commission for an extension of the recordation time period for the Preliminary Plat. All request to extend the recordation time period for a Preliminary Plat shall be submitted in writing to the Director of Planning and Zoning 30-days prior to the expiration date. In determining to approve or deny a request for an extension of a recordation time period for the Preliminary Plat, the Planning and Zoning Commission shall consider: [1] the reason or reasons the applicant or property owner was unable to adhere to the 180-day expiration timeline, [2] the ability of the property owner to comply with any conditions attached to the original approval, [3] the extent to which the applicant or property owner agrees to abide by the adopted subdivision regulations, and [4] any changed conditions in the surrounding area which would make an extension undesirable. In



approving a request for an extension of the recordation time period for a Preliminary Plat, the Planning and Zoning Commission shall not extend the recordation time period to more than one (1) year from the date the Preliminary Plat was originally approved by the City Council. In granting an extension, the Planning and Zoning Commission may impose conditions necessary to ensure that the Preliminary Plat conforms to the City's current subdivision standards.

(2) Extension Due to Expiration Time Period. An applicant or property owner that has a Preliminary Plat in need of an extension to the timelines outlined in Section 38-7(3)(I)(2) - Section 38-7(3)(I)(4), may petition the Planning and Zoning Commission for an extension of the approval of the Preliminary Plat. All request to extend a Preliminary Plat shall be submitted in writing to the Director of Planning and Zoning 30-days prior to the expiration date. In determining to approve or deny a request for the extension of a Preliminary Plat, the Planning and Zoning Commission shall consider: [1] the reason or reasons the applicant or property owner was unable to adhere to the requirements Section 38-7(3)(I), [2] the ability of the property owner to comply with any conditions attached to the original approval, [3] the extent to which the applicant or property owner agrees to abide by the adopted subdivision regulations, and [4] any changed conditions in the surrounding area which would make an extension undesirable. In approving a request for an extension of a Preliminary Plat, the Planning and Zoning Commission shall not extend the time period that a Preliminary Plat is valid for more than two (2) years from the date of the original approval. In granting an extension, the Planning and Zoning Commission may impose conditions necessary to ensure that the Preliminary Plat conforms to the City's current subdivision standards.

(K) Reinstatement Procedures. An applicant or property owner that has had a Preliminary Plat expire in accordance with the terms of Section 38-7(3)(J), may petition the Planning and Zoning Commission to extend or reinstate the approval of the Preliminary Plat at their discretion. The Planning and Zoning Commission shall only reinstate a Preliminary Plat when it is determined that the reinstatement would be in the public interest to avoid an unnecessary review of a new Development Application, and/or when the development pattern proposed by the subdivision plat would not be to the detriment of any nearby area or the general development of the City of Rockwall. In granting a reinstatement, the Planning and Zoning Commission may impose conditions necessary to ensure that the Preliminary Plat conforms to the City's current subdivision standards.

(L) Amendments to a Preliminary Plat. Amendments to a Preliminary Plat shall be classified as Major or Minor Amendments. The Director of the Planning and Zoning Department or his/her designee shall make a determination of whether a proposed amendment is deemed Major or Minor based on the submitted amendment. Major or Minor Amendments shall be subject to the following processes:

(1) Minor Amendments. Minor Amendments to the design of the subdivision for an approved Preliminary Plat may be incorporated in a Final Plat without the necessity of filing a development application for a new Preliminary Plat. Minor Amendments may only include minor adjustments to the alignment of streets, alleyways, block lengths, paving details, or lot lines -- *that do not result in the creation of additional lots or create non-conforming lots* --, provided that such amendments are consistent with the approved zoning and Preliminary Plat.

(2) Major Amendments. All amendments that cannot be classified as Minor Amendments, shall be subject to the approval of a new Preliminary Plat and be deemed Major Amendments. Requests that fall under a Major Amendment will require a new development application -- *including application fees* -- before the approval of Civil Engineering Plans and/or a Final Plat.

(4) FINAL PLATS.

(A) Purpose. The purpose of a Final Plat is to ensure that a proposed subdivision of land and/or the development of land is consistent with the approved Preliminary Plat (if applicable), the requirements of this Chapter -- *specifically relating to the provision of adequate public facilities* --, the Engineering Standards of Design and Construction Manual, the requirements of the Unified Development Code (UDC), and any other applicable requirements to allow the subdivision plat to be recorded. A Final Plat is required for the creation of a legal lot of record.

(B) Applicability. A Final Plat shall be required for all subdivisions of land in the corporate boundaries of the City and in the City's Extraterritorial Jurisdiction (ETJ) where a Replat, Minor Plat, or Conveyance Plat would not be appropriate instrument to facilitate the division of land and/or development of a property.

(C) Exceptions. A Final Plat shall not be required when a Minor Plat is able to be submitted [see Section 38-7(6)].

(D) Required Information. In addition to the applicable requirements outlined in Section 38-7(1)(A) above, a Final Plat shall conform to -- or be accompanied by -- the following information:

(1) General Final Plat Information. All Final Plats shall show the following information:

(a) Title Block. Provide the appropriate Title Block in the lower right-hand corner of the subdivision plat.

(1) Residential Final Plats. The Title Block for Residential Final Plats shall be as follows:



FINAL PLAT
[LOT/BLOCK DESIGNATION IF APPLICABLE]
[SUBDIVISION NAME]
 BEING
[TOTAL RESIDENTIAL LOTS] RESIDENTIAL LOTS AND **[TOTAL OPEN SPACE LOTS]** OPEN SPACE LOTS
[TOTAL ACREAGE]-ACRES OR **[TOTAL SQUARE FEET]** SF
 SITUATED IN THE
[SURVEY], [ABSTRACT NO.]
 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

(2) *Non-Residential Final Plats.* The Title Block for *Non-Residential Final Plats* shall be as follows:

FINAL PLAT
[LOT/BLOCK DESIGNATION IF APPLICABLE]
[SUBDIVISION NAME]
 BEING
[TOTAL LOTS] LOTS
[TOTAL ACREAGE]-ACRES OR **[TOTAL SQUARE FEET]** SF
 SITUATED IN THE
[SURVEY], [ABSTRACT NO.]
 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

- (2) *Seal/Signature.* All *Final Plats* are required to have the seal and signature of the surveyor or engineer responsible for surveying the area depicted in the *Final Plat* and the preparation of the *Final Plat*.
- (3) *Signature Block.* The following signature block shall be placed on all *Final Plats*:

APPROVED: I hereby certify that the above and forgoing subdivision plat -- *being an addition to the City of Rockwall, Texas* -- was approved by the City Council of the City of Rockwall, Texas on the **[DAY]** day of **[MONTH], [YEAR]**.

 MAYOR OF THE CITY OF ROCKWALL

 PLANNING AND ZONING COMMISSION CHAIRMAN

 CITY SECRETARY

 CITY ENGINEER

(E) *Approval Process.* *Final Plats* shall be accepted and processed in accordance with the procedures outlined in [Section 38-6\(2\)](#) & [Section 38-7\(1\)](#) above, and be subject to the following approval process:

- (1) *Planning and Zoning Commission.* The Planning and Zoning Commission shall review the *Final Plat*, the findings and recommendations from all *Development Services Departments*, the recommendations from the Parks and Recreation Board (*if applicable*), and any other applicable information required to be reviewed prior to acting on the proposed plat. From this information, the Planning and Zoning Commission shall determine if the *Final Plat* conforms to the regulations and requirements outlined in this *Chapter* and provide a recommendation to the City Council to either approve the plat as submitted, approve the plat with conditions (*i.e. the Final Plat shall be considered to be approved once such conditions are satisfied*), or deny the subdivision plat as submitted. If the Planning and Zoning Commission chooses to make a recommendation to deny a *Final Plat*, the Commissioner making the motion for denial shall summarize the findings supporting the motion to deny.
- (2) *Parks and Recreation Board.* If required, the Parks and Recreation Board shall review the *Final Plat*, the findings and recommendations from the *Development Services Departments*, and any other applicable information required to be reviewed prior to making recommendations concerning the proposed plat. From this information, the Parks and Recreation Board shall provide a recommendation to the City Council and Planning and Zoning Commission regarding park improvements and/or park fees associated with the *Final Plat*.
- (3) *City Council.* Upon receiving a recommendation from the Planning and Zoning Commission, the City Council shall review the *Final Plat*, the findings and recommendations from all *Development Services Departments*, the recommendations of the Planning and Zoning Commission and Parks and Recreation Board (*if applicable*), and any other applicable information required to be reviewed prior to acting



on the proposed plat. From this information, the City Council shall determine if the *Final Plat* conforms to the regulations and requirements outlined in this *Chapter* and either approve the plat as submitted, approve the plat with conditions (*i.e. the Final Plat shall be considered to be approved once such conditions are satisfied*), or deny the subdivision plat as submitted. If the City Council chooses to deny a *Final Plat*, the City Council member making the motion for denial shall summarize the findings supporting the motion to deny.

- (F) *Criteria for Approval.* In reviewing a *Final Plat*, the following criteria shall be used by the Planning and Zoning Commission and City Council to determine if the *Final Plat* should be approved, approved with conditions (*i.e. the Final Plat shall be considered to be approved once such conditions are satisfied*), or denied:
- (1) *Preliminary Plat.* If a *Preliminary Plat* was approved prior to the *Final Plat*, the *Final Plat* shall conform to the approved *Preliminary Plat* and all conditions of approval imposed at the time of approval of the *Preliminary Plat*.
 - (2) *Master Plat.* If a *Master Plat* was approved prior to the *Final Plat*, the *Final Plat* shall conform to the approved *Master Plat* and all conditions of approval imposed at the time of approval of the *Master Plat*.
 - (3) *Subdivision Requirements.* If the *Final Plat* is in conformance with all applicable requirements of this *Chapter*.
 - (4) *Unified Development Code.* If the *Final Plat* is in conformance with all applicable requirements of the Unified Development Code (UDC).
 - (5) *Standards of Design and Construction.* If the *Final Plat* is in conformance with all of the requirements of the *Standards of Design and Construction Manual* as stipulated by [Section 38-8](#).
 - (6) *Adequate Public Utilities.* If all areas depicted on the *Final Plat* will be adequately served by public utilities, facilities, and services (*i.e. water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities*).
 - (7) *Developer's Agreement.* If the *Final Plat* is in conformance with any existing *Developer's Agreement* affecting the area depicted in the subdivision plat or if the applicant or property owner is proposing a *Developer's Agreement* pursuant to [Section 212.172, Development Agreement, of the Texas Local Government Code](#).
 - (8) *Interlocal Agreements.* If the *Final Plat* is situated within the City's Extraterritorial Jurisdiction (ETJ), the *Final Plat* shall conform to the requirements and subdivision regulations required by the *Interlocal Cooperation Agreement for Subdivision Regulations* agreed upon by the City and County under [Chapter 242, Authority of Municipality and County to Regulate Subdivisions In and Outside Municipality's Extraterritorial Jurisdiction, of the Texas Local Government Code](#).
- (G) *Recordation.* Upon receiving approval of a *Final Plat* from the City Council, the applicant or property owner shall submit the required number of signed and executed copies of the subdivision plat (*on the media specified by the Director of Planning and Zoning*) and any other required information necessary to file the *Final Plat* with the applicable County. After receiving the *Final Plat* and all necessary information, the Planning and Zoning Department shall procure all the required City of Rockwall signatures, and file the *Final Plat* with Rockwall County.
- (H) *Effect of Approval.* The approval of a *Final Plat* shall:
- (1) Supersede any prior approval of a *Preliminary Plat* for the same area as the *Final Plat*.
 - (2) Authorize the applicant to submit for a building permit (*unless previously permitted to submit for a building permit by the Director of Planning and Zoning*) or seek final approval of a construction project.
- (I) *Expiration.* Upon receiving approval of a *Final Plat* from the City Council, the applicant or property owner shall have 180-days from the date of approval to submit the information required for recordation as outlined in [Section 38-7\(4\)\(G\)](#). If the applicant or property owner fails to provide the required information within the recordation time period, the approval of the *Final Plat* -- and any previously approved *Preliminary Plat* or *Master Plat* -- shall lapse. After this expiration, the applicant or property owner shall be required to submit a new *Preliminary Plat*, *Master Plat*, and/or *Final Plat*, which will be subject to all zoning and subdivision standards in place at the time of the new application.
- (J) *Extension Procedures.* An applicant or property owner that has a *Final Plat* in need of an extension to the 180-day timeline outlined in [Section 38-7\(4\)\(I\)](#), may -- 30 days prior to the lapse of approval -- submit in writing a petition to the Director of the Planning and Zoning Department petitioning the City Council for an extension of the approval of the *Final Plat*. In determining to approve or deny a request for an extension of a *Final Plat*, the City Council shall take into account: [1] the reason or reasons for the applicant or property owner was unable to adhere to the 180-day expiration timeline, [2] the ability of the property owner to comply with any conditions attached to the original approval, [3] the extent to which the applicant or property owner agrees to abide by the adopted subdivision regulations, and [4] any changed conditions in the surrounding area which would make an extension undesirable. In approving a request for an extension, the City Council shall not extend the recordation time period to more than one (1) year from the date the *Final Plat* was originally approved by the City Council.



- (K) Reinstatement Procedures. An applicant or property owner that has had a Final Plat expire in accordance with the terms of [Section 38-7\(4\)\(I\)](#), may petition the City Council to extend or reinstate the approval of the Final Plat. The City Council shall only reinstate a Final Plat when it is determined that the reinstatement would be in the public interest to do so to avoid an unnecessary review of a new Development Application, and/or when the development pattern proposed by the subdivision plat would not be to the detriment of any nearby area or the general development of the City of Rockwall. In granting a reinstatement, the Planning and Zoning Commission may impose conditions necessary to ensure that the Final Plat conforms to the City's current subdivision standards.

(5) CONVEYANCE PLATS.

- (A) Purpose. The purpose of a Conveyance Plat is the same as a Final Plat; however, a Conveyance Plat is only intended to allow for the subdivision and/or assemblage of land for the purpose of conveying or selling property. A Conveyance Plat does not constitute approval for any type of land development, and is typically considered to be an interim step in the land development process.
- (B) Applicability. A Conveyance Plat shall only be used in lieu of a Final Plat to record the subdivision of property into parcels of land -- five (5) acres or smaller in size -- that are not intended for immediate development, provided all lots meet the minimum lot dimensions and frontage requirements.
- (C) Required Information. In addition to the applicable requirements outlined in [Section 38-7\(1\)\(A\)](#) above, a Conveyance Plat shall conform to - or be accompanied by -- the following information:

- (1) Signature Block. The following signature block shall be placed on all Conveyance Plats:

APPROVED: I hereby certify that the above and forgoing subdivision plat -- being an addition to the City of Rockwall, Texas -- was approved by the City Council of the City of Rockwall, Texas on the [DAY] day of [MONTH], [YEAR].

MAYOR OF THE CITY OF ROCKWALL

PLANNING AND ZONING COMMISSION CHAIRMAN

CITY SECRETARY

CITY ENGINEER

- (2) General Notes. In addition to the General Notes contained in [Section 38-7\(1\)\(A\)\(2\)](#), the following notes shall be provided on all Conveyance Plats:
- (a) Purpose of a Conveyance Plat. A Conveyance Plat is a property record approved by the City of Rockwall for the purpose of facilitating the sale or conveyance of the property in part or in its entirety and the interest thereon defined. No building permit shall be issued nor permanent public utility services provided until a Replat is approved, filed as a record, and public improvements accepted in accordance with the provisions of the Subdivision Ordinance of the City of Rockwall.
- (D) Approval Process. Conveyance Plats shall be accepted and processed in accordance with the procedures outlined in [Section 38-6\(2\)](#) & [Section 38-7\(1\)](#) above, and be subject to the same approval process as specified for Final Plats in [Section 38-7\(4\)\(E\)](#).
- (E) Criteria for Approval. The review criteria for a Conveyance Plat shall be the same as the review criteria for a Final Plat as specified in [Section 38-7\(4\)\(F\)](#). Additionally, any required dedication of right-of-way shall be required at the time of Conveyance Plat and shall not be deferred to a Final Plat or Replat.
- (F) Recordation. Upon receiving approval of a Conveyance Plat from the City Council, the applicant or property owner shall submit the required number of signed and executed copies of the subdivision plat (*on the media specified by the Director of Planning and Zoning*) and any other required information necessary to file the Conveyance Plat with Rockwall County. After receiving the Conveyance Plat and all necessary information, the Planning and Zoning Department shall procure all the required City of Rockwall signatures, and file the Conveyance Plat with Rockwall County.
- (G) Effect of Approval. The approval of a Conveyance Plat shall:
- (1) Supersede any prior approval of a Preliminary Plat or Final Plat for the same area as the Conveyance Plat.



- (2) Authorize the conveyance or sale of the area in the Conveyance Plat; however, this does not authorize any form of development of the subject property.
- (H) Expiration. Upon receiving approval of a Conveyance Plat from the City Council, the applicant or property owner shall have 180-days from the date of approval to submit the information required for recordation as outlined in Section 38-7(5)(F). If the applicant or property owner fails to provide the required information within the recordation time period, the approval of the Conveyance Plat shall lapse. After this expiration, the applicant or property owner shall be required to submit a new Conveyance Plat, which will be subject to all zoning and subdivision standards in place at the time of the new application.
- (I) Extension Procedures. An applicant or property owner that has a Conveyance Plat in need of an extension to the 180-day timeline outlined in Section 38-7(5)(H), may -- 30 days prior to the lapse of approval -- submit in writing a petition to the Director of the Planning and Zoning Department petitioning the City Council for an extension of the approval of the Conveyance Plat. In determining to approve or deny a request for an extension of a Conveyance Plat, the City Council shall take into account: [1] the reason or reasons for the applicant or property owner was unable to adhere to the 180-day expiration timeline, [2] the ability of the property owner to comply with any conditions attached to the original approval, [3] the extent to which the applicant or property owner agrees to abide by the adopted subdivision regulations, and [4] any changed conditions in the surrounding area which would make an extension undesirable. In approving a request for an extension, the City Council shall not extend the recordation time period to more than one (1) year from the date the Conveyance Plat was originally approved by the City Council.
- (J) Reinstatement Procedures. An applicant or property owner that has had a Conveyance Plat expire in accordance with the terms of Section 38-7(5)(H), may petition the City Council to extend or reinstate the approval of the Conveyance Plat. The City Council shall only reinstate a Conveyance Plat when it is determined that the reinstatement would be in the public interest to do so to avoid an unnecessary review of a new Development Application, and/or when the development pattern proposed by the subdivision plat would not be to the detriment of any nearby area or the general development of the City of Rockwall.

(6) MINOR PLATS.

- (A) Purpose. The purpose of a Minor Plat is the same as a Final Plat or Replat; however, a Minor Plat is also intended to simplify the subdivision of land in certain circumstances as outline in the Texas Local Government Code.
 - STATE LAW REFERENCE: APPROVAL RESPONSIBLTY IS GRANTED BY V. T. C. A., LOCAL GOVERNMENT CODE § 212.0065.
- (B) Applicability. A Minor Plat shall only be permitted to be submitted in situations where all of the following criteria exists:
 - (1) The proposed subdivision of land is wholly situated within the corporate limits of the City of Rockwall.
 - (2) The proposed subdivision of land will result in a total of four (4) or fewer lots.
 - (3) All lots in the proposed subdivision of land will have frontage on an existing public street, and the extension or creation of a new public street or alleyway is not required.
 - (4) The proposed subdivision of land does not require the extension of any municipal facilities to serve any portion of the proposed subdivision.
 - (5) The proposed subdivision of land does not require the dedication of right-of-way, or the establishment of any new easements or entitlements.
- (C) Required Information. In addition to the applicable requirements outline in Section 38-7(1)(A) above, a Minor Plat shall conform to -- or be accompanied by -- the following information:
 - (1) Signature Block. The following signature block shall be placed on all Minor Plats:

APPROVED: I hereby certify that the above and forgoing subdivision plat -- being an addition to the City of Rockwall, Texas -- was approved by the Director of Planning and Zoning and the City Engineer of the City of Rockwall, Texas on the [DAY] day of [MONTH], [YEAR].

DIRECTOR OF PLANNING AND ZONING

CITY ENGINEER

- (D) Approval Process. Minor Plats shall be accepted and processed in accordance with the procedures outline in Section 38-6(2) & Section 38-7(1) above, and be subject to the following approval process:
 - (1) Director of Planning and Zoning. The Director of the Planning and Zoning Department or his/her designee shall review the Minor Plat, the findings and recommendations from all Development Services Departments, and any other applicable information required to be



reviewed prior to acting on the Minor Plat. From this information, the Director of the Planning and Zoning Department or his/her designee shall determine if the Minor Plat conforms to the regulations and requirements outlined in this *Chapter* and render a decision to either approve the subdivision plat as submitted, approve the subdivision plat with conditions (*i.e. the Minor Plat shall be considered to be approved once such conditions are satisfied*), or deny the subdivision plat as submitted. If no decision can be rendered by the Director of the Planning and Zoning Department or his/her designee, then the Minor Plat shall be forwarded to the Planning and Zoning Commission and City Council for action in accordance with [Section 38-7\(6\)\(N\)](#). Regardless of the Director's decision, the Minor Plat shall be processed and acted upon in accordance with the timeline established in [Section 38-7\(1\)](#).

- (E) Criteria for Approval. In reviewing a Minor Plat, the following criteria shall be used by the Director of Planning and Zoning to determine if the Minor Plat should be approved, approved with conditions (*i.e. the Minor Plat shall be considered to be approved once such conditions are satisfied*), or denied:
- (1) Subdivision Requirements. If the Minor Plat is in conformance with all applicable requirements of this *Chapter*.
 - (2) Unified Development Code. If the Minor Plat is in conformance with all applicable requirements of the Unified Development Code (UDC).
 - (3) Standards of Design and Construction. If the Minor Plat is in conformance with all of the requirements of the *Standards of Design and Construction Manual* as stipulated by [Section 38-8](#).
 - (4) Adequate Public Utilities. If all areas depicted on the Minor Plat will be adequately served by public utilities, facilities, and services (*i.e. water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities*).
 - (5) Developer's Agreement. If the Minor Plat is in conformance with any existing Developer's Agreement affecting the area depicted in the subdivision plat or if the applicant or property owner is proposing a Developer's Agreement pursuant to [Section 212.172, Development Agreement, of the Texas Local Government Code](#).
- (F) Recordation. Upon receiving approval of a Minor Plat from the Director of Planning and Zoning, the applicant or property owner shall submit the required number of signed and executed copies of the subdivision plat (*on the media specified by the Director of Planning and Zoning*) and any other required information necessary to file the Minor Plat with Rockwall County. After receiving the Minor Plat and all necessary information, the Planning and Zoning Department shall procure all the required City of Rockwall signatures, and file the Minor Plat with Rockwall County.
- (G) Effect of Approval. The approval of a Minor Plat may:
- (1) Supersede any prior approval of a Preliminary Plat or Final Plat for the same area as the Minor Plat.
 - (2) Authorize the conveyance or sale of the area in the Minor Plat.
 - (3) Authorize the development of the area in the Minor Plat.
- (H) Expiration. Upon receiving approval of a Minor Plat from the Director of the Planning and Zoning Department or Planning and Zoning Commission, the applicant or property owner shall have 180-days from the date of approval to submit the information required for recordation as outlined in [Section 38-7\(6\)\(F\)](#). If the applicant or property owner fails to provide the required information within the recordation time period, the approval of the Minor Plat shall lapse. After this expiration, the applicant or property owner shall be required to submit a new Minor Plat, which will be subject to all zoning and subdivision standards in place at the time of the new application.
- (I) Appeal of an Administrative Decision on a Minor Plat. If the Director of the Planning and Zoning Department defers the Minor Plat to the Planning and Zoning Commission and City Council, the Planning and Zoning Commission shall review the Minor Plat, the findings and recommendations from all *Development Services Departments*, the reason for deferral by the Director of the Planning and Zoning Department, and any other applicable information required to be reviewed prior to acting on the Minor Plat. From this information, the Planning and Zoning Commission shall determine if the Minor Plat conforms to the regulations and requirements outlined in this *Chapter* and render a recommendation to the City Council to either approve the subdivision plat as submitted, approve the subdivision plat with conditions (*i.e. the Minor Plat shall be considered to be approved once such conditions are satisfied*), or deny the subdivision plat as submitted. From this recommendation, the City Council shall review all the aforementioned information and render a final decision to either approve the subdivision plat as submitted, approve the subdivision plat with conditions (*i.e. the Minor Plat shall be considered to be approved once such conditions are satisfied*), or deny the subdivision plat as submitted.
- (J) Amendments to an Approved Minor Plat. Any amendments to an approved Minor Plat shall be processed and approved as a Replat or an Amending Plat as determined by the Director of the Planning and Zoning Department.



(7) REPLATS.

(A) Purpose. The purpose of a Replat is to allow a property owner to further subdivide, assemble, and/or change all or a portion of a recorded subdivision plat -- *whether the Replat is being proposed with or without a vacation plat as outlined in [Section 38-7\(9\)](#)* -- in accordance with the requirements of this *Chapter*, the *Engineering Standards of Design and Construction Manual*, the requirements of the Unified Development Code (UDC), and any other applicable requirements to allow the subdivision plat to be recorded.

(B) Applicability. A Replat for all or a portion of a recorded subdivision plat may be approved in accordance with [Chapter 212, Municipal Regulation of Subdivisions and Property Development, of the Texas Local Government Code](#) without the vacation of the recorded subdivision plat, if the Replat meets the following criteria:

- (1) The Replat is signed and acknowledged by only the owners of the property being replatted.
- (2) The Replat is approved by the *Municipal Authority* responsible for approving subdivision plats.
- (3) The Replat does not attempt to amend or remove any covenants or restrictions.

• STATE LAW REFERENCE: [V. T. C. A., LOCAL GOVERNMENT CODE § 212.014.](#)

(C) Exceptions. A Replat shall not be required when an Amending Plat is able to be submitted [see [Section 38-7\(8\)](#)].

(D) Required Information. In addition to the applicable requirements outlined in [Section 38-7\(1\)\(A\)](#) above, a Replat shall conform to -- or be accompanied by -- the following information:

(1) General Preliminary Plat Information. All Replats shall show the following information:

(a) Title Block. Provide the appropriate Title Block in the lower right-hand corner of the subdivision plat.

(1) Residential Replats. The Title Block for Residential Replats shall be as follows:

FINAL PLAT
[PROPOSED LOT/BLOCK DESIGNATION IF APPLICABLE]
[SUBDIVISION NAME]
 BEING A REPLAT OF
[CURRENT LOT/BLOCK DESIGNATION IF APPLICABLE]
[SUBDIVISION NAME]
 BEING
[TOTAL RESIDENTIAL LOTS] RESIDENTIAL LOTS AND **[TOTAL OPEN SPACE LOTS]** OPEN SPACE LOTS
[TOTAL ACREAGE]-ACRES OR **[TOTAL SQUARE FEET]** SF
 SITUATED IN THE
[SURVEY], [ABSTRACT NO.]
 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

(2) Non-Residential Replats. The Title Block for Non-Residential Replats shall be as follows:

FINAL PLAT
[PROPOSED LOT/BLOCK DESIGNATION IF APPLICABLE]
[SUBDIVISION NAME]
 BEING A REPLAT OF
[CURRENT LOT/BLOCK DESIGNATION IF APPLICABLE]
[SUBDIVISION NAME]
 BEING
[TOTAL LOTS] LOTS
[TOTAL ACREAGE]-ACRES OR **[TOTAL SQUARE FEET]** SF
 SITUATED IN THE
[SURVEY], [ABSTRACT NO.]
 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

(2) Seal/Signature. All Replats are required to have the seal and signature of the surveyor or engineer responsible for surveying the area depicted in the Replat and the preparation of the Replat.



- (3) Signature Block. The following signature block shall be placed on all Replats:

APPROVED: I hereby certify that the above and forgoing subdivision plat -- *being an addition to the City of Rockwall, Texas* -- was approved by the City Council of the City of Rockwall, Texas on the **[DAY]** day of **[MONTH]**, **[YEAR]**.

MAYOR OF THE CITY OF ROCKWALL

PLANNING AND ZONING COMMISSION CHAIRMAN

CITY SECRETARY

CITY ENGINEER

- (E) Public Hearing for Certain Replats. Certain Replats meeting the below criteria require general notice and public hearing in accordance with [Section 212.015, Additional Requirements for Certain Replats, of the Texas Local Government Code](#). The requirements for these Replats are as follows:
- (1) Applicability. A Replat without the vacation of the recorded subdivision plat that conform to the following criteria shall require a Public Hearing:
 - (c) During the preceding five (5) years, any of the area to be replatted was limited by an interim or permeant zoning classification to residential use for not more than two (2) residential units per lot; or,
 - (d) Any lot in the preceding subdivision plat was limited by deed restrictions to a residential use for not more than two (2) residential units per lot.
 - (2) Exception to the Public Hearing Requirements. The requirements of [Section 38-7\(7\)\(E\)](#) shall not apply to any approval of a Replat application for a portion of a recorded subdivision plat if all of the proposed area sought to be replatted was designated or reserved for usage other than for single-family or two-family residential usage. Such designation must be noted on the recorded subdivision plat or in the legally recorded deed restrictions applicable to subdivision plat.
 - (3) Public Notice and Public Hearing. Public Notice of the required Public Hearing shall be given before the 15th calendar day before the date of the Public Hearing. This notice shall:
 - (a) Be published in an official newspaper or a newspaper of general circulation in the City of Rockwall or its unincorporated areas (as applicable by State Law) in which the proposed property being platted is located; and,
 - (b) Be by written notice -- with a copy of the wording contained in [Section 212.015\(c\) of the Texas Local Government Code](#) (as is and as may be amended in the future) attached to the notice -- forwarded by the City of Rockwall to all property owners and residents of lots that are in the original subdivision and that are within 200-feet of the lots to be Replatted, as indicated on the most recently approved municipal tax roll or -- in the case of a subdivision in the City of Rockwall's Extraterritorial Jurisdiction (ETJ) -- the most recently approved applicable Rockwall County tax roll of the property being platted. The written notice may be delivered by depositing the written notice -- properly addressed with postage prepaid -- in a post office or postal depository within the boundaries of the City of Rockwall.
 - (4) Protest. If the Replat application is accompanied by a Petition for Waiver in accordance with [Section 38-10\(2\)](#) and is protested in accordance with this Chapter, approval of the Replat shall require a super majority vote (i.e. three-fourths vote of those members present) of the City Council present at the meeting, with a minimum of four (4) votes in the affirmative required for approval. For a legal protest, written instruments signed by the property owners of at least 20% of the area of the lots or land immediately adjoining the area covered by the Replat application and extending 200-feet from that area, but within the original subdivision, must be filed with the City Council prior to the close of the Public Hearing. The area of streets and alleyways shall be included in the calculation of the within the 200-foot area.
- (K) Approval Process. Replats shall be accepted and processed in accordance with the procedures outline in [Section 38-6\(2\)](#) & [Section 38-7\(1\)](#) above, and be subject to the following approval process:
- (1) Replats Requiring a Public Hearing. Replats that require a Public Hearing in accordance with the requirements of [Section 38-7\(7\)\(E\)](#) above, shall be subject to the following approval process:



- (a) Planning and Zoning Commission. The Planning and Zoning Commission shall review the Replat, the findings and recommendations from all Development Services Departments, the recommendations from the Parks and Recreation Board (*if applicable*), any other applicable information required to be reviewed, and hold a Public Hearing prior to taking action on the proposed subdivision plat. From this information, the Planning and Zoning Commission shall determine if the Replat conforms to the regulations and requirements outlined in this Chapter and provide a recommendation to the City Council to either approve the subdivision plat as submitted, approve the subdivision plat with conditions (*i.e. the Replat shall be considered to be approved once such conditions are satisfied*), or deny the subdivision plat as submitted. If the Planning and Zoning Commission chooses to make a recommendation to deny a Replat, the Commissioner making the motion for denial shall summarize the findings supporting the motion to deny.
- (b) Parks and Recreation Board. If required, the Parks and Recreation Board shall review the Replat, the findings and recommendations from the Development Services Departments, and any other applicable information required to be reviewed prior to making recommendations concerning the proposed plat. From this information, the Parks and Recreation Board shall provide a recommendation to the City Council and Planning and Zoning Commission regarding park improvements and/or park fees associated with the Replat.
- (c) City Council. Upon receiving a recommendation from the Planning and Zoning Commission, the City Council shall review the Replat, the findings and recommendations from all Development Services Departments, the recommendations of the Planning and Zoning Commission and Parks and Recreation Board (*if applicable*), any other applicable information required to be reviewed, and hold a Public Hearing prior to taking action on the proposed subdivision plat. From this information, the City Council shall determine if the Replat conforms to the regulations and requirements outlined in this Chapter and either approve the subdivision plat as submitted, approve the subdivision plat with conditions (*i.e. the Replat shall be considered to be approved once such conditions are satisfied*), or deny the subdivision plat as submitted. If the City Council chooses to deny a Replat, the City Council member making the motion for denial shall summarize the findings supporting the motion to deny.
- (2) Replats Not Requiring a Public Hearing. Replats that do not require a Public Hearing shall be subject to the following approval process:
- (a) Planning and Zoning Commission. The Planning and Zoning Commission shall review the Replat, the findings and recommendations from all Development Services Departments, the recommendations from the Parks and Recreation Board (*if applicable*), and any other applicable information required to be reviewed prior to taking action on the proposed subdivision plat. From this information, the Planning and Zoning Commission shall determine if the Replat conforms to the regulations and requirements outlined in this Chapter and provide a recommendation to the City Council to either approve the subdivision plat as submitted, approve the subdivision plat with conditions (*i.e. the Replat shall be considered to be approved once such conditions are satisfied*), or deny the subdivision plat as submitted. If the Planning and Zoning Commission chooses to make a recommendation to deny a Replat, the Commissioner making the motion for denial shall summarize the findings supporting the motion to deny.
- (b) Parks and Recreation Board. If required, the Parks and Recreation Board shall review the Replat, the findings and recommendations from the Development Services Departments, and any other applicable information required to be reviewed prior to making recommendations concerning the proposed plat. From this information, the Parks and Recreation Board shall provide a recommendation to the City Council and Planning and Zoning Commission regarding park improvements and/or park fees associated with the Replat.
- (c) City Council. Upon receiving a recommendation from the Planning and Zoning Commission, the City Council shall review the Replat, the findings and recommendations from all Development Services Departments, the recommendations of the Planning and Zoning Commission and Parks and Recreation Board (*if applicable*), and any other applicable information required to be reviewed prior to taking action on the proposed subdivision plat. From this information, the City Council shall determine if the Replat conforms to the regulations and requirements outlined in this Chapter and either approve the subdivision plat as submitted, approve the subdivision plat with conditions (*i.e. the Replat shall be considered to be approved once such conditions are satisfied*), or deny the subdivision plat as submitted. If the City Council chooses to deny a Replat, the City Council member making the motion for denial shall summarize the findings supporting the motion to deny.
- (F) Criteria for Approval. In reviewing a Replat without the vacation of the recorded subdivision plat, the following criteria shall be used by the Planning and Zoning Commission and City Council to determine if the Replat should be approved, approved with conditions (*i.e. the Replat shall be considered to be approved once such conditions are satisfied*), or denied:
- (1) Preliminary Plat. If a Preliminary Plat was approved prior to the Replat, the Replat shall conform to the approved Preliminary Plat and all conditions of approval imposed at the time of approval of the Preliminary Plat.



- (2) Master Plat. If a Master Plat was approved prior to the Replat, the Replat shall conform to the approved Master Plat and all conditions of approval imposed at the time of approval of the Master Plat.
 - (3) Subdivision Requirements. If the Replat is in conformance with all applicable requirements of this Chapter.
 - (4) Unified Development Code. If the Replat is in conformance with all applicable requirements of the Unified Development Code (UDC).
 - (5) Standards of Design and Construction. If the Replat is in conformance with all of the requirements of the Standards of Design and Construction Manual as stipulated by Section 38-8.
 - (6) Adequate Public Utilities. If all areas depicted on the Replat will be adequately served by public utilities, facilities, and services (*i.e. water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities*).
 - (7) Developer's Agreement. If the Replat is in conformance with any existing Developer's Agreement affecting the area depicted in the subdivision plat or if the applicant or property owner is proposing a Developer's Agreement pursuant to Section 212.172, Development Agreement, of the Texas Local Government Code.
 - (8) Interlocal Agreements. If the Replat is situated within the City's Extraterritorial Jurisdiction (ETJ), the Replat shall conform to the requirements and subdivision regulations required by the Interlocal Cooperation Agreement for Subdivision Regulations agreed upon by the City and County under Chapter 242, Authority of Municipality and County to Regulate Subdivisions In and Outside Municipality's Extraterritorial Jurisdiction, of the Texas Local Government Code.
- (G) Recordation. Upon receiving approval of a Replat from the City Council, the applicant or property owner shall submit the required number of signed and executed copies of the subdivision plat (*on the media specified by the Director of Planning and Zoning*) and any other required information necessary to file the Replat with the applicable County. After receiving the Replat and all necessary information, the Planning and Zoning Department shall procure all the required City of Rockwall signatures, and file the Replat with Rockwall County.
- (H) Effect of Approval. The approval of a Replat shall:
- (1) Supersede any prior approval of a Final Plat for the same area as the Replat.
 - (2) Authorize the applicant to submit Civil Engineering Plans in accordance with Section 38-8 (*unless previously permitted to submit for civil engineering plans by the City Engineer*) or authorize the applicant to submit for a Building Permit (*unless previously permitted to submit for a building permit by the Director of Planning and Zoning*) if Civil Engineering Plans are not required.
- (I) Expiration. Upon receiving approval of a Replat from the City Council, the applicant or property owner shall have 180-days from the date of approval to submit the information required for recordation as outlined in Section 38-7(7)(H). If the applicant or property owner fails to provide the required information within the recordation time period, the approval of the Replat shall lapse. After this expiration, the applicant or property owner shall be required to submit a new Replat, which will be subject to all zoning and subdivision standards in place at the time of the new application.

(8) AMENDING PLATS.

- (A) Purpose. The purpose of an Amending Plat is the same as a Replat; however, an Amending Plat is also intended to provide an expedited means to making minor revisions to a recorded subdivision plat consistent with the requirements of the Texas Local Government Code.
- STATE LAW REFERENCE: APPROVAL RESPONSIBILITY IS GRANTED BY V. T. C. A., LOCAL GOVERNMENT CODE § 212.0065.
- (B) Applicability. An Amending Plat shall only be permitted to be submitted in situations where the sole purpose of the Amending Plat is to achieve one (1) or more of the following:
- (1) To correct an error in a course or distance shown on the preceding subdivision plat.
 - (2) To add a course or distance that was omitted on the preceding subdivision plat.
 - (3) To correct an error in a real property description shown on the preceding subdivision plat.
 - (4) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments.
 - (5) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to the location or character on the preceding subdivision plat.
 - (6) To correct any other type of scrivener or clerical error or omission previously approved by the Municipal Authority responsible for approving subdivision plats, including lots numbers, acreage, street names, and identification of adjacent recorded subdivision plats.



- (7) To correct an error in courses or distances of lot lines between two (2) adjacent lots if:
 - (a) Both lot owners join in the application for the Amending Plat.
 - (b) Neither lot is abolished.
 - (c) The Amending Plat does not attempt to remove recorded covenants or restrictions.
 - (d) The Amending Plat does not have a material adverse effect on the property rights of the other owner in the subdivision plat.
- (8) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.
- (9) To relocate one (1) or more lot lines between one (1) or more adjacent lots if:
 - (a) The owners of all those lots join in the application for the Amending Plat.
 - (b) The Amending Plat does not attempt to remove recorded covenants or restrictions.
 - (c) The Amending Plat does not increase the number of lots.
- (10) To Replat one (1) or more lots fronting on to an existing street if:
 - (a) The owners of all those lots join in the application for the Amending Plat.
 - (b) The Amending Plat does not attempt to remove recorded covenants or restrictions.
 - (c) The Amending Plat does not increase the number of lots.
 - (d) The Amending Plat does not create or require the creation of a new street or make necessary the extension of municipal facilities.

- STATE LAW REFERENCE: V. T. C. A., LOCAL GOVERNMENT CODE § 212.016.

(C) Required Information. In addition to the applicable requirements outlined in Section 38-7(1)(A) above, an Amending Plat shall conform to -- or be accompanied by -- the following information:

(1) Signature Block. The following signature block shall be placed on all Amending Plats:

APPROVED: I hereby certify that the above and forgoing subdivision plat -- being an addition to the City of Rockwall, Texas -- was approved by the Director of Planning and Zoning and the City Engineer of the City of Rockwall, Texas on the **[DAY]** day of **[MONTH]**, **[YEAR]**.

DIRECTOR OF PLANNING AND ZONING

CITY ENGINEER

(D) Approval Process. Amending Plats shall be accepted and processed in accordance with the procedures outlined in Section 38-7(1) above, and be subject to the following approval process:

(1) Director of Planning and Zoning. The Director of Planning and Zoning or his/her designee shall review the Amending Plat, the findings and recommendations from all Development Services Departments, and any other applicable information required to be reviewed prior to acting on the Amending Plat. From this information, the Director of the Planning and Zoning Department or his/her designee shall determine if the Amending Plat conforms to the regulations and requirements outlined in this Chapter and render a decision to either approve the subdivision plat as submitted, approve the subdivision plat with conditions (*i.e. the Amending Plat shall be considered to be approved once such conditions are satisfied*), or deny the subdivision plat as submitted. If no decision can be rendered by the Director of the Planning and Zoning Department or his/her designee, then the Amending Plat shall be forward to the Planning and Zoning Commission and City Council for action in accordance with Section 38-7(8)(f). Regardless of the Director's decision, the Amending Plat shall be processed and acted upon in accordance with the timeline established in Section 38-7(1).

(E) Criteria for Approval. In reviewing an Amending Plat, the following criteria shall be used by the Director of the Planning and Zoning Department to determine if the Amending Plat should be approved, approved with conditions (*i.e. the Amending Plat shall be considered to be approved once such conditions are satisfied*), or denied:

- (1) Subdivision Requirements. If the Amending Plat is in conformance with all applicable requirements of this Chapter.
- (2) Unified Development Code. If the Amending Plat is in conformance with all applicable requirements of the Unified Development Code (UDC).
- (3) Standards of Design and Construction. If the Amending Plat is in conformance with all of the requirements of the Standards of Design and Construction Manual as stipulated by Section 38-8.



- (4) Adequate Public Utilities. If all areas depicted on the Amending Plat will be adequately served by public utilities, facilities, and services (i.e. water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities).
- (5) Developer's Agreement. If the Amending Plat is in conformance with any existing Developer's Agreement affecting the area depicted in the subdivision plat or if the applicant or property owner is proposing a Developer's Agreement pursuant to [Section 212.172, Development Agreement, of the Texas Local Government Code](#).
- (F) Recordation. Upon receiving approval of an Amending Plat from the Director of Planning and Zoning, the applicant or property owner shall submit the required number of signed and executed copies of the subdivision plat (on the media specified by the Director of Planning and Zoning) and any other required information necessary to file the Amending Plat with Rockwall County. After receiving the Amending Plat and all necessary information, the Planning and Zoning Department shall procure all the required City of Rockwall signatures, and file the Amending Plat with Rockwall County.
- (G) Effect of Approval. The approval of an Amending Plat may:
- (1) Supersede any prior approval of a Replat or Final Plat for the same area as the Amending Plat.
- (H) Expiration. Upon receiving approval of an Amending Plat from the Director of the Planning and Zoning Department or Planning and Zoning Commission, the applicant or property owner shall have 180-days from the date of approval to submit the information required for recordation as outlined in [Section 38-7\(8\)\(G\)](#). If the applicant or property owner fails to provide the required information within the recordation time period, the approval of the Amending Plat shall lapse. After this expiration, the applicant or property owner shall be required to submit a new Amending Plat, which will be subject to all zoning and subdivision standards in place at the time of the new application.
- (I) Appeal of an Administrative Decision on an Amending Plat. If the Director of the Planning and Zoning Department defers the Amending Plat to the Planning and Zoning Commission and City Council, the Planning and Zoning Commission shall review the Amending Plat, the findings and recommendations from all Development Services Departments, the reason for deferral by the Director of the Planning and Zoning Department, and any other applicable information required to be reviewed prior to acting on the Amending Plat. From this information, the Planning and Zoning Commission shall determine if the Amending Plat conforms to the regulations and requirements outlined in this Chapter and render a recommendation to the City Council to either approve the subdivision plat as submitted, approve the subdivision plat with conditions (i.e. the Amending Plat shall be considered to be approved once such conditions are satisfied), or deny the subdivision plat as submitted. From this recommendation, the City Council shall review all the aforementioned information and render a final decision to either approve the subdivision plat as submitted, approve the subdivision plat with conditions (i.e. the Amending Plat shall be considered to be approved once such conditions are satisfied), or deny the subdivision plat as submitted.

(9) VACATING PLATS.

- (A) Purpose. The purpose of a Vacating Plat is to provide an expeditious process for vacating a recorded plat in its entirety, consistent with the provisions of the Texas Local Government Code.
- STATE LAW REFERENCE: [V. T. C. A., LOCAL GOVERNMENT CODE § 212.0013](#).
- (B) Applicability. A Vacating Plat may be initiated by the following:
- (1) Property Owner(s). The Property Owner(s) of the tract of land covered by the existing subdivision plat may submit a Development Application requesting to vacate the existing subdivision plat at any time before any lot in the subdivision plat is sold or conveyed.
 - (2) By All Property Owners. If the lots in the subdivision plat have been sold, an application for a Vacating Plat shall be submitted by all Property Owners of the lots in the subdivision plat.
 - (3) City Council. If the City Council of the City of Rockwall determines that a subdivision plat should be vacated in the interest of and to protect the public's health, safety, and general welfare, the City Council -- on its own motion -- may vacate a subdivision plat after finding that:
 - (a) No lots within the approved subdivision plat have been sold or conveyed within five (5) years following the date that the subdivision plat was approved by the City of Rockwall; or
 - (b) The property owner has breached a Facilities Agreement or other Agreement relating to the provision of public improvements with the City of Rockwall; however, the Vacating Plat shall apply only to the lots owned by the property owner or their successors; or



(c) The subdivision plat has been a filed record for more than five (5) years, and the *City Council* has determined that the further sale of lots within the subdivision or addition presents a threat to the public’s health, safety, and general welfare; however, the Vacating Plat shall apply only to the lots owned by the property owner or their successors.

(C) Procedures for Vacating Plats.

- (1) Director of the Planning and Zoning Department. Upon receiving and accepting a *Development Application* for a Vacating Plat in accordance with the procedures outlined in Section 38-7(1), the Director of the Planning and Zoning Department shall prepare a vacating resolution for the consideration of the City Council.
- (2) City Council. The City Council -- *at its discretion* -- shall have the right to retain all or specific portions of any road rights-of-way or easements shown on the subdivision plat being considered for vacation.

(D) Approval Process. Vacating Plats shall be accepted and processed in accordance with the procedures outlined in Section 38-6(2) & Section 38-7(1) above, and be subject to the following approval process:

- (1) Planning and Zoning Commission. The Planning and Zoning Commission shall review the Vacating Plat, the vacating resolution prepared by the Director of the Planning and Zoning Department, the findings and recommendations from all *Development Services Departments*, and any other applicable information required to be reviewed prior to acting on the Vacating Plat. From this information, the Planning and Zoning Commission shall determine if existing subdivision plat should be vacated and provide a recommendation to the City Council to either approve the request as submitted, approve the request with conditions (*i.e. the Vacating Plat shall be considered to be approved once such conditions are satisfied*), or deny the request as submitted. If the Planning and Zoning Commission chooses to make a recommendation to deny a Vacating Plat, the Commissioner making the motion for denial shall summarize the findings supporting the motion to deny.
- (2) City Council. Upon receiving a recommendation from the Planning and Zoning Commission, the City Council shall review the Vacating Plat, the vacating resolution prepared by the Director of the Planning and Zoning Department, the findings and recommendations from all *Development Services Departments*, the recommendation of the Planning and Zoning Commission, and any other applicable information required to be reviewed prior to acting on the proposed plat. From this information, the City Council shall determine if the existing subdivision plat should be vacated and either approve the request as submitted, approve the request with conditions (*i.e. the Vacating Plat shall be considered to be approved once such conditions are satisfied*), or deny the request as submitted. If the City Council chooses to deny a Vacating Plat, the City Council member making the motion for denial shall summarize the findings supporting the motion to deny.

(E) Recordation. If the City Council of the City of Rockwall approves a request to vacate a subdivision plat in whole by adopting a resolution, the vacating resolution shall be filed with the Rockwall County Clerk’s Office in the same manner prescribed for the vacated subdivision plat. If the City Council of the City of Rockwall adopts a resolution vacating a portion of a subdivision plat, it shall require a revised Final Plat to be recorded along with the vacating resolution that shows the portion of the subdivision plat that has been vacated and the portion of the subdivision plat that has not been vacated.

(F) Effect of Approval. The approval of a Vacating Plat shall:

- (1) On the execution and recording of the vacating instrument, the previously filed subdivision plat shall have no effect. Regardless of the City Council’s action on a *Development Application* requesting a Vacating Plat, the property owner or property owners or developer will have no right to request a refund for any fees or charges paid and/or any property or easements dedicated to the City of Rockwall except as may have been previously agreed to by the City Council of the City of Rockwall.

(10) DORMANT PROJECTS.

(A) Definitions. For the purposes of this section (*Dormant Projects*) the following definitions shall apply:

- (1) Initial Permit. An Initial Permit shall mean any of the following types of approvals granted under this *Chapter*, or any preceding subdivision or development related ordinance that was in effect prior to the adoption of this *Chapter* (e.g. Preliminary Plat, Engineering/Civil Plans, Waivers, or any other applicable application that was approved subject to a drawing or illustration showing the location, arrangement, orientation or design of a development, lot or lots, or improvements on a site that was intended for development).
- (2) Final Permit. A Final Permit shall mean a Final Plat or Replat approved under this *Chapter*, or any preceding subdivision or development related ordinance that was in effect prior to the adoption of this *Chapter*.



- (B) Expiration of Initial Permit. Any application for an Initial Permit that was approved or filed -- *but that was not subject to an expiration date* -- two (2) years or prior to the adoption date of this *Chapter*, shall expire on the effective date of this *Chapter*.
- (C) Reinstatement. The property owner of a parcel or tract of land subject to an Initial Permit that expires in accordance with [Section 38-7\(10\)\(B\)](#) may petition the City Council for the reinstatement of said Initial Permit by filing a written petition with the Director of the Planning and Zoning Department 60 calendar days following the effective date of this *Chapter*. The written petition shall clearly state the grounds for the requested reinstatement, and shall be accompanied by documentation of one (1) of the following events:
- (1) As of two (2) years prior to the effective date of this *Chapter*, one (1) of the following events has occurred:
 - (a) A Final Permit, continuing towards the completion of the project, was submitted to the City of Rockwall for all or a portion of the land subject to the approved Initial Permit, and was approved by the City of Rockwall, or was filed and was subsequently approved by the City of Rockwall.
 - (b) A Development Application for a Final Permit was submitted to the City of Rockwall for all or a portion of the land subject to the expired Initial Permit, but said application was rejected on the grounds of incompleteness [*in accordance with [Section 38-6\(2\)\(F\)](#) of this Chapter and [Section 245.005\(c\)\(2\) of the Texas Local Government Code](#)*].
 - (c) The costs for the development of the land subject to the Initial Permit, including the costs associated with roadways, utilities, and other infrastructure designed to serve the land -- *in whole or in part* --, but exclusive of the land acquisition costs, were incurred in the aggregated amount of five (5) percent of the most recent appraised market value of the land subject to the most recent appraised market value of the land.
 - (d) Fiscal security was posted with the City of Rockwall to guarantee performance of the obligations required under this *Chapter*, including the construction of the required improvements associated with the proposed development, for all or a portion of the land subject to the approval of an Initial Permit.
 - (e) Utility connection fees or impact fees for all or a portion of the land subject to the approved Initial Permit were paid to the City of Rockwall.
 - (2) After two (2) years prior to the adoption of this *Chapter*, but before the expiration date specified in [Section 38-7\(10\)\(B\)](#), one (1) of the following events had occurred:
 - (a) A Final Permit was approved for all or a portion of the land subject to an approved Development Application, and remained in effect for such land on such expiration date.
 - (b) A complete Development Application for the approval of a Final Permit for all or a portion of the land subject to an approved Initial Permit was pending for decision on such expiration date.
- (D) Reinstatement by the City Council. The City Council may take one (1) of the following actions with regard to a request to reinstate a Dormant Project:
- (1) Reinstate the expired Initial Permit without an expiration date, if it finds that the applicant has met any one (1) of the criteria listed in [Section 38-7\(10\)\(C\)\(1\)](#).
 - (2) Reinstate the Initial Permit for all or a portion of the land subject thereto, if the City Council finds that the applicant has met any one (1) of the criteria listed in [Section 38-7\(10\)\(C\)\(2\)](#), subject to such expiration dates of other conditions that ensure that the remaining land that is not subject to an approved or pending Final Permit application will be developed in a timely manner. In granting relief under this provision, the City Council may require that development of such remaining land is subject to the standards enacted after approval of the Initial Permit.
 - (3) Deny the reinstatement request, if the City Council finds that the applicant has failed to meet any of the criteria stipulated by [Section 38-7\(10\)\(C\)](#).
 - (4) Reinstate the permit for only that part of the land subject to a pending Final Permit application, if it finds that the applicant has met the criteria in [Section 38-7\(10\)\(C\)\(2\)\(b\)](#), and the pending application subsequently was approved, and deny the reinstatement request for the remaining land subject to the expired Initial Permit.

SECTION 38-8: ENGINEERING STANDARDS AND PROCEDURES



(1) STANDARDS OF DESIGN AND CONSTRUCTION MANUAL.

- (A) Standards of Design and Construction Manual. The Engineering Department's *Standards of Design and Construction Manual*, as approved by the City Council, is hereby adopted as the official *Engineering Standards* for the City of Rockwall. These *Engineering Standards* may be amended from *time-to-time* by the *City Engineer* with the approval of the City Council.
- (B) Authority. The *City Engineer* shall be the initial decision-maker regarding a development or subdivision's conformance with the Engineering Department's *Standards of Design and Construction Manual*.
- (C) Enforcement. The Enforcement of the *Engineering Department's Standards of Design and Construction Manual* shall be by the *City Engineer* or his/her designee. The *City Engineer* shall have the authority to waive any of the technical provisions as contained in said standards, when the literal interpretation and enforcement of a provision is determined to be not feasible or unreasonable, unless such authority has been expressly reserved for the City Council and/or Planning and Zoning Commission.

(2) CIVIL ENGINEERING PLANS.

- (A) Purpose. The purpose of requiring *Civil Engineering Plans* is to ensure that the required public improvements, being installed to serve a development or subdivision, are constructed or installed in accordance with this *Chapter* and the Engineering Department's *Standards of Design and Construction Manual*.
- (B) Applicability. All projects proposing construction and/or public improvements in the City of Rockwall shall be required to submit *Civil Engineering Plans*, unless otherwise provided by the *City Engineer*.
- (C) Submitting Civil Engineering Plans. The property owner or developer/applicant -- *with the property owner's consent* -- shall submit *Civil Engineering Plans* for any development or subdivision proposed in the City of Rockwall, unless otherwise provided for by the *City Engineer*. Submittal of *Civil Engineering Plans* shall conform to the requirements stipulated by the Engineering Department's *Standards of Design and Construction Manual*, the *Engineering Application*, and the *Engineering Plan Review Checklist*. No *Civil Engineering Plans* shall be submitted or accepted until after the approval of a *Preliminary Plat*, *Master Plat*, or *Site Plan* for the land covered under the *Civil Engineering Plans*, unless otherwise approved by the *City Engineer*.
- (D) Review Fees for Civil Engineering Plans. The Review Fees for Civil Engineering Plans shall be submitted to the Engineering Department with the submittal or resubmittal of *Civil Engineering Plans* and be in accordance with the following:

FIRST REVIEW FEE	
PARCELS OR TRACTS OF LAND LESS THAN ONE (1) ACRE	\$100.00
PARCELS OR TRACTS OF LAND ONE (1) ACRE TO FIVE (5) ACRES	\$125.00
PARCELS OR TRACTS OF LAND GREATER THAN FIVE (5) ACRES	\$175.00
RESUBMITTAL FEE	
AFTER THIRD (3 RD) REVIEW	\$500.00

- (E) Approval Required. *Civil Engineer Plans* shall be approved in accordance with this *Chapter* and the *Engineering Standards of Design and Construction* prior to the approval and recordation of a *Final Plat* or *Replat* [*if applicable*], unless otherwise permitted by the *City Engineer* or Director of the Planning and Zoning Department.
- (F) Criteria for Approval of Civil Engineering Plans. The *City Engineer* or his/her designee shall approve *Civil Engineering Plans* if they adhere to the following criteria:
 - (1) All required studies and external permits (e.g. *Texas Department of Transportation [TXDOT]*, *North Texas Municipal Water District [NTMWD]*, *National Resource Soil Conservation [NRCS]*, and *etcetera*) are approved, and,
 - (2) The *Civil Engineering Plans* are consistent with the approved *Preliminary Plat*, *Master Plat*, and/or *Site Plan*; and,
 - (3) The *Civil Engineering Plans* conform to the Engineering Department's *Standards of Design and Construction Manual*; and,
 - (4) The *Civil Engineering Plans* conform to the zoning and requirements stipulated by the Unified Development Code (UDC) and Planned Development District ordinance [*if applicable*]; and,
 - (5) The *Civil Engineering Plans* conform to the standards for adequate public facilities as stipulated by this *Chapter*; and,
 - (6) The *Civil Engineering Plans* conform to any other applicable standards contained in the Municipal Code of Ordinances.
- (G) Effect of Approval. Approval of *Civil Engineering Plans* authorizes the property owner or developer/applicant to schedule a *Pre-Construction Meeting* in accordance with [Section 38-8\(4\)](#) and submit a *Final Plat* or *Replat* [*if applicable*].



- (H) Expiration of Civil Engineering Plans. The approval of *Civil Engineering Plans* shall remain in effect for a period of one (1) year from the date of approval, or for the duration of the project provided that continued progress towards completion is demonstrated.
- (I) Extension of Approval. The approval of *Civil Engineering Plans* may be extended by the *City Engineer* for a period of six (6) months beyond the expiration date. A request for extension shall be made to the *City Engineer* in writing a minimum of 30-days prior to the lapse of approval, and shall outline the reason for the extension. Upon receipt of the written request for extension, the *City Engineer* shall have 30 calendar days to act on the request. In determining to approve or deny a request for an extension of *Civil Engineering Plans*, the *City Engineer* shall consider: [1] if a *Final Plat* or *Replat* [if applicable] has been submitted and/or approved, [2] if the *Civil Engineering Plans* comply with any new ordinances or standards adopted over the last year, and [3] if the project has demonstrated forward progress.

(3) PUBLIC WORKS CONSTRUCTION STANDARDS AND SPECIFICATIONS.

- (A) Public Works Construction Standards and Specifications. The Public Works Construction Standards and Specifications shall be the North Central Texas Council of Governments, 5th Edition, November 2017 as amended by the City of Rockwall.

(4) PRE-CONSTRUCTION MEETING.

- (A) Purpose. The purpose of a *Pre-Construction Meeting* is to coordinate and discuss administrative, communication, construction, and operating procedures for project construction prior to *Construction Release* or the issuance of a *Building Permit*.
- (B) Applicability. A *Pre-Construction Meeting* with the Engineering Department shall be required following the approval of the *Civil Engineering Plans* and prior to the commencement of any construction activities on a property.
- (C) Construction Release. Upon approval of *Civil Engineering Plans*, receipt of all required documentation (e.g. bonds, quantities, and etcetera), and fees required by the Engineering Department, and after the *Pre-Construction Meeting* with the City, the *City Engineer* shall release the *Civil Engineering Plans* for construction if all City requirements pertaining to construction have been satisfied. The Construction Release shall remain in effect for a period of one (1) year from the date of issuance, or for the duration of the construction project provided continued progress towards completion is demonstrated. Expiration and possible extension shall be in accordance with [Section 38-8\(2\)\(H\)](#) and [Section 38-8\(2\)\(I\)](#).

(5) ENGINEERING INSPECTION, MAINTENANCE, AND ACCEPTANCE OF PUBLIC IMPROVEMENTS.

- (A) Engineering Inspections. The following pertains to Engineering Inspections in the City of Rockwall:
- (1) Engineering Inspection Fee. Any person desiring to submit for approval of *Civil Engineering Plans* shall – prior to the time of said plans being released for construction or at the time deemed appropriate by the *City Engineer* – pay to the City of Rockwall a fee that is equal to four (4) percent of the actual contract costs of the City of Rockwall’s maintained improvements (i.e. public improvements) associated with the project. The fee shall be based on a percentage of the estimated cost of public improvements including -- but not limited to -- the following: water, sanitary sewer, lift stations, storm sewer, drainage structures, bridges, culverts, paving, screening walls, and/or any other public improvement. If the actual costs are not available at the time of *Civil Engineering Plan* approval, the City of Rockwall will be furnished the estimated quantities and costs sealed and signed by a profession engineer. Prior to final acceptance by the City of Rockwall, the actual quantity and costs will be furnished to the City and the fee will be adjusted accordingly. The fee shall be due and payable to the Engineering Department prior to *Civil Engineer Plans* being released and the start of construction.
 - (2) Engineering Inspection Hours. Normal Engineering Inspection Hours are Monday through Friday 8:00 AM to 5:00 PM, with one (1) hour during that time for lunch. The Engineering Inspection Fees do not cover inspections outside of normal Engineering Inspection Hours including City holidays and/or weekend inspections.
 - (3) Engineering Inspection Outside of Normal Inspection Hours. To arrange for an Engineering Inspection Outside of Normal Inspection Hours, a written request for an overtime inspection must be submitted to the *City Engineer* or his/her designee a minimum of two (2) days prior to the inspection date. There is a two (2) hour minimum charge for inspections on weekends. The contractor will be charged a minimum two (2) hour overtime charge if the contractor schedules an inspection, but then cancels the work without notice to the Engineering Department before the inspector shows up for the inspection. The City of Rockwall will not give final acceptance of a project until the engineering inspector’s overtime charges are paid in full. Inspection overtime will be reimbursed to the City of Rockwall by the contractor at the rate of *time-and-a-half* plus workman’s compensation, Federal Insurance Contributions Act (FICA), and other normal City benefits and rates.
- (B) Maintenance During Construction. The property owner or developer/applicant shall maintain all required public improvements to the City of Rockwall’s standard during construction of the development or subdivision, and two (2) years after the date of City acceptance.



- (C) Disclaimer. The approval of a subdivision plat or *Civil Engineering Plans* does not constitute the acceptance of public improvements required to serve the development or subdivision.
- (D) As-Built Drawings. Prior to the acceptance of public improvements, City of Rockwall shall require As-Built Drawings showing a complete record of the as-built conditions on the site, unless otherwise approved by the *City Engineer*. Each record drawing sheet shall show all changes made in the *Civil Engineering Plans* during the construction process. In addition, the City shall not accept public improvements until a subdivision plat has been approved by the City Council and filed with Rockwall County.
- (E) Acceptance or Refusal of Public Improvements. The following shall relate to the City of Rockwall's acceptance of public improvements:
 - (1) Final Inspection. After the completion of all public improvements, franchise utilities, grading, and erosion control, the *City Engineer* or his/her designee will perform a final inspection before recommending acceptance of the public improvements. With the *Final Inspection* the inspector shall generate the Engineering Department's *Checklist for Final Acceptance*.
 - (2) Letter of Acceptance. If all public improvements and all items on the *Checklist for Final Acceptance* are complete, have been inspected and tested [if applicable], and determined by the City to be in compliance with the Engineering Department's *Standards of Design and Construction Manual*, the *City Engineer* shall issue a Letter of Acceptance notifying the property owner or developer/applicant of the City's acceptance.
 - (3) Refusal of Public Improvements. The *City Engineer* shall reject those public improvements that fail to comply with the Engineering Department's *Standards of Design and Construction Manual*.
- (F) Maintenance Bonds. *Maintenance Bonds* shall be required from a reputable and solvent corporate surety registered with the State of Texas -- and in good standing with the City of Rockwall -- to indemnify the City against any repairs. The Maintenance Bond shall be in accordance with the requirements of the Engineering Department's *Standards of Design and Construction Manual*.

SECTION 38-9: SUBDIVISION REQUIREMENTS

(1) GENERAL POLICIES.

(A) SUBDIVISION PLATS.

- (1) Subdivision Plat Approval is Required. It shall be unlawful for any property owner or property owner's representative to layout, subdivide, or assemble any tract of land into lots, blocks and streets within the City of Rockwall or within the City of Rockwall's Extraterritorial Jurisdiction (ETJ) without the approval of the City Council pending a recommendation from the Planning and Zoning Commission. In addition, it shall be unlawful for any property owners or property owner's representative to offer for sale or sell property in the City of Rockwall or within the City of Rockwall's Extraterritorial Jurisdiction (ETJ) that has not been laid out, subdivided, platted or replatted without the approval of the City Council.
- (2) Acceptance of Public Improvements. It is the policy of the City of Rockwall to withhold acceptance and maintenance of all public improvements (e.g. water, wastewater, streets, parks, drainage, trails, etc.) until a subdivision plat has been approved by the City Council and filed with Rockwall County.
- (3) Building Permits. The following requirements shall pertain to the issuance of Building Permits:
 - (a) Subdivision Plat Required. No Building Permits shall be issued for the construction of any building or structure on a property in the City of Rockwall -- other than a Lot of Record that has previously provided the necessary dedication and easements to facilitate development -- unless a subdivision plat has been approved by the City Council and filed with Rockwall County. In certain circumstances, upon written request of a property owner, the Director of the Planning and Zoning Department may allow for a Building Permit to be issued prior to a subdivision plat being recorded with Rockwall County; however, no improvements shall be accepted by the City of Rockwall as complete until the subdivision plat has been filed with Rockwall County and *Civil Engineer* construction has been accepted.
 - (b) Utility Connections Required. No Building Permits or Construction Permits (i.e. permits for water, sewer, plumbing, and/or electrical) or any utility connections shall be permitted or issued by the City of Rockwall to the property owner or developer/applicant with respect to any subdivision plat allowed by this *Chapter* until:
 - (1) Such time the property owner or developer/applicant has complied with the requirements of this *Chapter* and the subdivision plat pertaining to the improvements with respect to the block facing the street or road and/or streets or roads on which the



property abuts, including the installation of streets or roads and appurtenances in accordance with the specifications of the City of Rockwall; or,

- (2) Such time the property owner or developer/applicant files a corporate surety bond with the City of Rockwall in the sum equal to 115.00% of the cost of such improvements for the designated guaranteeing the installation thereof within the time stated in the bond, which shall be fixed by the City of Rockwall.

- (4) Guaranteed for Construction or Maintenance of Streets. Approval of a subdivision plat shall not impose any duty upon the City of Rockwall concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the City have made acceptance by letter and maintenance bond provided to the City for two (2) year with the option of three (3) years if the City feels the need to protect the City from undue hardship.

(B) CONFORMANCE TO THE CITY'S PLANS.

- (1) Public Improvements. All proposed public improvements serving a new development shall meet the minimum service levels and conform to and be properly sized to the Master Thoroughfare Plan, Master Water Plan, Master Wastewater Plan, and Master Trail Plan as depicted in the Comprehensive Plan, the Capital Improvements Plan (CIP), the Engineering Department's *Standards of Design and Construction Manual*, or in other adopted Master Plans for public facilities and services.
- (2) Streets and Access. All subdivision plats and civil engineering plans for property within the City of Rockwall or the City of Rockwall's Extraterritorial Jurisdiction (ETJ) shall provide all thoroughfares as depicted on the Master Thoroughfare Plan contained in the Comprehensive Plan. Minor adjustments to the alignment of a thoroughfare or street is permitted without the need to amend the Comprehensive Plan if the Director of the Planning and Zoning Department determines that the proposed alignment of the thoroughfare meets the intent of the Master Thoroughfare Plan and will not compromise the free flow of traffic or the safety of the general public. The design and construction of all proposed thoroughfares shall be in conformance with the street cross sections contained in the Comprehensive Plan and the requirements of the City's *Standards of Design and Construction Manual*.
- (3) Water. The design and construction of the water distribution system necessary to adequately serve a proposed development shall be in conformance with the City's Master Water Plan contained in the City's Comprehensive Plan and the City's *Standards of Design and Construction Manual*, and shall be subject to review and approval by the *City Engineer* or his/her designee prior to the approval of *Civil Engineering Plans* or a Final Plat or Replat.
- (4) Wastewater. The design and construction of the wastewater collection system necessary to adequately serve a proposed development shall be in conformance with the City's Master Wastewater Plan contained in the City's Comprehensive Plan and the City's *Standards of Design and Construction Manual*, and shall be subject to review and approval by the *City Engineer* or his/her designee prior to the approval of *Civil Engineering Plans* or a Final Plat or Replat.
- (5) Drainage/Detention. The design and construction of drainage and detention systems necessary to mitigate stormwater runoff shall be in conformance with the City's *Standards of Design and Construction Manual*, and shall be subject to review and approval by the *City Engineer* or his/her designee prior to the approval of *Civil Engineering Plans* or a Final Plat or Replat.
- (6) Parks and Trails. The design and construction of the trail system and/or public park necessary to adequately serve pedestrian access and recreational and passive amenities to a proposed development shall be in conformance with the City's Master Trail Plan contained in the City's Comprehensive Plan, the City's *Standards of Design and Construction Manual*, and the Parks and Open Space Master Plan, and shall be subject to review and approval by the *City Engineer*, Director of the Parks and Recreation Department, and the Director of the Planning and Zoning Department or their designees prior to the approval of *Civil Engineering Plans* or a Final Plat or Replat.
- (7) Amendment to the Comprehensive Plan. If a significant deviation from the Master Thoroughfare Plan, Master Water Plan, Master Wastewater Plan, and/or Master Trail Plan is proposed, then the City's Comprehensive Plan shall be amended prior to the approval of *Civil Engineering Plans* or a Final Plat or Replat. Prior to the amendment the Director of the Planning and Zoning Department or City Engineer may -- *at their discretion* -- require additional facilities studies in order to fully assess the impact of the proposal on the City's Master Plans.

(C) ADEQUATE PUBLIC FACILITIES.

- (1) Adequate Service for Areas Proposed for Development. Land proposed for development in the City of Rockwall or the City of Rockwall's Extraterritorial Jurisdiction (ETJ) must be served adequately by essential public facilities and services (*e.g. water facilities, wastewater facilities, roadways, pedestrian facilities, drainage facilities, park and recreational facilities, etc.*). Land shall not be approved for platting or development until adequate public facilities necessary to serve the development exist or the provision of such essential public facilities



and services have been provided. This policy includes both on-site and off-site public facilities and services. In reviewing subdivision plats and proposed developments for adequate service, the City of Rockwall finds:

- (a) It is necessary and desirable to provide for the dedication of rights-of-way and easements for public facilities to support new development and subdivisions at the earliest stage of the development process.
 - (b) The requirements for the dedication and construction of public infrastructure improvements to serve a new development and subdivision should be attached as conditions of approval for any *Development Application* that contains a specific layout for the development or subdivision.
 - (c) There is an essential nexus between the demand on public facility systems created by a new development or subdivision, and the requirement to dedicate rights-of-way and easements and to construct capital improvements to offset such impacts.
 - (d) The City of Rockwall desires to assure both that development impacts are mitigated through contributions of rights-of-way, easements, and construction of capital improvements, and that a development or subdivision contribute not more than its proportionate share of such costs.
- (2) *Easements and Right-of-Way for Public Facilities*. In order to maintain the prescribed levels of public facilities and City services for the health, safety and general welfare of its citizens, the City of Rockwall may require the dedication of *Easements* and *Right-of-Way* for or the construction of on-site and off-site public infrastructure improvements relating to water, wastewater, roadway, drainage, or park facilities to serve a proposed development, or require the payment of fees in lieu of dedication. If adequate levels of public facilities and services cannot be provided concurrent with the schedule of a proposed development, the City of Rockwall may deny the development until the public facilities and services can be provided or: [1] require a reduction in the intensity or density of a proposed land use to sufficiently ensure that the facilities and systems serving the proposed development have adequate capacity to mitigate the impacts generated by the proposed development, or [2] require that the development be phased so that the delivery of facilities and services coincides with the demands for the facilities created by the proposed development. The City of Rockwall may also impose conditions and restrictions relating to the provision of public infrastructure specified by an ordinance establishing or amending the zoning for the property for the proposed development.
- (3) *Property Owner or Developer's Responsibilities*. The property owner and/or developer shall be responsible for -- *but not limited to* -- the following:
- (a) *Dedication and Construction of Improvements*. The property owner and/or developer/applicant shall be responsible for dedicating all rights-of-way and easements, and for the construction and extension of all necessary on-site and off-site public improvements within the rights-of-way or easements for water distribution, wastewater collection and treatment, streets/roadways, storm drainage improvements, parks and trails, and other improvements needed to adequately serve the proposed development at a level of service that is consistent with the City of Rockwall's *Water and Wastewater Master Plans* and the *Standards of Design and Construction Manual*.
 - (b) *Property Adjacent to or Abutting a Substandard Street*. In instances where a property is being subdivided that is adjacent to, traversed by, or abutting a substandard street, the City of Rockwall may require the property owner and/or developer to dedicate additional right-of-way and improve the street to the current standards contained within the City's *Comprehensive Plan* and *Standards of Design and Construction Manual*. In determining if a substandard street will require improvement, the City Engineer shall consider the following factors:
 - (1) The impact of new development on the substandard street;
 - (2) The timing of the proposed development in relation to the existing condition and need for the substandard street; and,
 - (3) The potential for future development of adjoining properties.
 - (c) *Facilities Impact Studies*. The Director of the Planning and Zoning Department and/or City Engineer or their designee may require a property owner and/or developer prepare a *Facilities Impact Study* (e.g. *Traffic Impact Analysis, Flood Study, Infrastructure Study, etc.*) in order to assist the City in determining if a proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the proposed development. The study or studies shall at a minimum identify the following:
 - (1) The adequacy and capacities of the existing facilities;
 - (2) The nature and extent of any current deficiencies of existing facilities; and,
 - (3) The public improvements necessary to meet adequate levels of service consistent with the City of Rockwall's *Water and Wastewater Master Plans* and the *Standards of Design and Construction Manual* for the proposed development.



The study or studies shall be subject to review and approval by the Director of the Planning and Zoning Department and/or City Engineer or their designee. The City may also require -- *at the time of a subsequent subdivision plat application* -- an update of a facilities impact study approved in conjunction with a prior subdivision plat application.

- (d) *Future Extensions of Public Utilities*. The property owner shall make provisions for the future extension of public facilities as needed to serve future developments.
 - (e) *Approval and Compliance with Utility Providers*. The property owner shall be responsible for obtaining all the necessary approvals from the applicable utility providers -- *other than the City of Rockwall* --, and shall submit a written verification of said approvals to the *City Engineer* with the submittal of *Civil Engineering Plans*. In addition, the property owner shall maintain compliance with all requirements of the utility providers and the City of Rockwall.
- (4) *Timing of Dedication and Construction of Public Facilities and Services*.
- (a) *Initial Provision for the Dedication or Construction of Improvements*. The City of Rockwall shall require an initial demonstration that a proposed development shall be adequately served by public facilities and services at the time for approval of the first subdivision plat or *Development Application* that portrays a specific plan or development including -- *without limitation* -- a *Development Application for a Preliminary Plat, Master Plat, Final Plat, or Replat*. As a condition of approval of the subdivision plat or *Development Application*, the City of Rockwall may require provision for the dedication of rights-of-way and/or easements for the construction of capital improvements to serve the proposed development.
 - (b) *Deferral of Obligation*. The obligation to dedicated rights-of-way for or to construct one (1) or more capital improvement to serve a new development may be deferred until approval of a subsequent phase of the subdivision, at the sole discretion of the *City Engineer*, upon a written request by the property owner or developer/applicant -- *with the property owner's consent* --, or at the City of Rockwall's own initiative. As a condition of deferring the obligation, the City of Rockwall may require that the developer enter into a *Facilities Agreement* in accordance with [Section 38-10\(1\)](#), specifying the time for the dedication of rights-of-way for or the construction of capital improvements serving the development.
- (5) *Proportionality*. The City of Rockwall recognizes that there is a direct correlation between the increased demand on public facilities and infrastructure created by a new development, the City's requirements for the dedication of rights-of-way and easements, and the construction of a fair and proportional share of the improvements necessary to offset the impacts of new development on the City's existing public facilities and infrastructure. Based on this it is the desire of the City of Rockwall that new development projects contribute a fair and proportional share of the costs necessary to offset the created impact.
- (a) *Determination of Proportionality*. Prior to the submittal of a *Development Application* for a *Preliminary Plat, Final Plat, or Replat*, a property owner or developer may request in writing a *Determination of Proportionality* from the *City Engineer* affirming that each public infrastructure improvement to be imposed as a condition of approval for a subdivision plat is roughly proportionate to the demand created by the proposed development on the City of Rockwall's public facilities and infrastructure. This determination shall take into consideration the nature and extent of the development proposed.
 - (b) *Determination of Proportionality Submission Requirements*. In addition to the written request for a *Determination of Proportionality*, the *City Engineer* may require supplementary information of the property owner or developer relating to the proposed development or public facilities and infrastructure.
 - (c) *Criteria for a Determination of Proportionality*. In making a decision on a *Determination of Proportionality* the *City Engineer* may rely upon categorical findings pertaining to:
 - (1) The location of proposed or existing on-site improvements.
 - (2) The proposed or potential use of the land.
 - (3) The timing and sequence of development in relation to the availability of adequate levels of public facilities.
 - (4) Impact fee studies or other studies that measure the demand for services created by the development and the impact on the City of Rockwall's public facilities and infrastructure.
 - (5) The function of the public infrastructure improvements in serving the proposed development.
 - (6) The degree to which public infrastructure improvements that will serve the subdivision are supplied by other developments.
 - (7) The anticipated participation by the City of Rockwall in the costs of such improvements.
 - (8) Any reimbursements for the costs of public infrastructure improvements for which the proposed development is eligible.
 - (9) Any other information relating to the mitigating effects of the public infrastructure improvements on the impacts created by the development on the City of Rockwall's public facilities and infrastructure.



- (d) *Final Determination of Proportionality*. Based upon the findings from the *Determination of Proportionality*, the *City Engineer* shall affirm that the public infrastructure improvement requirements of this *Chapter* do not impose costs on the developer for such improvements that exceed those roughly proportionate to the costs incurred by the City of Rockwall in providing public facilities and infrastructure to serve the development.
- (e) *Petition for a Proportionality Appeal*. A *Petition for a Proportionality Appeal* may be filed by a property owner or developer in accordance with the requirements of [Section 38-10\(2\)](#) to contest any requirement to dedicate land or to construct public improvements as required by this *Chapter*.

(2) WATER AND WASTEWATER

(A) WATER AND WASTEWATER BASIC POLICY

- (1) *Water and Wastewater Utility Connections*. The City of Rockwall shall *not* provide any *Water and Wastewater Utility Connections* to land proposed for subdivision under this *Chapter* until all of the following requirements have been satisfied:
 - (a) *Preliminary Utility Plan*. Concurrent with the submission of a *Preliminary Plat* -- or *Final Plat*, *Minor Plat*, or *Replat* if no *Preliminary/Plat* is required -- the property owner or developer/applicant shall submit a utility plan showing the location and size of proposed and existing water and wastewater lines, which will be required to provide adequate service and fire protection to the lots specified in the subdivision plat. Where a *Master Plat* proposes a phased development or subdivision, the property owner or developer/applicant shall demonstrate that each phase of the development or subdivision shall be served by adequate water distribution and wastewater collection systems.
 - (b) *Civil Engineering Plans*. Plans for the construction of all water and wastewater facilities required by the regulations contained in this *Chapter* shall be prepared in accordance with the requirements and specifications contained in the Engineering Department's *Standards of Design and Construction Manual*, the regulations of the Texas Commission on Environmental Quality (TCEQ), and the City's adopted *Fire Code*. Plans for the improvements shall be prepared by a *Profession Engineer* licensed by the State of Texas and accepted by the *City Engineer*.
 - (c) *Acquisition of Off-Site Easements*. The property owner or developer/applicant shall be responsible for the acquisition of all required off-site easements.
- (2) *Construction Requirements*. The following shall pertain to the construction of water and wastewater facilities in the City of Rockwall:
 - (a) A water or wastewater line easement shall not be situated between two (2) residential lots, and should be situated entirely on an individual open space lot. If it is determined by the *City Engineer* that the water or wastewater line easement can be situated on a residential lot, then the easement shall fall entirely on a single lot.
 - (b) Public water and/or wastewater lines shall not be located within a private street or drive aisle unless a public utility easement is provided.
 - (c) No portion of any structure (*including but not limited to walls, signs, foundations, porches/patios, canopies, roof extensions or overhangs, chimneys, and etcetera*) shall encroach over or into any easement unless otherwise permitted by the Unified Development Code (UDC) or by written approval of the *City Engineer*.
 - (d) Easements for water and wastewater lines shall be dedicated for exclusive use for water and wastewater facilities and shall be shown on the subdivision plat. When it is necessary for additional utilities to be placed within an easement, the *City Engineer* or his/her designee may require additional width be provided and the easement shall be labeled for its intended purpose of the subdivision plat.
 - (e) When it is necessary to relocate or replace an existing water or wastewater facility to accommodate a proposed development or subdivision, the property owner or developer/applicant is responsible for all costs associated with the relocation, except as agreed to by the City Council through a *Facilities Agreement*.
 - (f) Water and wastewater improvements shall not be deemed as accepted until *As Built* plans are submitted to the Engineering Department at the end of construction showing the actual location of all improvements, and the two (2) year maintenance bonds required for all water and wastewater improvements has expired.
- (3) *Miscellaneous Policies*. The following *Miscellaneous Policies* shall apply with regard to water distribution and wastewater collection systems in the City of Rockwall:



- (a) The City of Rockwall does not guarantee that water supply or wastewater capacity will be available at any particular time for any particular site within the City's corporate boundaries.
- (b) No buildings or structures shall be constructed or storage placed -- *temporary or permanent* -- over an existing water or wastewater line or lateral or storm drain unless approved by the City Council upon a written recommendation from the *City Engineer*.
- (c) Water and wastewater lines shall not bisect any adjacent lot. All water and wastewater lines shall be extended to have a minimal impact to adjacent properties.
- (d) Private water and wastewater lines shall be maintained, repaired, and replaced by the property owner.
- (e) Public water and wastewater lines adjacent to a State and County roads shall be constructed outside of the right-of-way in a separate easement unless otherwise agreed to by the appropriate agencies and the City of Rockwall.

(B) WATER.

- (1) Adequate Water Distribution System. No subdivision plat shall be approved unless the property owner or developer/applicant can demonstrate conformance to the following:
 - (a) City as the Provider. Where water is to be provided through the City of Rockwall's water distribution system, the property owner or developer/applicant shall install adequate water facilities, including fire protection systems or appurtenances, in accordance with the Engineering Department's *Standards of Design and Construction Manual*, the City's adopted *Fire Code*, and the Texas Commission of Environmental Quality's (TCEQ's) current *Rules and Regulations for Public Water Systems*, and any other federal, state or local laws. If any such requirements are in conflict, the most stringent requirement shall apply.
 - (b) Extraterritorial Jurisdiction (ETJ). Properties within the City of Rockwall's Extraterritorial Jurisdiction (ETJ) shall be prohibited from connecting to the City's water distribution system.
 - (c) Providers Other than the City. Where the City of Rockwall is not the provider, the property owner or developer/applicant shall provide assurances that sufficient capacity can be provided in accordance with the City of Rockwall's standards contained in this *Chapter* from the entity that holds the Certificate of Convenience and Necessity (CCN) for the land that is to be subdivided. Such entity must have a wholesale water supply contract that allows purchase of water at sufficient and consistent volume and pressure to serve the development when considering all other commitments.
- (2) Facilities for Health and Safety Emergencies. All water facilities connected to the City of Rockwall water distribution system shall be capable of providing water health and emergency purposes, including fire protection and suppression. Water supply facilities shall be in accordance with the Engineering Department's *Standards of Design and Construction Manual*. The design and construction of water system improvements shall also comply with the following standards:
 - (a) Design and construction of an on-site water source shall be in accordance with applicable regulations of the Texas Commission of Environmental Quality (TCEQ).
 - (b) Design and construction of water service from the City of Rockwall shall be in accordance with the standards in the Engineering Department's *Standards of Design and Construction Manual*.
 - (c) Design and construction of a fire protection and suppression system shall be in accordance with the standards in the City's adopted *Fire Code*.
- (3) Location of Water Supply Improvements. Improvements to the City of Rockwall's water distribution system shall adhere to the following:
 - (a) Civil Engineering Plans. The location and design of all water supply improvements, fire hydrants, private water systems, and the boundaries lines of special districts and certified water service areas shall be depicted on Civil Engineering Plans.
 - (b) Extension of Water Lines. The Extension of Water Lines shall be made along the entire frontage of a street or road adjacent to a proposed development or subdivision. If the proposed development or subdivision is not adjacent to a street, the Extension of Water Lines shall be accomplished in a manner so as to allow convenient future connections to said lines by an adjacent development or subdivision.



- (c) Waiver. If a new and additional development or subdivision will never be constructed beyond a subdivision or development that is being planned or under construction due to physical constraints, the *City Engineer* may approve a Waiver for the requirements for the *Location Water Supply Improvements* prior to any action on a subdivision plat.
- (4) Cost of the Installation of Water Supply Improvements. The cost of installing water supply improvements shall be made by the property owner or developer/applicant, including any necessary off-site improvements, necessary to adequately serve a subdivision or development.
- (5) Cost of Extending the Water Distribution System. Where the City of Rockwall's water distribution system is not planned to be extended in time to serve a proposed new subdivision or development, all necessary water facilities to serve said subdivision or development shall be provided by and at the expense of the property owner or developer/applicant. If the *City Engineer* determines that oversizing of the proposed water facility is necessary for future developments, the City of Rockwall may participate in such oversizing costs as part of a *Facilities Agreement (if funds are available)* or through a *Pro-Rata Agreement* in accordance with [Article II, Main Extension, of Chapter 44, Utilities, of the Municipal Code of Ordinances](#). Where the City of Rockwall is not the water supplier, the property owner or developer/applicant shall provide assurances that the water supply improvements shall be made to provide adequate water service prior to the approval of a subdivision plat.
- (6) Alternative Water Facilities. Developments may be approved with Alternative Water Facilities in accordance with the following criteria:
 - (a) The operation and quality of water wells shall meet the minimum requirements of the Texas Commission on Environmental Quality (TCEQ), Rockwall County, all applicable City ordinance, and any other applicable regulatory agencies.
 - (b) The water shall only be used for irrigation purposes.
 - (c) The water shall only serve a single lot or tract of land.
 - (d) Water wells may not be used for the commercial sale of water.
 - (e) The cost to tie onto the public water system must exceed the certified initial capital cost of a well by 25.00%. All costs and engineering designs shall be submitted by a *Licensed Professional Engineer*. All costs and engineering design shall be subject to approval by the *City Engineer*. If a residence is located within 1,000-feet of a domestic water supply, that residence shall tie into that domestic water service.

(C) WASTEWATER.

- (1) Adequate Wastewater Collection System. No subdivision plat shall be approved unless the property owner or developer/applicant can demonstrate conformance to the following:
 - (a) Extension of and Connection to the City's Wastewater Collection System. Extension of and connection to the City of Rockwall's sanitary sewer system shall be required for all new developments within the City's corporate boundaries.
 - (b) Extraterritorial Jurisdiction (ETJ). Properties within the City of Rockwall's Extraterritorial Jurisdiction (ETJ) shall be prohibited from connecting to the City's wastewater collection system.
 - (c) Temporary Package Treatment Plants. Adequacy of treatment facilities cannot be demonstrated by the reliance upon Temporary Package Treatment Plants.
 - (d) On-Site Sanitary Sewage Facilities (OSSF). On-Site Sanitary Sewage Facilities (OSSF) shall be permitted in accordance with the requirements of [Division 5, On-Site Sewage Facility, Article IV, Sewers and Sewage Disposal, of Chapter 44, Utilities of the Municipal Code of Ordinances](#); however, the proposed OSSF shall be situated on a lot that meets the minimum lot size standards stipulated by the zoning district as required by the Unified Development Code (UDC).
 - (e) Providers Other than the City. Where the City of Rockwall's sanitary sewer system is not to be used, the property owner or developer/applicant shall provide assurance that the entity collecting the sewage holds a Certificate of Convenience and Necessity (CCN) for the land to be developed, that the collection system is adequate to accommodate the anticipated sewage flows from the development, and that the treatment system to be used has adequate capacity.
- (2) Design and Construction. It is the policy of the City of Rockwall to require all wastewater collection lines to have gravity flow. The use of lift stations and force mains is prohibited unless the *City Engineer* determines a gravity design is impractical. The location, design,



and sizing of all wastewater improvements shall be shown on the *Civil Engineering Plans* and are subject to approval by the *City Engineer* or his/her designee.

- (3) *Cost of the Installation of Wastewater Improvements*. The cost of installing wastewater improvements shall be made by the property owner or developer/applicant, including any necessary off-site improvements, necessary to adequately serve a subdivision or development.
- (4) *Cost of Extending the Wastewater Collection System*. Where the City of Rockwall's wastewater collection system is not planned to be extended in time to serve a proposed new subdivision or development, all necessary wastewater facilities to serve said subdivision or development shall be provided by and at the expense of the property owner or developer/applicant. If the *City Engineer* determines that oversizing of the proposed wastewater facility is necessary for future developments, the City of Rockwall may participate in such oversizing costs as part of a *Facilities Agreement (if funds are available)* or through a *Pro-Rata Agreement* in accordance with [Article II, Main Extension, of Chapter 44, Utilities, of the Municipal Code of Ordinances](#).
- (5) *Future Extensions of the Wastewater Collection System*. Stub-outs for wastewater lines shall be located in manholes to facilitate the future extensions of wastewater lines. The *City Engineer* shall determine the location and size of the required stub-outs.

(3) STORM WATER, DRAINAGE, AND DETENTION.

(A) STORM WATER, DRAINAGE, AND DETENTION POLICIES.

- (1) *Easements*. Drainage and detention easements shall be dedicated for public features and shall be maintained, repaired, and replaced by the property owner in accordance with the requirements of this *Chapter* and the Engineering Department's *Standards of Design and Construction Manual*. Storm drainage easements shall be located along the side property lines, and such easements shall be contained fully on one (1) lot, parcel, or tract of land, and shall not bisect or split the property line between two (2) lots, parcels, or tracts of land.
- (2) *Storm Water Quality*. Designs for new development or subdivision shall manage storm water in a manner that protects water quality by addressing the development or subdivision's potential to cause erosion, pollution, siltation, and sedimentation in the Municipal Separate Storm Sewer System (MS4) and natural creeks. The goal is to maintain, after development -- *to the maximum extent possible* --, the predeveloped characteristics in the creek, which ultimately receives storm water runoff from the development or subdivision. It is the property owner or developer/applicant's responsibility to ensure that designs for new development or subdivisions meet the storm water management requirements in the *General Permit for Storm Water Discharges from Construction Activities* issued by the Texas Commission on Environmental Quality (TCEQ), and the City's Storm Water Management (SWM) ordinance. This permit includes the requirement for measures that will be installed during construction to control pollutants in storm water discharges after construction operations have been completed.
- (3) *Storm Water Runoff*. *Storm Water Runoff* shall be calculated anticipating a fully developed watershed. The zoning map, current land use map, and Future Land Use Plan contained in the Comprehensive Plan shall be used to determine the fully developed conditions. The *City Engineer* reserves the right to review a determination of existing land use and the fully developed conditions, and may require revisions if necessary.
- (4) *Minimum Finished Floor Elevations*. The *City Engineer* may require a *Minimum Finished Floor Elevations* to provide flood protection on certain lots contained within the subdivision. *Minimum Finished Floor Elevations* shall be shown on subdivision plats. These elevations shall incorporate the most current floodplain management criteria or other criteria as necessary to avoid damages. The *Minimum Finished Floor Elevations* shall be two (2) feet above the fully developed 100-year water surface elevation where the *Minimum Finished Floor Elevations* is associated with a natural creek, detention system, and/or open channel. When the *Minimum Finished Floor Elevations* is necessitated by situations other than a natural creek, detention system, and/or open channel, the *Minimum Finished Floor Elevations* shall be set by the property owner or developer/applicant's engineer and agreed upon by the *City Engineer*. In addition, the following note or an amended version appropriate to the specific subdivision plat shall be added to any subdivision plat upon with the *City Engineer* requires the establishment of *Minimum Finished Floor Elevations*:

The City reserves the right to require minimum finished floor elevations on any lot contained within this subdivision. The minimum elevations shown are based on the most current information available at the time the subdivision plat is filed and are subject to change.

- (5) *Off-Site Drainage*. When any proposed development or subdivision requires off-site grading where storm water runoff has been collected or concentrated, it shall not be permitted to drain onto an adjacent property except in existing creeks, channels, storm sewers or streets unless one (1) of the following is provided:



- (a) Notarized Letter of Permission. The written letter shall state that the permission shall bind the property owner of the affected property and be a covenant running with the land. It shall also refer to the plans for the improvements creating the need for the permission. The letter shall be filed with Rockwall County.
- (b) Drainage Easement. A drainage easement shall be dedicated for creeks, ditches, and/or drainage channels and shall be of a width sufficient to comply with the criteria outlined in the Engineering Department's *Standards of Design and Construction Manual*.

(B) STORM WATER MANAGEMENT PLAN.

- (1) A Storm Water Management Plan (SWMP) shall be prepared for all developments and subdivisions in accordance with the requirements set forth in the Engineering Department's *Standards of Design and Construction Manual* and City's Storm Water Management (SWM) ordinance. The purpose of the Storm Water Management Plan (SWMP) is to identify permanent water quality feature opportunities for the development.
- (2) The Storm Water Management Plan (SWMP) shall be prepared in coordination with the drainage plan on all projects where both are required. The Storm Water Management Plan (SWMP) and the drainage plan may *not* be shown on the same sheet. When a drainage plan is not required, the Storm Water Management Plan (SWMP) shall indicate the existing drainage patterns and runoff coefficients and the proposed changes to these items.
- (3) The Storm Water Management Plan (SWMP) must comply with the standards and criteria outlined in this *Chapter*, the Engineering Department's *Standards of Design and Construction Manual*, and the City's Storm Water Management (SWM) ordinance. The plan may satisfy the storm management portion of the Storm Water Pollution Prevention Plan (SWPPP) that is required for construction activities; however, the Storm Water Management Plan (SWMP) is not a substitute for the Storm Water Pollution Prevention Plan (SWPPP). The City's review of the Storm Water Management Plan (SWMP) does not constitute acceptance of the final Storm Water Management Plan (SWMP) or the final development or subdivision plan.
- (4) The property owner or developer/applicant shall provide a Storm Water Management Plan (SWMP) for the area proposed for development. For subdivision plats with a previously approved Storm Water Management Plan (SWMP), the accepted Storm Water Management Plan (SWMP) shall be enforced unless a revised Storm Water Management Plan (SWMP) is required.

(C) DRAINAGE PLAN.

- (1) A Drainage Plan shall show the watershed affecting the development of how the runoff from the fully developed watershed will be conveyed to, through, and from the development. It must comply with the standards outlined in this *Chapter* and the drainage design criteria found in the Engineering Department's *Standards of Design and Construction Manual*. The Drainage Plan is a guide for the detail drainage design. The review of the Drainage Plan does not constitute final Drainage Plan approval or authorize a waiver to this *Chapter*.
- (2) For any property involved in the development process, a Drainage Plan shall be provided -- *at the property owner or developer/applicant's expense* -- for the area proposed for development. For property with a previously accepted Drainage Plan, the accepted Drainage Plan may be submitted and enforced unless a revised Drainage Plan is required by the *City Engineer* due to lot reconfiguration or other conditions created by a new subdivision plat. The *City Engineer* may waive the requirement for a Drainage Plan if the submitted subdivision plat is not anticipated to cause any significant change in runoff characteristics from a previously accepted drainage study or for single residential properties where no drainage problems are anticipated. If the applicant requests a waiver in writing to the *City Engineer*, a copy of any previous Drainage Plan shall be provided.

(D) CREEKS AND FLOODPLAIN.

- (1) Development Adjacent to a Floodplain. All development proposed adjacent to or within the 100-year floodplain shall be in accordance with the Engineering Department's *Standards of Design and Construction Manual*, this *Chapter*, and the City's Flood Hazard Prevention ordinance.
- (2) Floodplain Restrictions for the 100-Year Floodplain. For the health, safety, and general welfare of community and for the conservation of water, storm drainage, and sanitary sewer facilities, the City prohibits development within the 100-year floodplain. Creeks shall be protected from destruction or damage resulting from clearing, grading, and dumping of fill material, waste or other foreign materials. Clearing, grading, excavation or filling of any area within the 100-year floodplain or within any creek shall be prohibited unless authorized in writing by the City of Rockwall.
- (3) Restrictions for Creeks. All Creeks shall be maintained in an open and natural condition. Each Creek is subject to the following requirements with regard to development:



- (a) The 100-year floodplain and *Erosion Hazard Setback* -- as defined in the *Engineering Department's Standards of Design and Construction Manual* -- shall be retained by the property owner or dedicated to a Homeowner's Association (HOA), pursuant to the requirements of this *Chapter*.
- (b) At no time shall any portion of the 100-year floodplain exist or be within any residential lot (*excluding multi-family*).
- (4) *Access to and Maintenance of Floodplains*. Access to a floodplain for private maintenance shall be dedicated as required by the *City Engineer*.
- (5) *Retaining Walls Adjacent to a Creek or Floodplain*. A retaining wall or walls may be allowed between a single-family lot or parcel and a creek or floodplain as approved by the *City Engineer* as long as the walls are: [1] not within the 100-year floodplain, and [2] are not within a dedicated easement.
- (6) *Streets Adjacent to a Creek or Floodplain*. *Streets Adjacent to a Creek or Floodplain* shall adhere to the following criteria:
 - (a) *Parallel Streets*. A minimum of 50.00% of the linear frontage of a creek or floodplain shall be adjacent to a *Parallel Street*, and will be constructed outside and exclusive of the required erosion hazard setback.
 - (b) *Cul-De-Sacs*. *Cul-De-Sacs* should be avoided adjacent to a creek or floodplain; however, if *Cul-De-Sacs* cannot be avoided they should comply with the following criteria:
 - (1) A minimum of 50.00% of the *Cul-De-Sac* frontage shall be open to the creek or floodplain and no lots or parcels shall encroach within the area between this line and the creek or floodplain, and will be constructed outside and exclusive of the required erosion hazard setback.
 - (2) A trail connecting to a greater trail system and/or landscaping shall be provided at the end of the *Cul-De-Sac* as approved by the Director of the Planning and Zoning Department.
- (7) *Fences Adjacent to a Creek or Floodplain*. *Fences Adjacent to a Creek or Floodplain* shall adhere to the following criteria:
 - (a) Fences shall meet the standards of the Unified Development Code (UDC) and Planned Development District ordinance [*if applicable*].
 - (b) *Fences Adjacent to a Creek of Floodplain* shall be wrought iron or a similar decorative metal where a minimum of 50.00% of the fence is transparent.
 - (c) The property owner shall be responsible for the maintenance of the fence.
 - (d) Fences shall not be located within the 100-year floodplain or the *Erosion Hazard Setback* -- as defined in the *Engineering Department's Standards of Design and Construction Manual*.
- (8) *Additional Studies*. At the request of the *City Engineer* or the Director of the Planning and Zoning Department, the property owner or developer/applicant shall submit additional studies -- including but not limited to the following: [1] *Wetland Delineation*, [2] *Habitat Study*, [3] *Vegetative Study*, [4] *Erosion Hazard Setback Study*, [5] *Storm Drainage Study*, [6] *Riparian Study*, [7] *Flood Study*, and/or [8] *Downstream Assessment Study* -- as deemed appropriate and necessary by the City of Rockwall as part of the *Civil Engineering Submittal*. These studies shall be considered during review and approval of the *Civil Engineering Plans*.

(4) STREETS.

(A) GENERAL STREET POLICIES.

- (1) *Right-of-Way Dedication*. When platting a subdivision in accordance with this *Chapter*, a property owner and/or developer shall provide additional *Right-of-Way* necessary for existing and future streets as required by the *City's Master Thoroughfare Plan*, the *Engineering Department's Standards of Design and Construction Manual*, and/or other plans adopted by the *City Council*.
- (2) *Substandard Streets*.
 - (a) *Improvement of an Existing Substandard Street*. When a proposed residential or non-residential development abuts one (1) or both sides of an existing substandard street, the property owner or developer/applicant shall be required to improve the



substandard street and its appurtenances (e.g. curbs, gutters, sidewalks, ramps, street trees, storm systems, and etcetera) to bring the street up to the City of Rockwall's standards, or to replace it with a standard City street, at no cost to the City of Rockwall.

- (b) Escrow for an Existing Substandard Street. If the proposed development is located along only one (1) side of a substandard street, and when -- in the City Council's judgement -- it is not feasible to reconstruct the street at the time of development, the City Council may allow the property owner or developer/applicant to pay into escrow an amount equal to 115.00% of the property owner or developer/applicant's share of the cost of said improvements as a condition of approval of the *Final Plat* or *Replat*.
 - (c) Partial Refund of Escrow. When funds have been provided and placed in escrow with the City of Rockwall for the development of a substandard street, and the street is reconstructed by a party other than the escrowing property owner or developer/applicant at no cost to the City, the escrowed funds and accrued interest -- if any -- shall be refunded to the developer after the completion and acceptance of the improvements. In the event that appropriation of the cost is borne by the City, the difference between the developer's proportionate cost and the escrowed funds -- including accrued interest, if any -- shall be refunded to the property owner or developer/applicant after the completion and acceptance of the improvements.
 - (d) Exceptions or Appeals. The property owner or developer/applicant may request an Exception [see [Section 38-10\(2\)](#)] or file a Proportionality Appeal [see [Section 38-10\(3\)](#)] -- after a Determination of Proportionality [see [Section 38-9\(1\)\(C\)\(5\)](#)] -- if the requirements for improving an existing substandard street imposed by this Section would result in an unnecessary hardship or would be disproportional to the impacts generated by the development on the City of Rockwall's street system.
- (3) Perimeter Streets.
- (a) New Perimeter Streets. When a residential or non-residential development is developed abutting an existing or future thoroughfare or collector street -- as depicted on the *Master Thoroughfare Plan* contained in the *Comprehensive Plan* --, the property owner or developer/applicant shall construct a portion of the abutting street and its appurtenances (e.g. curbs, gutters, sidewalks, ramps, street trees, storm systems, and etcetera) to the City of Rockwall's design standards for that type of street (per the *Engineering Departments Standards of Design and Construction Manual*).
 - (b) Escrow for a Perimeter Street. If the *City Engineer* makes a determination that it is not feasible to construct the abutting street and its appurtenances at the time of development, the City may require the property owner or developer/applicant to pay into escrow an amount equal to 115.00% of the construction costs for the future construction of the street as a condition of the *Final Plat* or *Replat* for the development.
- (4) Internal Streets.
- (a) New Internal Streets. All new streets and their appurtenances internal to a proposed residential or non-residential development shall -- at a minimum -- be built to a width and design that will adequately serve the development, and shall conform to the City of Rockwall's design standards (per the *Engineering Departments Standards of Design and Construction Manual*). If oversizing of an internal street is deemed necessary by the *City Engineer* for traffic safety or efficiency, then the City of Rockwall or an adjacent entity may participate in such oversizing costs as part of a *Development Agreement* with the property owner or developer/applicant.
 - (b) Escrow for an Internal Street. If the *City Engineer* makes a determination that it is not feasible to construct an internal street and its appurtenances at the time of development, the City may require the property owner or developer/applicant to pay into escrow an amount equal to 115.00% of the construction costs for the future construction of the street as a condition of the *Final Plat* or *Replat* for the development.
- (5) Streets Adjacent to a School or a Park. In cases where a perimeter or internal street is adjacent to a public or private school or public park or open space, the *City Engineer* or Director of the Planning and Zoning Department may require a minimum of a 41-foot street (as measured from back-of-curb to back-of-curb) to facilitate proper traffic circulation.
- (6) Temporary Dead-End Street. Temporary Dead-End Streets shall conform to the following:
- (a) Connections are required to adjacent vacant properties at the locations approved by the *City Engineer* and/or the Director of the Planning and Zoning Department.
 - (b) Streets which temporarily dead-end at powerlines, railroads, or similar rights-of-way shall be constructed for at least one-half (½) the distance across these rights-of-way.
 - (c) On a *Final Plat* that proposes a Temporary Dead-End Street, shall incorporate a note clearly indicating that the street will be extended with future development.



- (d) Temporary Dead-End Streets that are 150-feet or more in length shall incorporate a temporary turn around in accordance with the requirements of the City of Rockwall's adopted *Fire Code* and the Engineering Department's *Standards of Design and Construction Manual*.
- (e) All Temporary Dead-End Streets shall have a sign prominently posted at the terminus of the street or road indicating that the street or road will be extended in the future. In addition, the sign shall comply with the standards established by the *City Engineer*, and be installed at the cost of the property owner or developer/applicant.
- (7) Streets Adjacent to Undeveloped Property. Where streets are adjacent to an undeveloped property and the property line is normally the centerline of the street, the property owner or developer/applicant shall provide right-of-way of a sufficient width and shall construct a minimum of 24-feet of paving if deemed necessary by the *City Engineer* or *Fire Department*.
- (8) Full Refund of Escrow. If the improvements of a road or street -- for which an escrow has been paid in accordance with the requirements of this Chapter -- do not occur within 20 years of the date the money is placed on deposit with the City of Rockwall, the money -- including any earned interest -- shall be returned to the property owner of record at that time.
- (9) Assessment Program. Should the City of Rockwall establish an Assessment Program for street improvements on any street or road within the City limits, any funds already placed in escrow for a street or road improvement for said street shall be credited toward the property owner of record at the time of the assessment [if applicable].
- (10) Traffic Impact Analysis (TIA) or Other Traffic Studies. The *City Engineer* or Director of the Planning and Zoning Department may require a Traffic Impact Analysis (TIA) or other type of engineering study from the property owner or developer/applicant prior to any approval for a subdivision plat or *Civil Engineering Plans* for technical data pertaining to the potential traffic impact of a proposed development and its impacts of the City of Rockwall's street network.

(B) STREET DESIGN AND APPURTENANCES.

- (1) Street Design. Street design requirements are subject to the provisions contained in the Engineering Department's *Standards of Design and Construction Manual*, an approved Planned Development District ordinance [if applicable], and any regulations contained within the Chapter.
- (2) Conformance to the Comprehensive Plan. The general location of roads and streets shall conform to the City of Rockwall's Comprehensive Plan. For streets that are not shown on the Master Thoroughfare Plan contained in the Comprehensive Plan (e.g. local residential or non-residential roadways), the arrangement of such streets shall:
 - (a) Alignment. Provide for the continuation or appropriate projection of an existing street from or into the surrounding areas.
 - (b) Conformance with Other Plans. Conform to any plan for the neighborhood or development approved or adopted by the City of Rockwall that addresses a particular situation where topographical or other conditions make continuance or conformity to existing streets impracticable.
 - (c) Conflict. Not be in conflict with existing or proposed streets or driveway openings, including those on the opposite side of an existing or planned thoroughfare or collector, as described and depicted in the Engineering Department's *Standards of Design and Construction Manual*. New streets shall align with opposite streets and driveway openings so that the median openings can be shared.
- (3) Relation to the Existing Street Network. The proposed street network shall extend all existing major streets and existing secondary and local streets, as necessary, for the convenience of traffic circulation and emergency ingress and egress.
- (4) Street Widths, Lengths, and Rights-of-Way. All street and road widths, lengths, and their related rights-of-way shall be designed in accordance with the City of Rockwall's Comprehensive Plan, Engineering Department's *Standards of Design and Construction Manual*, and Planned Development District ordinance (if applicable). In addition, all streets and roads shall be paved in accordance with the Engineering Department's *Standards of Design and Construction Manual*.
- (5) Street Connectivity. With regard to Street Connectivity, new developments shall:
 - (a) Connections to Adjacent Properties. Provide street connections to adjacent developments or undeveloped properties, as determined by the *City Engineer* and/or the Director of the Planning and Zoning Department, allowing access between properties for neighborhood traffic and to enhance pedestrian and bicycle connectivity.



- (b) Cul-De-Sacs. Limit the use of cul-de-sacs for streets to the greatest extent possible. The *City Engineer* and the Director of the Planning and Zoning Department shall have the authority to determine whether or not the use of cul-de-sacs in a development meets the intent of this section during the review of a *Preliminary Plat* or *Final Plat*.
- (6) Street Names. New Street Names shall be named so as to provide name continuity with existing streets, and to prevent conflict or word similarity confusion with similar street names. In addition, all Street Names shall conform to the City of Rockwall's *Addressing Standards*. All Street Names shall be approved by the Planning and Zoning Department prior to the approval of any subdivision plat or *Civil Engineering Plans*.
- (7) Street Signage. The cost of street name signs and traffic control signs for new developments shall be paid for and installed by the property owner or developer/applicant. All street name signs and traffic control signs shall conform to the Engineering Department's *Standards of Design and Construction Manual*.
- (8) Street Lighting. Street Lighting shall be provided along all streets and roads in accordance with the Engineering Department's *Standards of Design and Construction Manual*. The *City Engineer* shall be the responsible official for decisions relating to street lighting, and may authorize a *Waiver* for a street lighting requirement if such *Waiver* will not compromise the public health, safety, and general welfare. If no decision can be rendered by the *City Engineer* or his/her designee, then the decision shall be forwarded to the City Council for final action in accordance with the procedures outlined in [Section 38-10\(2\)](#).

(C) PRIVATE STREETS.

- (1) Private Streets. Private Streets within the City of Rockwall and/or its Extraterritorial Jurisdiction (ETJ) may be allowed by the City Council on a *case-by-case* basis in accordance with the City's Unified Development Code (UDC). Private Streets shall be designed and constructed to the Engineering Department's *Standards of Design and Construction Manual* for a public street, and all storm systems incorporated into the Private Streets shall be private.
- (2) Conversion of Private Streets to Public Streets. The City may -- *but is not obligated to* -- accept private streets for public access and maintenance. Requests to Convert Private Streets to Public Streets shall be subject to the following provisions:
 - (a) A representative from the neighborhood or a Homeowner's Association (HOA) -- *if one exists* -- shall submit a petition signed by at least 67.00% of the property owners (*or a greater number of signatures if required by the HOA documents and declarations*).
 - (b) All of the infrastructure shall be in a condition that is acceptable to the *City Engineer* or that conforms to the City's current standards as stipulated in the Engineering Department's *Standards of Design and Construction Manual*.
 - (c) All encumbrances or structures within the right-of-way (*e.g. signage, security gates, etcetera*) not consistent with a public street shall be removed by the Homeowner's Association (HOA) or neighborhood group, at its cost, prior to the acceptance of the private street by the City of Rockwall.
 - (d) All funds in the reserve fund for private street maintenance shall be delivered to the City of Rockwall. Money in the reserve fund in excess of what is needed to bring the street and its appurtenances up to the City's standards will be refunded to the Homeowner's Association (HOA) or neighborhood group.
 - (e) The Homeowner's Association (HOA) or neighborhood group shall prepare and submit a *Replat* to the Planning and Zoning Department for review. Upon approval, the HOA or neighborhood group shall file the *Replat* to dedicate the street and its appurtenances to the City of Rockwall.
 - (f) The Homeowner's Association (HOA) or neighborhood group shall modify and re-file the -- *at its costs* -- the HOA documents and declarations (*if applicable*) to remove requirements specific to the private street. The City Attorney shall review the modified HOA documents and declarations prior to their filing. The HOA or neighborhood group shall be responsible for the cost of review by the City Attorney.

(5) ALLEYWAYS.

- (A) Alleyways. Alleyways shall be provided for all residential developments in accordance with the Engineering Department's *Standards of Design and Construction Manual* unless otherwise approved by the City Council through a Planned Development District ordinance or a *Waiver* or *Variance* request.

(6) DRIVEWAYS, FIRE LANES, AND ACCESS EASEMENTS.



- (A) General Requirements for Driveways. All driveway approaches and appurtenances (*i.e. curbs, gutters, pavement, and etcetera*) necessary to provide access to properties shall be provided by the developer, shall be designed, constructed and maintained by the property owner in accordance with the Engineering Department's *Standards of Design and Construction Manual*, the Unified Development Code (UDC) [*if applicable*], and any other applicable ordinances or requirements of the City of Rockwall.
- (B) Reserve Strips. Reserve Strips controlling access to public rights-of-way or adjoining properties shall be prohibited. No subdivision plat showing a reserve strip of land that could inhibit or prevent an adjoining property from accessing a public right-of-way or pedestrian way shall be approved by the City of Rockwall.
- (C) Residential Driveway Access. Unless otherwise approved for a *Waiver* in accordance with [Section 38-10\(2\)](#), all residential lots created by a subdivision plat shall have frontage and access to an existing or proposed public street or road, and shall not take access -- *by easement or other means* -- through another adjacent or adjoining property (*e.g. a shared residential driveway, access easement, and etcetera*).
- (D) Cross Access Easements. All non-residential lots shall provide Cross Access Easements to adjacent properties or other access easements as required by the *City Engineer* or the Director of the Planning and Zoning Department.
- (E) Fire Lanes. Fire Lanes will be designed in accordance with the City of Rockwall's adopted *Fire Code* and the Engineering Department's *Standards of Design and Construction Manual*. Fire Lanes shall be shown on all subdivision plats and labeled as a "*Fire Lane Easement*". Fire Lanes shall be maintained to the City of Rockwall's standards by the property owner.

(7) SIDEWALKS.

- (A) Sidewalks. Sidewalks shall be provided on all streets. All Sidewalks shall be provided in accordance with the standards and requirements stipulated in the Engineering Department's *Standards of Design and Construction Manual*. The City of Rockwall may require sidewalks in other locations depending on a proposed development. All required sidewalks shall be constructed by the builder or developer at the time a lot is developed.
- (B) Pedestrian Access Easements. Sidewalks that are intended to be public, but meander through private property or through a landscape buffer or open space shall be placed in a Pedestrian Access Easement at the time of subdivision plat.
- (C) Sidewalk Construction and Reconstruction. All Sidewalks shall be constructed and/or reconstructed in accordance with the requirements of the Engineering Department's *Standards of Design and Construction Manual*.
- (D) Sidewalk Escrow. If -- *at the time a property is being developed* -- it is determined by the *City Engineer* that it is unfeasible to construct a sidewalk required by this *Chapter*, the builder or developer shall pay into escrow 115.00% the estimated cost of the sidewalk. These funds will be used to construct the sidewalk when the *City Engineer* determines that it is feasible. The amount of the sidewalk shall be as determined by the *City Engineer* or their designated representative. This amount will be required to be paid in full prior to the construction of any buildings or other improvements are permitted on a property.

(8) EASEMENTS.

- (A) General Policy. The type, size, and location of all Easements shall be shown on all subdivision plats. All Easements shall be labeled and dedicated for their specific purpose on any *Final Plat* or *Replat*.
- (B) Off-Site Easements. Any Off-Site Easements that are necessary to fulfill the City of Rockwall's requirements or are required by the City shall be dedicated to the City by separate instrument -- *unless said easement is on an adjacent property and is being platted* -- in accordance with the processes established by the *City Engineer*. If the adjacent property is being platted, then the easement is being platted, the off-site easement shall be dedicated as part of the subdivision plat.

(9) SUBDIVISION NAME AND LOT & BLOCK DESIGN.

- (A) Compliance with the Zoning Requirements. All lots shall conform with the requirements of the Unified Development Code (UDC). Lots in the City's Extraterritorial Jurisdiction (ETJ) shall comply with this *Chapter* and any agreements between the City of Rockwall and Rockwall County.
- (B) Residential Lots Adjacent to Floodplain. Residential lots shall be platted to be mutually exclusive of any floodplain or natural drainage area (*e.g. creeks, streams, tributary, and etcetera*) and/or erosion hazard setback (*see the Engineering Department's Standards of Design and Construction Manual*).



- (C) Lot Shape. The City of Rockwall reserves the right to disapprove any lot that -- *in the City's opinion* -- will not be suitable or desirable for the purpose the lot is intended, or which is so oddly shaped that it will create a hindrance to the logical layout of the surrounding properties and/or that creates an irregular building envelope. In addition, the following requirements shall apply to Lot Shape:
- (1) Lots shall generally be rectangular in shape.
 - (2) Sharp angles between lot lines shall be avoided.
 - (3) Flag lots are *prohibited*.
 - (4) Irregular shaped lots shall have a sufficient width at the building line to meet the minimum lot width and frontage requirements for the appropriate zoning district as stipulated in the Unified Development Code (UDC).
- (D) Lot Lines. The following requirements shall apply to Lot Lines:
- (1) Side Yard Lot Lines. Side Yard Lot Lines shall generally be at a 90-degree angle or radial to the street right-of-way (*where possible*). The Director of the Planning and Zoning Department or his/her designee may allow a lot line contrary to this requirement if unusual circumstances exist on the subject property or on an adjacent property that makes it difficult to comply with the requirement.
 - (2) Jurisdictional Boundaries. All Lot Lines shall -- *where possible* -- align along County, School District, and/or other Jurisdictional Boundaries such that lots are fully within one (1) jurisdiction. The Director of the Planning and Zoning Department or his/her designee may allow a lot line contrary to this requirement provided that the entire main residential or non-residential structure is constructed entirely within one (1) jurisdiction.
- (E) Lot Orientation. No residential lots (*excluding multi-family lots*) shall front onto or have a driveway onto a Minor Collector or larger street as depicted on the Master Thoroughfare Plan contained in the Comprehensive Plan; however, the *City Engineer* or his/her designee may allow lots onto a Minor Collector if it is found that this lot orientation will not be contrary the safety of the general public.
- (F) Lot Frontage. All lots shall adhere to the following Lot Frontage requirements:
- (1) Street Frontage for Lots. Each lot shall have adequate access to an existing or proposed street or road by having a minimum frontage of no less than 50-feet at the street right-of-way line, or as otherwise specified in the Unified Development Code (UDC) or a Planned Development District ordinance [*if applicable*]. Lots fronting onto an eyebrow or cul-de-sac shall have a minimum frontage of 40-feet at the street right-of-way line.
 - (2) Double Frontage Lots. Double Frontage Lots are prohibited for residential lots (*excluding multi-family*); however, residential lots may back or side to a Minor Collector provided that the lot have no direct access to the Minor Collector and appropriate screening is provided in accordance with the requirements of the Unified Development Code (UDC). Where a non-residential lot (*including multi-family*) has frontage on more than one street or road, a front building line shall be established along all streets and/or roads.
 - (3) Lots Facing Other Lots. Whenever feasible residential lots shall face the front of a similar residential lot or onto a public/private park or open space if one (1) exists or is planned across the street from the lot. In addition, lots abutting each other in a 90-degree angle or perpendicularly should be avoided where possible. The Director of the Planning and Zoning Department may allow lot arrangements contrary to this requirement if unusual circumstances exist on the subject property or an adjacent property that makes it difficult to comply with the requirement.
- (G) Lots Adjacent to Parks and Open Space. Lots Adjacent to Parks and Open Space should generally be laid out in conformance with the City's Comprehensive Plan. Lots that are directly adjacent to or are across the street from a park or open space shall face onto the park or open space.
- (H) Remainder Lots or Tracts of Land. A Remainder Lot or Tract of Land is a portion of an existing lot within an established subdivision or the remainder of a tract of land not being subdivided or developed immediately. If a Remainder Lot or Tract of Land will result from a proposed subdivision plat, the remainder shall be placed into a lot and block designation to ensure that the remainder is a buildable area and can conform to the requirements of this *Chapter* and the Unified Development Code (UDC).
- (I) Building Setbacks. On all residential subdivision plats, the Building Setbacks shall be denoted on the subdivision plat for the front, side and rear yards as required by the Unified Development Code (UDC) [*if located within the City's corporate limits*] based on the respective zoning district or Planned Development District ordinance.
- (J) Lot & Block Designations. All Lots within each phase of a subdivision plat are to be numbered consecutively within each Block. Each Block shall have an alpha or numeric designation (*e.g. Block A, Block 1, and etcetera*). For Replats, the following sequential Lot number shall be used for replatted lots. For example, if a subdivision plat has Lots 1-5, Block A and two (2) of the lots are being replatted, the two lots would be denoted as Lots 6 & 7, Block A.



- (K) Buildable Lot. Any portion of a lot that is non-buildable for any reason shall be clearly denoted on all subdivision plats. At the request of the Director of the Planning and Zoning Department or his/her designee the property owner or developer/applicant shall provide a detail showing the buildability of a proposed lot indicating that the lot can accommodate a dwelling unit or structure that complies with the Unified Development Code (UDC) [if located within the City's corporate limits] and the City's adopted *Building Code*.
- (L) Control Monumentation. Control Monuments shall consist of a one-half (½) inch reinforced steel rod, measuring a minimum of 18-inches in length -- or an equal length as approved by the City Engineer -- and shall be placed at all: [1] lot and block corners [i.e. wherever a lot line bearing changes], [2] intersection points of an alleyway and/or block line, and [3] curve and tangent points along a block, lot, and/or right-of-way line within a subdivision. In addition, at least two (2) property corners shall be marked with Control Monuments of three (3) dimensional coordinates established from the City of Rockwall's *Geodetic Control Monuments*. The corners being marked should be at opposing ends of the property unless otherwise approved by the City Engineer. A *Closure Report* showing conformance to these standards shall be submitted with all *Final Plats, Minor Plats, Replats and Amending Plats* [if necessary].
- (M) Subdivision Name. New subdivisions shall be distinctly named so as to prevent conflict or confusion with existing subdivision names. Subdivisions with similar names shall be located in close proximity to each other (i.e. not in different areas of the City). In cases of conflict, the Director of the Planning and Zoning Department may choose to allow the names upon a finding that the proposed subdivision name will not cause confusion for emergency responders or the general public.

(10) UTILITIES.

- (A) Underground Utilities Required. All aboveground utilities shall be placed underground at the time of development. No overhead services will be allowed without a *Waiver* or *Variance* being granted by the City Council pending a recommendation from the Planning and Zoning Commission.
- (B) Franchise Utility Policies. The City Engineer and/or the Director of the Planning and Zoning Department may require easements for poles, wires, conduits, gas, telephone, cable television, or other utility lines if necessary. In addition, all Franchise Utilities shall adhere to the following requirements:
- (1) Underground Utilities. Where feasible, Franchise Utilities should be placed underground at the time of development.
 - (2) Location. Franchise Utilities shall be located in easements provided adjacent to street rights-of-way along the front of lots or tracts. Where alleyways have been constructed, Franchise Utilities shall be placed in the alleyway.
 - (3) Ground Mounted Equipment. Ground Mounted Equipment shall meet
 - (a) Location. Ground Mounted Equipment shall not be placed in existing or proposed visibility or access easements. Ground Mounted Equipment should be placed to reduce the visibility from public rights-of-way, public parks, and open space.
 - (b) Screening. All Ground Mounted Equipment within the view of a public right-of-way, public park, and/or open space shall be screened from view utilizing shrubs, planted on three (3) foot centers, consistent with the requirements of the Unified Development Code (UDC).
 - (c) Exemptions. Publicly owned Ground Mounted Equipment (e.g. State or City traffic control boxes, and etcetera) shall be exempt from the screening requirements.

(11) AMENITIES.

- (A) Provision of Amenities. Where Amenities are owned and maintained by the property owners or Homeowner's Association (HOA), or where amenities are to be dedicated to the City of Rockwall and are to be maintained publicly or privately through an agreement with the City, the City of Rockwall may require the following:
- (1) Plans and/or illustrations of the proposed Amenities.
 - (2) Cost estimates of construction, maintenance, and operating expenses.
 - (3) Any associated documents (e.g. deed restrictions, contracts and agreements, etc.).
 - (4) Provision of surety as required for maintenance and other expenses related to the Amenity.
- (B) Submittal and Review Requirements. Amenities proposed in conjunction with a residential or commercial development shall be reviewed and approved in accordance with the following:



- (1) Commercial. Amenities proposed for a commercial development will be reviewed and approved at the time of *Site Plan* in accordance with the requirements of the [Article 11, Development Applications and Review Procedures, of the Unified Development Code \(UDC\)](#).
- (2) Residential. Amenities proposed in conjunction with a residential subdivision shall require the following:
 - (a) Parks and Open Space Plan. A Parks and Open Space Plan shall depict all of the proposed open spaces in a subdivision, their design (*i.e. the location and layout of all amenities*), the trail system connecting the open spaces, and the landscaping proposed for these areas.
 - (b) Master Plat. If a Master Plat is required in accordance with the requirements of this *Chapter*, it shall be accompanied by a Parks and Open Space Plan.
 - (c) Preliminary Plat. If a Master Plat is not required for a subdivision or development, the Parks and Open Space Plan shall be submitted in conjunction with a Preliminary Plat.
 - (d) Procedures for a Parks and Open Space Plan. The Parks and Open Space Plan shall be reviewed by the Parks and Recreation Board in conjunction with the process stipulated by [Section 38-58](#). The Parks and Recreation Board shall review the subdivision plat and Parks and Open Space Plan and -- by simple majority vote -- make a recommendation that can be considered by the Planning and Zoning Commission and City Council in conjunction with the subdivision plat.
 - (e) Site Plan. When an amenities center or other physical amenities structure is proposed, the property owner or developer/applicant shall submit a Site Plan for the structure showing the building elevations and site layout of the proposed amenity. The Site Plan shall be reviewed in accordance with the processes and procedures outline in [Article 11, Development Applications and Review Procedures, of the Unified Development Code \(UDC\)](#).
- (C) Design of Amenities. The design of Amenities shall conform to the following:
 - (1) Entry Features. Entry Features shall be constructed entirely on private property (*i.e. not within a public right-of-way*) outside of any easements, and shall not suspend over a public rights-of-way or easements unless otherwise approved by the *City Engineer*. Smaller, minor entry elements may be placed within a street median at the entryway if approved by the *City Engineer*; however, if approved such street median shall be platted as a non-buildable lot and be dedicated to the Homeowner's Association (HOA) for ownership and maintenance. In addition, no portion of any Entry Feature shall be situated on a residential lot with the exception of fences. All such features shall be located wholly on a non-buildable lot that is dedicated as open space and is owned and maintained by the Homeowner's Association (HOA). No Entry Feature shall encroach into a visibility easement or otherwise impair pedestrian or vehicular visibility.
 - (2) Private Recreation Facilities. Private Recreation Facilities (*e.g. amenities centers, playgrounds, and etcetera*) -- if provided -- shall generally be centrally located within the development or subdivision.

(12) PARKS AND OPEN SPACE

(A) GENERAL PARKS AND OPEN SPACE POLICIES

- (1) Authority. This *Section* is enacted pursuant to the City's police powers existing under the City's *Charter* and consistent with the [Section 5, Cities of More Than 5,000 Population: Adoption or Amendment of Charters; Taxes; Debt Restrictions, of Article 11, Municipal Corporations, of the Texas Constitution](#), and applies to all property within the City's corporate boundaries.
- (2) Public or Private Parks and Open Space. Public or Private Parks and Open Space shall be easily accessible and visible to the general public. In addition, public and private parks shall be bounded by a street or streets or by other public land uses (*e.g. school, library, recreation center, and etcetera*) unless otherwise specific in this *Chapter*, the Unified Development Code (UDC), of a Planned Development District ordinance [*if applicable*]. Open spaces shall not be smaller in length or width than 50-feet; however, when open spaces are impacted by topography, floodplain, or are designated as natural areas the lots may be less than 50-feet.
- (3) Residential Lots. All Residential Lots shall be oriented such that they front onto public or private parks and open spaces and not back to them. Residential Lots shall only be allowed to back onto a public or private park or open space when the lot, parcel, or tract of land has physical constraints (*e.g. shape, topography, drainage, and etcetera*) that do not reasonable accommodate an alternative design or the layout of the development or subdivision complements the use of the park or open space (*e.g. backing lots to a natural area or golf course*). The Director of the Planning and Zoning Department may grant approval to allow lots to back to a private or public park or open space.
- (4) Access to Public Parks and Open Space. A proposed development or subdivision adjacent to a public park or open space shall not be designed to restrict public visibility or access to the park or open space. In addition, streets and sidewalk connections shall be designed to ensure continued access to the park or open space.
- (5) Street Adjacent to a Public Park. See [Section 38-9\(4\)\(A\)\(5\)](#) for the requirements for a Street Adjacent to a Public Park.



(B) PARKLAND DEDICATION.

- (1) *Park Reservation and Dedication.* See [Section 38-54](#) for requirements associated with the reservation or dedication of a public park.
- (2) *Site Selection Criteria.* See [Section 38-54](#) for requirements associated with *Site Selection Criteria* for a public park.
- (3) *Minimum Public Park Improvements.* Unless waived by the Parks and Recreation Board, all public parks shall be improved by the property owner or developer/applicant prior to the City of Rockwall accepting the public park. The minimum park improvements, as determined by the Director of the Parks and Recreation Department, shall include:
 - (a) The grading and clearance of unwanted vegetation, structures, and/or improvements.
 - (b) The installation of storm drainage systems and erosion control measures.
 - (c) The establishment of turf and the planting of required or non-required trees.
 - (d) The installation of perimeter streets and street lights.
 - (e) The provision of water and wastewater to a location on the public park as determined by the Director of Parks and Recreation and the *City Engineer*.
- (4) *Additional Voluntary Public Park Improvements.* A property owner or developer/applicant may request permission to construct -- *at their expense* -- additional park improvements. The City of Rockwall may accept or reject voluntary dedications of parkland improvements. Such voluntary dedications and/or improvements shall be considered for recommendation by the Parks and Recreation Board to the City Council. All improvements in a public park shall be consistent with the design criteria and objectives of the *Parks and Open Space Master Plan*, and shall -- *upon installation* -- become the City of Rockwall's property.

(C) TRAILS.

- (1) *Master Trail Plan.* All trails shall be constructed in accordance with the *Master Trail Plan* contained in the Comprehensive Plan and the requirements of the *Parks and Open Space Master Plan*.
- (2) *Trail Requirements.* All trails shall adhere to the following design criteria [*unless otherwise approved by the Director of the Parks and Recreation Department and/or the Parks and Recreation Board*]:
 - (a) All trails shall be a minimum of eight (8) feet in width where required; however, a ten (10) foot *hike-and-bike* trail shall be required along John King Boulevard.
 - (b) Low water crossings for trails may be allowed upon approval from the *City Engineer* and Director of the Parks and Recreation Department.
 - (c) To ensure the public's safety, all trails shall be designed so as to minimize visibility blind spots from a public street.
 - (d) All trails shall be included in the *Civil Engineering Plans* and *Construction Plans* for a proposed development or subdivision, and shall include engineered drawings of the trail cross-sections in accordance with the Engineering Department's *Standards of Design and Construction*.
- (3) *Trail Locations.* Locations for trails shall be consistent with the *Master Trail Plan*, and be subject to approval from the Director of the Parks and Recreation Department and the Parks and Recreation Board. The Director of the Parks and Recreation Board shall have the authority to determine the placement of a public trail at the time of review of a *Parks and Open Space Plan* in conjunction with a *Master Plat* or *Preliminary Plat*. Additionally, no development or subdivision shall interrupt the future routes of trails or otherwise hinder the efficient public access to or from an existing or future trail.
- (4) *Future Trails and Access for New Developments.* When a development or subdivision is adjacent to an undeveloped property, a pedestrian access stub-out shall be provided to the edge of the development or subdivision to allow for future access between developments.

(13) HOMEOWNER'S ASSOCIATION.

- (A) *Purpose.* The purpose for the establishment of a *Homeowner's Association (HOA)* for a residential development (*i.e. single-family, two-family, or multi-family*) is to create an organization that owns and is responsible for maintaining common areas, private parks, amenities, private rights-of-way, riparian areas, detention/drainage, and etcetera for the communal good of the development's property owners and residents.



- (B) Applicability. A Homeowner's Association (HOA) shall be established for any development or subdivision that contains any of the following elements: [1] amenities, [2] private streets, [3] a creek or tributary, [4] drainage/detention, [5] decorative street signage, lighting and appurtenances, and/or [6] private or public parks.
- (C) Procedure for Establishing a Homeowner's Association. The establishment of a Homeowner's Association (HOA) shall occur in conjunction with the recording of a Final Plat in accordance with Section 38-7(4), and shall generally follow the following procedure:
- (1) Documents Submitted for Review. The declaration, covenants, and other necessary documents establishing the Homeowner's Association (HOA) shall be submitted to the City of Rockwall for review by the City Attorney for conformance with this and other applicable ordinances prior to the submission of a Final Plat. Homeowner's Association (HOA) documents shall include descriptions of any amenities, private streets, creeks or tributaries, private or public parks, open space, drainage/detention, and/or other areas for which the Homeowner's Association (HOA) is responsible for maintenance.
 - (2) Approval by the City Attorney. All Homeowner's Association (HOA) documents shall be reviewed by the City Attorney prior to the recordation of a Final Plat. The applicant shall reimburse the City of Rockwall for all related legal costs association with the review of the Homeowner's Association (HOA) documents. The reimbursement shall be paid in full prior to recordation of the Final Plat.
 - (3) Recordation of the Homeowner's Association (HOA) Documents. All Homeowner's Association (HOA) documents shall be recorded with Rockwall County prior to the recordation of the Final Plat. One (1) copy of the final recorded document shall be submitted to the Planning and Zoning Department within five (5) business days of the recording date.
 - (4) Additional Phases. An additional phase to an existing subdivision is not required to establish separate Homeowner's Association (HOA) documents, provided that:
 - (a) The existing, recorded Homeowner's Association (HOA) documents are amended to incorporate the area of the new phase and outline the responsibility of the Homeowner's Association (HOA) for the maintenance of amenities, private streets, creeks or tributaries, private or public parks, open space, drainage/detention, decorative signage, street lights and appurtenance, and/or other areas located within the new phase.
 - (b) The property owner or developer/applicant shall provide a draft of the amended covenants to the City Attorney for review prior to recordation of the subdivision plat.
- (D) General Requirements. The following shall be set forth in the Homeowner's Association (HOA) documents:
- (1) A statement that the membership in the Homeowner's Association (HOA) is mandatory for all owners of property within the subdivision.
 - (2) A listing of all the required maintenance responsibilities and the lot numbers/legal descriptions and/or private streets as shown on the approved subdivision plat.
 - (3) The by-laws related to the governance of the Homeowner's Association (HOA).
 - (4) The covenants for the maintenance assessments that run with the land.
 - (5) The responsibility for liability insurance and local taxes.
 - (6) A statement that the authority for enforcement of the Homeowner's Association (HOA) rules and regulations is solely the responsibility of the Homeowner's Association (HOA) and is not, in any way, the responsibility of the City of Rockwall.
 - (7) The authority of the Homeowner's Association (HOA) to secure funds from its members to sufficiently meet its responsibilities. The authority shall include the ability to collect dues, to increase dues, charge special assessments and place liens against property for failing to pay dues and/or assessments.
 - (8) A provision that no amendment of the Homeowner's Association (HOA) documents relating to maintenance of amenities, private streets, creeks or tributaries, private or public parks, open space, detention/drainage, or any other Homeowner's Association (HOA) maintained area or facility shall occur without prior City of Rockwall approval.
 - (9) Written release of liability for maintenance to benefit the City of Rockwall. A written indemnification of the City of Rockwall outlining that under no circumstances shall the City of Rockwall be liable to the Homeowner's Association (HOA) or any property owner or their respective heirs, executors, administrators, devisees, personal representatives, successors, or assigns for any damages, injuries



(including death), and/or liability resulting from any amenity or private/public park or open space, on the private streets, and within or adjacent to any creek or tributary, detention/drainage, or any other Homeowner's Association (HOA) owned and maintained area or facility associated with the development.

(10) That no provision is included preventing or prohibiting parking of motor vehicles on a public street if parking is otherwise permitted by the City of Rockwall.

(11) Any other City requirements as may be applicable to the development or subdivision.

SECTION 38-10: AGREEMENTS, APPEALS, AND RELIEF PROCEDURES

(1) FACILITIES AGREEMENTS.

- (A) Applicability. A developer or subdivider shall be required to enter into a Facilities Agreement with the City of Rockwall, which will govern their subdivision if there are pro-rata payments, City participation and/or costs, escrow deposits or other future considerations, variances granted to this Chapter or other non-standard development regulations.
- (B) Authority. A Facilities Agreement shall be based on the requirements of this Chapter, and shall provide the City of Rockwall with specific authority to: [1] complete the improvements required by the Facilities Agreement in the event of failure to perform by the developer or subdivider, and [2] the ability to recover the full legal costs of such measures. The City of Rockwall may subordinate the Facilities Agreement to the prime lender if provided for in the agreement.
- (C) Effect of a Facilities Agreement. A Facilities Agreement shall be a legally binding agreement between the City of Rockwall and a developer or subdivider that specifies the individual and joint responsibilities of both the City of Rockwall and the developer or subdivider.
- (D) Considerations for Facilities Agreement. In drafting a Facilities Agreement, the agreement shall consider the unusual circumstances relating to the subdivision. A Facilities Agreement may stipulate pro-rata payments, City participation in unusual facilities, escrow deposits or other payments for future facilities, variances granted to this Chapter, and other particular aspects of the development. The Facilities Agreement shall include a hold harmless/indemnity clause for the developer or subdivider agreeing to hold the City of Rockwall harmless against any claim arising out of the proposed development or subdivision or any other actions taken therein.
- (E) Developer or Subdivider's Responsibility. A developer or subdivider that enters into a Facilities Agreement with the City of Rockwall shall have the continued responsibility under said agreement -- *after the filing of a Final Plat* -- until all facilities and improvements required under the agreement have been completed.
- (F) Release Prior to Completion. When construction of the required improvements has commenced to a point that certain portions of the subdivision can be adequately served, the City Manager or their designee may release certain portions of the subdivision prior to the completion of all improvements. No release shall be granted if such improvements would jeopardize or hinder the continued construction of the required improvements, and the Facilities Agreement shall remain in force for all portions of the subdivision for which a release has not been executed.

(2) PETITION FOR WAIVERS.

(A) PURPOSE AND APPLICABILITY.

- (1) Purpose. The purpose of a petition for a Waiver to a particular standard or requirement of this Chapter is to determine whether or not such particular standard or requirement should be applied to a subdivision plat or development.
- (2) Applicability. A property owner or developer/applicant may request a Waiver of a particular standard or requirement for a subdivision plat. A petition for a Waiver shall be specific in nature, and shall only involve relief consideration for one (1) particular standard or requirement; however, a property owner or developer/applicant may submit multiple petitions for Waivers if there are several standards or requirements at issue. A petition for a Waiver shall not be accepted in lieu of a Proportionality Appeal or a petition for Vested Rights. If there is a question as to whether a Proportionality Appeal or a petition for Vested Rights is required instead of a petition for a Waiver, the Director of Planning and Zoning shall make a determination as to the correct request.

(B) PETITION FOR A WAIVER.

- (1) Submission. A request for a Waiver shall be submitted in writing by the property owner or developer/applicant -- *with the property owner's consent* -- with the filing of a Development Application for a subdivision plat. No Waiver may be considered or granted unless the property owner or developer/applicant has made such request in writing. The property owner or developer/applicant's request shall



state the grounds for the *Waiver* request and all of the facts relied upon by the property owner or developer/applicant. Failure to submit in writing will result in the denial of the *Development Application* unless the applicant submits an *Extension Request* in accordance with [Section 38-7\(1\)\(B\)\(1\)\(b\)](#).

- (2) *Burden of Proof*. The property owner or developer/applicant shall bear the burden of proof to demonstrate that the requirement for which a *Waiver* is requested, if uniformly applied, imposes an undue hardship or a disproportionate burden. The property owner or developer/applicant shall submit the burden of proof within the written request for a *Waiver*.

(C) PROCESSING OF AND DECISION ON A PETITION FOR A WAIVER.

- (1) *Responsible Official*. The Director of the Planning and Zoning Department or his/her designee shall be responsible for accepting, processing, and evaluating a request for a *Waiver*; however, the Planning and Zoning Commission shall be responsible for acting upon a request for a *Waiver*.

- (2) *Burden of Proof*. The property owner or developer/applicant shall bear the burden of proof to demonstrate that the requirement for which a *Waiver* is requested, if uniformly applied, imposes an undue hardship or a disproportionate burden. The property owner or developer/applicant shall submit the burden of proof within the written request for a *Waiver*.

- (3) *Waiver Request*. A request for a *Waiver* to a requirement for this *Chapter* shall be made in writing. In addition, a *Waiver* request shall not be accepted unless it adheres to the following:

- (c) A *Waiver* may be granted only when in harmony with the general purpose and intent of this *Chapter* so that the health, safety, and general welfare of the public may be secured and substantial justice done.
- (d) A *Waiver* must be deemed to be an undue hardship. Financial hardship to the applicant shall not be deemed to constitute undue hardship.
- (e) A *Waiver* shall not constitute a violation of, or conflict with, any other valid City ordinance, code, regulation, master plan, or the Comprehensive Plan.
- (f) A *Waiver* cannot be based on false information. Any falsification of information by the applicant shall be cause for the *Waiver* request to be denied by the *Responsible Official*.

- (4) *Evaluating a Waiver Request*. The Director of the Planning and Zoning Department shall evaluate the request for a *Waiver* and prepare a recommendation to the Planning and Zoning Commission. In evaluating a request for a *Waiver*, the Director of the Planning and Zoning Department shall consider the following in preparing a recommendation:

- (a) The stated hardship or reason the *Waiver* is being requested by the property owner or developer/applicant.
- (b) If such *Waiver* will substantially or permanently injure the appropriate use of adjacent property.
- (c) If such *Waiver* will adversely affect the health, safety, and/or welfare of the general public.
- (d) If such *Waiver* is contrary to the public's interest.
- (e) If such *Waiver* will be in harmony with the spirit and intent of this *Chapter* and other City plans, codes, and policies.
- (f) If such *Waiver* will alter the essential character of the area in which the subject property is located.
- (g) If such *Waiver* will substantially weaken the general purpose of this *Chapter*.

- (5) *Planning and Zoning Commission Decision*. The Planning and Zoning Commission shall render a decision on the request for a *Waiver* with its decision/recommendation on the subdivision plat. The Planning and Zoning Commission shall take into account the written request for *Waiver*, the Planning and Zoning Department's recommendation, and the criteria for evaluating a waiver request outline in [Section 38-10\(2\)\(C\)\(3\)](#) when considering the waiver request. In order for a *Waiver* to be granted, the Planning and Zoning Commission must find:

- (a) That there are no special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this *Chapter* would deprive the applicant of the reasonable use of the subject property; and
- (b) That the *Waiver* is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that granting of the *Waiver* will not be detrimental to the public health, safety, or general welfare or injurious to other property in the area; and
- (c) That the granting of the *Waiver* will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this *Chapter*.

- (6) *Planning and Zoning Commission Action*. Based on the Planning and Zoning Commission's determination, the Planning and Zoning Commission shall -- *by simple majority vote* -- take one (1) of the following actions:

- (a) Deny the petition, and impose the standard or requirement as it is stated in the *Chapter*; or
- (b) Grant the petition and waive -- *in whole or in part* -- the standard or requirement as it is stated in this *Chapter*.



(D) APPEAL OF A DECISION ON A PETITION FOR A WAIVER.

- (1) *Initiation of an Appeal.* The property owner or developer/applicant -- *with the property owner's consent* -- may appeal the Planning and Zoning Commission's decision to the City Council on a request for a Waiver by taking one (1) of the following actions:
 - (a) Submitting a written request to the Director of the Planning and Zoning Department requesting an appeal within five (5) calendar days of the Planning and Zoning Commission's decision; or,
 - (b) Submitting an *Extension Request* in accordance with [Section 38-7\(1\)\(B\)\(1\)\(b\)](#) and a written request requesting an appeal to the Director of the Planning and Zoning Department within six (6) calendar days of the Planning and Zoning Commission's decision (*i.e. prior to the following City Council meeting*).
- (2) *City Council Action.* Based on the Planning and Zoning Commission's decision and action, the City Council shall review all of the material reviewed by the Planning and Zoning Commission and -- *by simple majority vote* -- affirm, modify, or reverse the Planning and Zoning Commission's decision and action. The City Council's decision shall be final.
- (3) *Effect of Approval.* Following the granting of a request for a Waiver, the property owner or developer/applicant may submit or continue the processing of the subdivision plat or *Development Application*, as may be applicable. The Waiver granted shall remain in effect for the period that the subdivision plat or *Development Application* are in effect, and shall expire upon expiration of the subdivision plat or *Development Application*. Extension of either the subdivision plat or *Development Application* shall also result in the extension of the Waiver.
- (4) *Approval Based on Falsification of Information.* If the Waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Waiver, and shall be grounds for reconsideration of the Waiver request.

(3) PETITION FOR A PROPORTIONALITY APPEAL.

(A) PURPOSE AND APPLICABILITY.

- (1) *Purpose.* The purpose of a Proportionality Appeal is to allow for a process for a property owner or developer/applicant -- *with the property owner's consent* -- to appeal a *Determination of Proportionality* prepared in accordance with [Section 38-9\(1\)\(C\)\(5\)\(a\)](#), and to ensure that a requirement for the dedication, construction, or fee for public infrastructure imposed on a subdivision plat as a condition of approval does not result in a disproportionate burden to the property owner, taking into consideration the nature and extent of the demands created by the proposed development on the City of Rockwall's public facilities systems.
- (2) *Applicability.* A Proportionality Appeal under this *Chapter* may be filed by a property owner or developer/applicant -- *with the property owner's consent* -- to contest any requirement to dedicated land or to construct public improvements as required under the subdivision regulations of the City of Rockwall or attached as a condition to the approval of a subdivision plat application. A Proportionality Appeal shall not be used to waive standards on the grounds applicable to any Waiver outlined in [Section 38-10\(2\)](#).

(B) PROPORTIONALITY APPEAL PETITION REQUIREMENTS.

- (1) *Petitioner.* A petition for a Proportionality Appeal under this section may be initiated by a property owner or a developer/applicant -- *with the property owner's consent* -- as part of a *Development Application* for a *Preliminary Plat*, *Final Plat*, or *Replat*, which a requirement to dedicate land for, construct, or pay a fee (*other than an impact fee*) for a public infrastructure improvement that has been applied or included as a condition of approval, or as grounds for a denial of a subdivision plat application.
- (2) *Request for Petition.* The petition for a Proportionality Appeal -- *challenging the Determination of Proportionality established in* [Section 38-9\(1\)\(C\)\(5\)\(a\)](#) -- shall allege that the application of the standard relating to the dedication or construction requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City of Rockwall's water, wastewater, storm drainage, parks, and/or thoroughfare and street systems, or does not reasonably benefit the proposed development. A petition for a Proportionality Appeal shall consist of the following:
 - (a) *Applicant's Petition.* A written petition for a Proportionality Appeal outlining the appeal and allege that the application of a specific standard relating to the dedication or construction requirements is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City of Rockwall's water, wastewater, storm drainage, roadway, or park system -- *as the case may be* -- or does not reasonably benefit the proposed development.



- (b) Study in Support of the Petition. The petitioner shall provide a study in support of the petition for a Proportionality Appeal that includes the following information:
- (1) The total capacity of the City of Rockwall's water, wastewater, storm drainage, roadway, or park system to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating to the type of development proposed to the quantity of the systems capacity to be consumed by the development. If the proposed development is to be developed in phases, such information shall also provide the entire development proposed, including any phases already developed.
 - (2) The total capacity to be supplied to the City of Rockwall's water, wastewater, storm drainage, roadway, or park system by the dedication of an interest in land, construction improvements or fee contributing. If the subdivision plat is proposed as a phased development, the information shall include any capacity supplied by prior dedications or construction of public improvements.
 - (3) A comparison of the capacity of the City of Rockwall's public facility systems to be consumed by the proposed development with the capacity to be supplied to such systems by the proposed dedication of an interest in land, construction of improvements, or fee payment. In making this comparison, the impacts on the City's public facility systems from the entire development shall be considered.
 - (4) The effect of any City participation in the costs of oversizing the public infrastructure improvement to be constructed in accordance with the requirements of the City of Rockwall.
 - (5) Any other pertinent information that shows the alleged disproportionality between the impacts created by the proposed development and the dedication, construction or fee requirements imposed by the City of Rockwall.
- (3) Time Period for Filing a Petition. All petitions for a Proportionality Appeal shall be filed in writing to the Director of the Planning and Zoning Department with a Development Application for a Preliminary Plat, Final Plat, or Replat; however, no Proportionality Appeal may be filed for a property that has not been properly zoned to allow the development proposed under a subdivision plat.
- (4) Land in the City's Extraterritorial Jurisdiction (ETJ). Where land or facilities to be dedicated are located within the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall and are to be dedicated to Rockwall County, a petition for a Proportionality Appeal shall be accepted as complete for review by the Director of the Planning and Zoning Department only when such a petition is accompanied by verification that a copy has been delivered to and accepted by Rockwall County.

(C) PROCESSING AND DECISION ON A PROPORTIONALITY APPEAL

- (1) Responsible Official. The Director of the Planning and Zoning Department or his/her designee shall be responsible for accepting and processing a Proportionality Appeal; however, the City Engineer shall be the official responsible for evaluating and addressing the petition and study. Where the Proportionality Appeal is for relief from the dedication of right-of-way for or the construction of a facility in the City of Rockwall's Extraterritorial Jurisdiction (ETJ) that is to be dedicated to Rockwall County under an Interlocal Agreement permitted under Chapter 242, Authority of Municipality and County to regulate Subdivisions in and Outside Municipality's Extraterritorial Jurisdiction, of the Texas Local Government Code, the City Engineer shall coordinate a recommendation with Rockwall County.
- (2) Evaluation and Recommendation of a Proportionality Appeal. The City Engineer shall evaluate the petition and supporting study and make a recommendation to the Planning and Zoning Commission and City Council. In evaluating the petition and supporting study, the City Engineer shall take into account the maximum amount of any impact fees to be charged against the development for the type of public improvement that is the subject of the petition, or similar developments on the City's Water/Wastewater Master Plan, the Master Thoroughfare Plan, the Parks and Open Space Master Plan. The City Engineer may utilize any reasonable methodology in evaluating the applicant's study.
- (3) Planning and Zoning Commission Determination. The Planning and Zoning Commission shall take into account the City Engineer's Determination of Proportionality and the Evaluation and Recommendation of the Proportionality Appeal when considering the Preliminary Plat, Final Plat, or Replat. In making a recommendation to the City Council, the Planning and Zoning Commission shall identify any variation to the requirements that are to be included as conditions of approval for the subdivision plat.
- (4) City Council Determination. The City Council shall render a decision on the Proportionality Appeal with its decision on the subdivision plat. The City Council shall determine whether the application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks or roadway systems, and whether the application of the standard or condition reasonably benefits the development. In making such a determination, the City Council shall consider the petition and supporting study provided by the applicant, the Determination of Proportionality, the City



Engineer's evaluation and recommendation of the *Proportionality Appeal*, and where the property is located within the City's Extraterritorial Jurisdiction (ETJ) and the recommendations made by Rockwall County [if applicable].

- (5) City Council Action. Based on the City Council's determination, the City Council shall -- by simple majority vote -- take one (1) of the following actions:
- Deny the *Proportionality Appeal* and impose the dedication and/or construction requirement as required by this Chapter; or
 - Grant the *Proportionality Appeal* and waive any dedication and/or construction requirement to the extent necessary to achieve proportionality; or
 - Grant the petition for relief, and direct that the City of Rockwall participate in the costs of acquiring land for and/or constructing the public improvement under standard participation policies.
- (6) Notification of a Decision on a Proportionality Appeal. The property owner or developer/applicant shall be notified of the decision on a *Proportionality Appeal* by the Director of the Planning and Zoning Department within 14 calendar days following the City Council's decision.

(D) EFFECT AND EXPIRATION OF A DECISION ON A PROPORTIONALITY APPEAL.

- Effect of Relief. If necessary, the Director of the Planning and Zoning Department may require the property owner and/or developer/applicant to submit a modified *Development Application* with supporting materials showing conformance with the relief granted by the City Council for a *Proportionality Appeal*. If required to resubmit the subdivision plat, the property owner and/or developer/applicant shall have 90-days -- from the date the relief under the *Proportionality Appeal* was granted by the City Council -- to submit a subdivision plat showing conformity with the City Council's decision.
- Failure to File a Subsequent Development Application. Should the property owner and/or applicant fail to provide a conforming subdivision plat within 90-days -- from the date the relief under the *Proportionality Appeal* was granted by the City Council --, the relief granted on the *Proportionality Appeal* shall expire.
- Expiration of Relief. The relief granted on a *Proportionality Appeal* shall remain in effect for the period the *Development Application* is in effect, and shall expire upon the expiration of the subdivision plat or related *Development Application*; however, the following shall also apply to a granted *Proportionality Appeal*:
 - The City Council may extend the time for filing the revised subdivision plat or *Development Application* for good cause, but in no case should the expiration date for the relief granted extend beyond one (1) year from the date the *Proportionality Appeal* was granted by the City Council.
 - If the subdivision plat or *Development Application* is modified to increase the number of residential lots or units or if the intensity of a non-residential land use is increased, the Director of the Planning and Zoning Department may require a new study to validate the *Proportionality Appeal* granted by the City Council has not changed.
 - If the subdivision plat or *Development Application* -- for which a *Proportionality Appeal* was granted by the City Council -- is denied on other grounds, a new *Proportionality Appeal* shall be required on any subsequent application.

(4) PETITION FOR VESTED RIGHTS.

(A) PURPOSE AND APPLICABILITY.

- Purpose. The purpose of a *Vested Rights Petition* is to determine whether a *Development Application* should be processed under the requirements of a previous ordinance and should not be subject to the regulations of this Chapter, to provide a process for the determination of vested rights, and to determine when certain subdivision plats are subject to expiration.
- Applicability. A *Vested Rights Petition* may be filed with a *Development Application* authorized by this Chapter. A *Vested Rights Petition* may not be submitted by an applicant along with an application for a zoning change, text amendment, Specific Use Permit (SUP), or any other *Development Application* requesting legislative action/decision by the City Council.

(B) VESTED RIGHTS PETITION.

- Submission. A *Vested Rights Petition* may be submitted by a property owner or their duly authorized representative and shall be filed with the Responsible Official [see [Subsection 38-10\(4\)\(C\)\(1\)](#)] in accordance with [Chapter 245, Issuance of Local Permits, of the Texas Local Government Code](#) or successor statute. The submission of a *Vested Rights Petition* shall be deemed to be an automatic waiver



of the applicant's right -- *and the City's obligation* -- to process and act upon an application as required by [Chapter 212, Municipal Regulation of Subdivisions and Property Development, of the Texas Local Government Code](#). The submission of a *Vested Rights Petition* shall stay further proceedings on the related application until a final decision is reached on the petition.

- (2) *Effect of Petition*. If a *Vested Rights Petition* is approved in whole or in part, the *Responsible Official* [see [Subsection 38-10\(4\)\(C\)\(1\)](#)] shall process the related application and decide the application in accordance with the standards specified in the approval based on the prior ordinance requirements, or shall extend the validity of the related application that would otherwise be subject to expiration pursuant to the requirements of this *Chapter*.
- (3) *Form of Petition*. The *Vested Rights Petition* shall allege in writing that the property owner or their duly authorized representative has a vested right for some or all of the land subject to the application established under Chapter 245, *Issuance of Local Permits*, or pursuant to [Section 43.002, Continuation of Land Use, of the Texas Local Government Code](#) or successor statute, that requires the City of Rockwall to review and decide the application under standards that were in effect prior to the effective date of the currently applicable standards. The petition shall include all of the following information and documents:
 - (a) A written narrative describing the grounds for the requested petition, including a statement as to whether the petition asserts a vested right related to a specific standard or an entire project. The written narrative shall include original notarized signatures of the property owner.
 - (b) A copy of each approved or pending *Development Application*, which is the basis for the contention that the City of Rockwall may not apply current standards to the subdivision plat application which is the subject of the petition.
 - (c) The official filing date of the *Development Application*.
 - (d) The date the subdivision for which the *Development Application* was submitted and commenced.
 - (e) Identification of all standards otherwise applicable to the *Development Application* from which relief is requested.
 - (f) Identification of the standards which the petitioner contends apply to the *Development Application*.
 - (g) Identification of the current standards which the petitioner agrees can be applied to the *Development Application* at issue.
 - (h) A copy of any prior vested rights determination involving the same land.
 - (i) Where the petitioner alleges that a subdivision plat subject to expiration should not be terminated, a description of the events constituting progress toward completion of the subjection for which the *Development Application* was approved. The applicant shall reimburse the City for all related legal costs for review of the vested rights petition. This reimbursement shall be paid in full prior to any decision on the petition.
- (4) *Time for Filing a Petition*. A *Vested Rights Petition* shall be filed with an application for which a vested right is claimed, except that the petition may be filed before the date of expiration of a subdivision plat

(C) PROCESSING OF AND DECISION ON A VESTED RIGHTS PETITION.

- (1) *Responsible Official*. The Director of the Planning and Zoning Department or his/her designee shall be responsible for processing a *Vested Rights Petition*. In addition, a copy of the *Vested Rights Petition* shall be forwarded to the *City Attorney* following acceptance. The petitioner shall be responsible for reimbursing the City of Rockwall with any legal fees incurred related to the review of the *Vested Rights Petition*. The reimbursement shall be paid in full prior to the filing of a subdivision plat.
- (2) *Determination by the Responsible Official*. Upon receiving a *Vested Rights Petition*, the *Responsible Official* shall review the request, and prepare a written determination concerning if the relief requested in the *Vested Rights Petition* is warranted in whole or in part. This determination should summarize the *Responsible Official's* reasoning and recommendation.
- (3) *Decision of the Planning and Zoning Commission*. The *Responsible Official* shall forward the written determination to the Planning and Zoning Commission for consideration, and the Planning and Zoning Commission shall render a decision on the *Vested Rights Petition* within 14 calendar days following the date the petition was filed with the City of Rockwall. In approving a decision on a *Vested Rights Petition*, the Planning and Zoning Commission shall require a simple majority vote of those members present.
- (4) *Appeal of a Decision of the Planning and Zoning Commission*. The petitioner may appeal the decision of the Planning and Zoning Commission on a *Vested Rights Petition* to the City Council within ten (10) working days of the date such decision is rendered. An appeal under this section stays the acceptance of any further *Development Applications* until the City Council has rendered the final decision.
- (5) *Decision of the City Council*. Upon appeal by a petitioner, the City Council shall review the *Responsible Official's* written determination and the Planning and Zoning Commission's decision, and render a decision on the *Vested Rights Petition* within 30 calendar days following the date the petition was filed with the City of Rockwall. In approving a decision on a *Vested Rights Petition*, the City Council shall require a simple majority vote of those members present. The City Council's decision shall be the final decision on a *Vested Rights Petition*.



- (6) Criteria for Approval. The Planning and Zoning Commission and City Council shall decide the Vested Rights Petition based upon the following factors:
- (a) The nature and extent of prior subdivision plats or *Development Applications* filed for the land subject to the petition.
 - (b) Whether any prior vested rights determinations have been made with respect to the property subject to the petition.
 - (c) Whether any prior approved *Development Applications* for the subject property have expired or have been terminated in accordance with State law or local ordinances.
 - (d) Whether any statutory exception applies to the standards in this *Chapter* from which the applicant is seeking relief.
 - (e) Whether any prior approved subdivision plats or *Development Applications* relied upon the petitioner have expired.
 - (f) For petitions filed pursuant to [Section 38-7\(10\), Dormant Projects](#), or [Section 38-6\(3\)](#) of this *Chapter*, whether any of the events preventing expiration have occurred.
 - (g) Any other applicable provisions outlined in [Chapter 245, Issuance of Local Permits](#), or [Section 43.002, Continuation of Land Use](#), of the Texas Local Government Code, or its successor statutes.
- (7) Conditions of Approval. If the claim of vested rights is based upon a pending *Development Application*, subject to the standards that have been superseded by this *Chapter*, the Planning and Zoning Commission and City Council may condition any relief granted on the Vested Rights Petition on the approval of the pending *Development Application*.

(D) ACTION ON AND ORDER FOR A VESTED RIGHTS PETITION.

- (1) Action on a Vested Rights Petition. The Planning and Zoning Commission and City Council may take any of the following actions on a Vested Rights Petition.
- (d) Deny the relief requested in the petition, and direct that the subdivision plat shall be reviewed and decided under the currently applicable standards.
 - (e) Grant the relief requested in the petition, and direct that the subdivision plat shall be reviewed and decided in accordance with the standards contained in the identified, prior regulations.
 - (f) Grant the relief requested in part, and direct that certain identified current standards be applied to the related subdivision plat, while standards contained in the identified, prior regulations shall be applied.
 - (g) For petitions filed pursuant to [Section 38-7\(10\), Dormant Projects](#), or [Section 38-6\(3\)](#) of this *Chapter*, specify the expiration date or the conditions of expiration for the related subdivision plat(s).
- (2) Order for a Vested Rights Petition. The responsible official's report and the decision on the Vested Rights Petition shall be recorded in writing in an order that identifies the follow:
- (f) The nature of the relief granted, if any.
 - (g) The approved or filed *Development Application* of the subdivision plat or other *Development Application* upon which relief is premised under the petition.
 - (h) Current standards which shall apply to the subdivision plat for which relief is sought.
 - (i) Prior standards which shall apply to the subdivision plat for which relief is sought, including any procedural standards.
 - (j) The statutory exception or other grounds upon which relief is denied in whole or in part on the petition.
 - (k) For petitions filed pursuant to [Section 38-7\(10\), Dormant Projects](#), or [Section 38-6\(3\)](#) of this *Chapter*, determine whether the approved subdivision plat should be terminated, and specify the expiration date or the conditions of expiration for the subdivision plat.

(E) EFFECT, EXPIRATION AND EXTENSION OF A VESTED RIGHTS PETITION.

- (1) Effect of Relief. Following the final decision on the Vested Rights Petition, the property owner shall conform the subdivision plat or *Development Application* for which relief is sought to such decision. If the subdivision plat or *Development Application* on file is consistent with the relief granted on the Vested Rights Petition, no revisions are necessary. Where proceedings have been stayed on the subdivision plat or *Development Application* pending referral of the Vested Rights Petition to the City Council, proceedings on the application shall resume after the City Council's final decision on the Vested Rights Petition.
- (2) Expiration of a Vested Rights Petition. Relief granted on a Vested Rights Petition shall expire on the occurrence of one (1) of the following events:
- (a) The property owner or developer/applicant fails to submit a required revised subdivision plat or *Development Application* consistent with the relief granted within 30-days of the final decision on the Vested Rights Petition; or,
 - (b) The subdivision plat for which relief was granted on the Vested Rights Petition is denied under the criteria made applicable through the relief granted on the petition; or,



- (c) The subdivision plat or *Development Application* for which the relief was granted on the *Vested Rights Petition* expires.
- (3) *Extension of a Vested Rights Petition*. Extension of the date of expiration for the *Development Application* for which relief that was granted on a *Vested Rights Petition* shall result in extension of the relief granted on the *Vested Rights Petition* for the same time period.

SECTIONS 38-11 – 38-49: RESERVED



ARTICLE II. PARK LAND DEDICATION

SECTION 38-50. PURPOSE.

The City of Rockwall acknowledges that public parks and recreational amenities are necessary to serve the public's health and welfare, and that these types of facilities improve the quality of life for the City's residents. The City has further determined that increased residential and non-residential development within the City's corporate boundaries impact the City's existing park resources and increase the demand for additional public parks, trails, and recreational amenities. In order to address these issues, the City Council of the City of Rockwall establishes this *Article* to provide a fair method for determining parkland dedication, cash-in-lieu of land fees, and pro-rata equipment fees in order to meet the current and future needs of the City's residents. The requirements for parkland are based in part on the standards, needs and objectives set forth in the Parks and Recreation Department's *Parks & Open Space Master Plan*, which is routinely amended and adopted by the City Council and which shall be incorporated by reference herein for all purposes.

SECTION 38-51. DEFINITIONS.

The following words, terms and phrases, when used in this *Article*, shall have the meanings ascribed to them in this *Section*, except where the context clearly indicates a different meaning:

- (1) Applicant. An *Applicant* is the property owner or duly authorized agent/representative of the property owner seeking approval for a development through the development process.
- (2) Community Park. A *Community Park* is a public park that is intended to serve a larger geographic area than a *Neighborhood Park*, and that: [1] is located adjacent to larger roadways to facilitate greater access to the area, [2] is located outside of the boundaries of a subdivision, [3] is a minimum of 50-acres in size with all land area being outside of the 100-year floodplain (*unless otherwise approved by the City Council pending a recommendation by Parks and Recreation Board of the City of Rockwall*), [4] provides a wider variety of outdoor recreational amenities and open space than can be provided in a *Neighborhood Park*, and [5] is in a convenient walking, bicycling, or driving distance to the majority of the residents within a stated geographic area that consists of several *Park Districts*.
- (3) Develop. To *Develop* shall mean the act of subdividing a parcel or tract of land and the installation of public facilities in accordance with and as defined in [Chapter 38, Subdivisions, of the Municipal Code of Ordinances](#).
- (4) Development. A *Development* shall mean a parcel or tract of land proposed for subdivision in accordance with and as defined by [Chapter 38, Subdivisions, of the Municipal Code of Ordinances](#).
- (5) Director. The *Director* shall mean the Director of the Parks and Recreation Department of the City of Rockwall.
- (6) Neighborhood Park. A *Neighborhood Park* is a public park that is: [1] a minimum of 11-acres in size with all land area being outside of the 100-year floodplain (*unless otherwise approved by the City Council pending a recommendation by the Parks and Recreation Board of the City of Rockwall*), [2] provides a variety of outdoor recreational amenities that are typically passive in nature (*i.e. does not typically include programmed recreational spaces for sports or uses that require a high level of maintenance*), and [3] is within a convenient walking distance for the majority of residents within a stated geographic area (*see the definition for Park Districts*).
- (7) Park Districts. *Park Districts* are geographic areas established by the City Council upon recommendation by the Parks and Recreation Board of the City of Rockwall representing the boundaries of a convenient walking distance for residents within the area to any *Neighborhood Park* that is also located within these boundaries.
- (8) Park Master Plan. The Parks and Recreation Department's *Park & Open Space Master Plan* as adopted and as may be amended in the future by the City Council.
- (9) Private Park. A *Private Park* is any park that is owned and maintained by an entity other than the City of Rockwall. *Private Parks* are typically served by private streets and are not accessible via public right-of-way.
- (10) Pro-Rata Share of Dedication. The *Pro-Rata Share of Dedication* means the amount of land that shall be dedicated -- or the acreage used to calculate the *Cash-In-Lieu of Land fees* -- for a particular *Development* as prescribed within [Section 38-57](#).
- (11) Public Parkland. *Public Parkland* is any *Neighborhood Park* or *Community Park* that is generally depicted in the Parks and Recreation Department's *Parks & Open Space Master Plan*.



(12) *Residential Development.* Residential Development shall mean any single-family or multi-family development regardless of the underlying zoning designation; however, this definition specifically excludes any development that is intended for temporary occupancy (i.e. hotels/motels, nursing homes, convalescent care facilities, homeless shelters, and halfway houses). Development intended for temporary occupancy shall be treated as Non-Residential Development.

SECTION 38-52. AUTHORITY FOR THIS ARTICLE.

This Article is enacted pursuant to and in accordance with the home rule powers of the City of Rockwall, granted under the [Section 5 of Article XI of the State of Texas Constitution](#), in statutes of the State of Texas -- including but not limited to Local Government Code §212.001 et. seq. -- and the City of Rockwall's Home Rule Charter. The imposition of park dedication or a park fee does not alter, negate, supersede, or otherwise affect any other requirements of the City, County, or State legislation or regulations that may be applicable to a development, including the City's zoning and/or subdivision regulations.

SECTION 38-53. APPLICABILITY OF PARKLAND DEDICATION AND/OR PARK FEES.

This Article shall be applicable to the establishment of Neighborhood Parks, Community Parks and the trail systems that connect homes and businesses to the public parks and the greater community. In addition, this Article shall specifically apply to Residential Development.

SECTION 38-54. DEDICATION OF PUBLIC PARKLAND AND THE ESTABLISHMENT OF PRIVATE PARKLAND.

(1) *Dedication of Public Parkland for Residential Developments.* The cost of Neighborhood Parks shall be borne initially by the Applicant and then primarily by the ultimate residential property owners, who -- by reason of the proximity of their property to such parks -- shall be the primary beneficiary of these public facilities. The following outlines the requirements and process for the dedication of public parkland for Residential Developments:

(a) *Requirements for Public Parkland Dedication.* Unless otherwise approved by the City Council upon recommendation by the Parks and Recreation Board, the following are the general requirements for parkland dedication in the City of Rockwall:

(1) *Land Suitability.* All land used to satisfy the requirements for public parkland dedication shall be suitable for the provision of recreational amenities. Land suitability shall be defined as land that: [1] is directly accessible to a public street, [2] is situated outside the 100-year floodplain (unless otherwise approved by the City Council pending a recommendation from the Parks and Recreation Board), [3] does not have excessive slope, [4] does not have encumbrances by easements, utilities, drainage structures, or appurtenances that restrict the use of the area (unless otherwise approved by the City Council pending a recommendation from the Parks and Recreation Board), and [5] generally meets the goals and policies outlined in the Park Master Plan. Any land proposed for dedication that does not adhere to this criterion may be grounds for denial of a subdivision plat.

(2) *Location.* When possible, parkland should be located adjacent to schools and/or public open spaces to facilitate shared facilities or within a subdivision to allow for a logical extension and connection to a public park, trail, or other recreation facility within an abutting subdivision.

(3) *Size.* The following size requirements shall be applicable to all land used to satisfy the requirements for public parkland dedication:

(a) *One (1) Acre or Less.* The City Council has determined that parkland dedication of one (1) acre or less is impractical for the purposes of establishing a Neighborhood Park. Therefore, if the Pro-Rata Share of Required Dedication for Residential Development is one (1) acre or less, the Applicant shall be required to pay the applicable Cash-In-Lieu of Land fees in the amount provided by [Section 38-57](#), rather than dedicate any parkland. No subdivision plat showing one (1) acre or less of parkland dedication shall be approved.

(b) *Greater than One (1) Acre but Less Than Eight (8) Acres.* In cases where the Pro-Rata Share of Required Dedication for a Residential Development is greater than one (1) acre but less than eight (8) acres, the City Council -- upon recommendation from the Parks and Recreation Board -- shall have the option of requiring parkland dedication or accepting Cash-In-Lieu of Land fees in accordance with [Section 38-57](#). In making this decision, the City Council and the Parks and Recreation Board shall determine: [1] if sufficient parkland is already provided within the Park District of the proposed Residential Development, or [2] if accepting Cash-In-Lieu of Land fees would better serve the Park District by allowing for the expansion or improvement of an existing Neighborhood Park or Community Park.

(c) *Eight (8) Acres to 11-Acres.* In cases where the Pro-Rata Share of Required Dedication for a Residential Development is greater than or equal to eight (8) acres and the proposed Public Parkland meets the requirements stipulated by [Section 38-](#)



54(1)(a), the City Council -- upon recommendation from the Parks and Recreation Board -- shall accept the dedication in accordance with Section 38-54(1)(b).

- (b) Process for the Dedication of Public Parkland. An Applicant shall provide dedication of *Public Parkland* suitable for the development of a public park or provide *Cash-In-Lieu of Land Fees* as stipulated by Section 38-57. Dedication of *Public Parkland* shall be shown on the preliminary and final plat and be labeled as "*Public Parkland Dedication to the City of Rockwall*". The Parks and Recreation Board shall review the proposed preliminary plat and final plat and provide recommendations concerning the acceptance of the proposed *Public Parkland Dedication* prior to the City Council acting on the preliminary plat or final plat. At the time the final plat is filed with the Rockwall County Clerk -- in accordance with the procedures outlined in Chapter 38, Subdivisions, of the Municipal Code of Ordinances --, such plat shall contain clear fee simple dedication of the proposed dedication for *Public Parkland*, and be free and clear of any encumbrances.
- (c) Waiver of Public Parkland Dedication for Private Residential Developments. If a *Residential Development* is proposed to be a private development with a *Private Park*, the City of Rockwall shall: [1] calculate the *Cash-In-Lieu of Land Fees* and the *Pro-Rata Equipment Fees* as if the proposed development were public, and [2] waive the requirement if the amenities of the *Private Park* of the proposed private development meet or exceed the calculated *Cash-In-Lieu of Land Fees* and the *Pro-Rata Equipment Fees* to be collected. In the event that the *Cash-In-Lieu of Land Fees* and the *Pro-Rata Equipment Fees* are greater than the amenities of the *Private Park* of the proposed private development, the Applicant of the private development shall pay the difference in accordance with the provisions of this Article.

In a private development within a *Park District* or a private development encompassing an entire *Park District*, the *Private Park* within the private development must be easily accessible to the general public either through the use of the City's trail system or via a public roadway. If the private development encompasses the entire *Park District* and the ten (10) acre *Private Park* is not a continuous land mass, each separate section of the *Private Park* must be accessible to the general public and connected by way of a minimum eight (8) foot wide trail.

- (d) Dedication of More than the Pro-Rata Share of Parkland. At the discretion of the City Council -- pending a recommendation from the Parks and Recreation Board -- an Applicant may dedicate more land than the *Pro-Rata Share of Dedication* calculated for a *Residential Development*. If an Applicant dedicates an amount of land equal to or greater than the total required area required for a *Neighborhood Park*, the City and the Applicant shall enter into a *Pro-Rata Refund Agreement* in accordance with Chapter 38, Subdivisions, of the Municipal Code of Ordinances. The *Pro-Rata Refund Agreement* shall allow the Applicant to recover the cost of the additional dedication in excess of the *Pro-Rata Share of Dedication*. This agreement shall not be executed until after the required streets, drainage, and utilities have been constructed on the dedicated land. The *Pro-Rata Refund Agreement* shall provide that future Applicants of *Residential Development* in the same *Park District* shall pay their *Pro-Rata Share of Dedication* of the actual cost of the *Neighborhood Park*, which shall be calculated based on the *Cash-In-Lieu of Land Fees* and *Pro-Rata Equipment Fees* in effect at the time of dedication. In no case shall the Applicant receive payments above the amount stated in the *Pro-Rata Refund Agreement*. The term of the *Pro-Rata Refund Agreement* shall not exceed a period of five (5) years from the date of dedication.
- (2) Prior Dedication or Absence of Prior Dedication. At the request of an Applicant, the City Council may consider crediting any former dedication or gift of land to the City of Rockwall on a per acre basis toward the eventual land dedication requirements imposed on a proposed *Residential Development*. In exercising their discretion on these types of requests, the City Council shall consider the recommendations of the Planning and Zoning Commission and Parks and Recreation Board; however, no previous dedications of required open space for any development maybe considered as prior dedication.

SECTION 38-55. CASH-IN-LIEU OF LAND FEES.

Subject to approval by the City Council -- pending a recommendation from the Parks and Recreation Board -- and the requirements of Section 38-54, an Applicant responsible for the *Parkland Dedication* under this Article may elect to meet the requirements of Section 38-54 in whole or in part through a cash payment in lieu of land dedication. The amount of this cash payment shall be as set forth in Section 38-57. Cash payments collected by the City through this method may only be used for the acquisition or improvement of a *Neighborhood Park* located within the same *Park District* as the *Development* in which the fees are being assessed.

SECTION 38-56. PRO-RATA EQUIPMENT FEES.

A *Pro-Rata Equipment Fee* is hereby imposed on *Residential Development* for the purposes of assuring that the recreational and amenity needs created by a *Residential Development* are satisfied. Such a fee is intended to be in accordance with and to further the goals and policies of the *Park Master Plan* and other City policies, ordinances and resolutions, and to ensure the provision of adequate recreational amenities in *Public Parks*. The *Pro-Rata Equipment Fee* applies to all *Residential Development* and shall only be used to provide recreational amenities in *Neighborhood Parks* and/or *Community Parks*. This fee shall be in addition to the required dedication of *Public Parkland* required by Section 38-54, and shall be as set forth in Section 38-57.



SECTION 38-57. METHODOLOGY AND CALCULATION OF CASH-IN-LIEU OF LAND FEES AND PRO-RATA EQUIPMENT FEES FOR NEIGHBORHOOD PARKS.

(1) *Ultimate Dwelling Unit Holding Capacity.* The *Ultimate Dwelling Unit Holding Capacity* or the total number of residential units expected within a fully developed *Park District* shall be calculated by using the *Impact Fee Land Use Assumptions* as depicted in *Table 2*.

(2) *Dwelling Unit Dedication Factor.* The *Dwelling Unit Dedication Factor* is the acreage required from each residential unit anticipated to be constructed within a fully developed *Park District* necessary to provide a *Neighborhood Park* within that *Park District*. This factor is calculated by dividing the *Ultimate Dwelling Unit Holding Capacity* by the required acreage for a *Neighborhood Park* (i.e. 11-acres). For example, the *Dwelling Unit Dedication Factor* for a *Park District* that has an *Ultimate Dwelling Unit Holding Capacity* of 100 dwelling units would be calculated as follows:

11-AC/100 DU = 0.11-AC/DU
WHERE: DU = DWELLING UNITS; AC = ACRES

(3) *Pro-Rata Share of Dedication.* The *Pro Rata Share of Dedication* is the acreage of required *Parkland Dedication* for a particular *Residential Development* as determined by the proposed number of units multiplied by the *Dwelling Unit Dedication Factor*. For example, the *Pro-Rate Share of Dedication* for a *Residential Development* proposing to create 100 dwelling units in a *Park District* with a *Dwelling Unit Dedication Factor* of 0.01-acres would be calculated as follows:

0.01-AC x 100 DU = 1-AC
WHERE: DU = DWELLING UNITS; AC = ACRES

(4) *Cash-In-Lieu of Land Fees.* *Cash-Lieu of Land Fees* are the fees paid by an *Applicant* for each proposed dwelling unit if *Parkland Dedication* is waived by the City Council in accordance with the requirements of [Section 38-55](#). These fees shall be calculated and approved by the City Council on an annual basis by establishing the price required to purchase one (1) acre of land at current land values within the City of Rockwall, dividing it by the *Ultimate Dwelling Unit Holding Capacity* for a *Park District*, and multiplying this total by the required acreage for a *Neighborhood Park* (i.e. 11-acres). For example, if the price to purchase one (1) acre of land was established as \$50,000.00 per acre, a *Park District* with an *Ultimate Dwelling Unit Holding Capacity* of 100 dwelling units would be calculated as follows:

(\$50,000.00/100 DU) x 11-AC = \$5,500.00/DU
WHERE: DU = DWELLING UNITS; AC = ACRES

(5) *Pro-Rata Equipment Fees.* The *Pro-Rata Equipment Fees* are the fees necessary to fully amenitized a fully developed *Neighborhood Park*. These fees shall be calculated and approved by the City Council on an annual basis by establishing the average cost of providing amenity to a fully developed park and dividing it by the *Ultimate Dwelling Unit Holding Capacity* for a *Park District*. For example, if the average cost of providing amenity to a fully developed park was \$500,000.00 and the *Ultimate Holding Capacity* for a *Park District* is 100 dwelling units the *Pro-Rata Equipment Fees* would be calculated as follows:

\$500,000.00/100 DU = \$5,000.00/DU
WHERE: DU = DWELLING UNITS

TABLE 1. LAND AND EQUIPMENT COSTS

ANNUAL PRICE PER ACRE OF LAND	\$68,000.00
NEIGHBORHOOD PARK ACREAGE (ACRES)	11.00
TOTAL LAND COST FOR A NEIGHBORHOOD PARK	\$748,000.00
TOTAL EQUIPMENT COST FOR A NEIGHBORHOOD PARK	\$702,000.00
TOTAL COST FOR A NEIGHBORHOOD PARK	\$1,450,000.00

TABLE 2. FEE SCHEDULE

PARK DISTRICT	ULTIMATE DWELLING UNIT HOLDING CAPACITY	DWELLING UNIT DEDICATION FACTOR IN ACRES	CASH-IN-LIEU OF LAND FEES	PRO-RATA EQUIPMENT FEES	TOTAL ALTERNATIVE PARK FEES
1	594	0.0185	\$1,259.26	\$1,181.82	\$2,441.08
2	1,148	0.0096	\$651.57	\$611.50	\$1,263.07



3	1,350	0.0081	\$554.07	\$520.00	\$1,074.07
4	1,265	0.0087	\$591.30	\$554.94	\$1,146.25
5	1,278	0.0086	\$585.29	\$549.30	\$1,134.59
6	671	0.0164	\$1,114.75	\$1,046.20	\$2,160.95
7	1,446	0.0076	\$517.29	\$485.48	\$1,002.77
8	1,083	0.0102	\$690.67	\$648.20	\$1,338.87
9	1,451	0.0076	\$515.51	\$483.80	\$999.31
10	349	0.0315	\$2,143.27	\$2,011.46	\$4,154.73
11	1,085	0.0101	\$689.40	\$647.00	\$1,336.41
12	1,221	0.0090	\$612.61	\$574.94	\$1,187.55
13	782	0.0141	\$956.52	\$897.70	\$1,854.22
14	2,212	0.0050	\$338.16	\$317.36	\$655.52
15	1,234	0.0089	\$606.16	\$568.88	\$1,175.04
16	406	0.0271	\$1,842.36	\$1,729.06	\$3,571.43
17	2,844	0.0039	\$263.01	\$246.84	\$509.85
18	701	0.0157	\$1,067.05	\$1,001.43	\$2,068.47
19	996	0.0110	\$751.00	\$704.82	\$1,455.82
20	1,248	0.0088	\$599.36	\$562.50	\$1,161.86
21	1,006	0.0109	\$743.54	\$697.81	\$1,441.35
22	1,312	0.0084	\$570.12	\$535.06	\$1,105.18
23	1,178	0.0093	\$634.97	\$595.93	\$1,230.90
24	1,472	0.0075	\$508.15	\$476.90	\$985.05
25	1,313	0.0084	\$569.69	\$534.65	\$1,104.34
26	630	0.0175	\$1,187.30	\$1,114.29	\$2,301.59
27	1,756	0.0063	\$425.97	\$399.77	\$825.74
28	2,321	0.0047	\$322.27	\$302.46	\$624.73
29	3,965	0.0028	\$188.65	\$177.05	\$365.70
30	1,724	0.0064	\$433.87	\$407.19	\$841.07
31	333	0.0330	\$2,246.25	\$2,108.11	\$4,354.35

SECTION 38-58. ASSESSING AND COLLECTING CASH-IN-LIEU OF LAND FEES AND PRO-RATA EQUIPMENT FEES.

Applicant's submitting a subdivision plat for a *Residential Development* shall require a recommendation from the Parks and Recreation Board of the City of Rockwall prior to seeking approval from the City Council. The *Director* shall calculate the fees based on the number of residential lots or units being proposed for the *Residential Development* in accordance with [Section 38-57](#), and bring forward a recommendation for the consideration of the Parks and Recreation Board. Once the Parks and Recreation Board has approved a recommendation to the City Council, the Director of Planning and Zoning shall bring the recommendation forward to the City Council with the consideration of the replat or final plat. Upon approval from the City Council, fees shall be collected in conjunction with the collection of all civil engineering fees or -- *if applicable* -- subdivision plat recording fees.

SECTION 38-59. SPECIAL FUND ESTABLISHED; REFUNDS.

- (1) Park Land Dedication Fund. There is hereby established a special fund for the deposit of all *Cash-In-Lieu of Land Fees* and *Pro-Rata Equipment Fees* collected under this *Article*. This fund shall be known as the *Park Land Dedication Fund*.
- (2) Refunds. The City of Rockwall shall account for all sums paid for *Cash-In-Lieu of Land Fees* and *Pro-Rata Equipment Fees* collected under this *Article* and reference them by the individual subdivision plat requiring the fee dedication. Any funds paid for such purposes must be expended by the City of Rockwall within eight (8) years from the date received by the City for acquisition and development of a *Neighborhood Park* or a *Community Park* as defined in this article. Such funds shall be considered to be spent on a first-in, first-out basis. If not expended within eight (8) years from the date of collection, the *Applicant* -- *on the last day of such period* -- shall be entitled to a pro-rata refund of such funds. The *Applicant* must request such refund in writing within one (1) year of collection, or such rights shall be barred.



SECTION 38-60. REVIEW AND UPDATING PARKS & OPEN SPACE MASTER PLAN.

The City’s Parks and Recreation Department shall consider the need to update the *Parks & Open Space Master Plan* at least annually to ensure that the plan remains current and provides an equitable, effective framework from which to pursue the acquisition and development of *Neighborhood Parks* and *Community Parks* for each *Park District*; however, a mandatory update shall be performed at least every five (5) years.

SECTION 38-61. PARK DISTRICT BOUNDARIES.

(1) *Park Districts*. The *Park Districts* shall be as depicted in *Figure 1*.

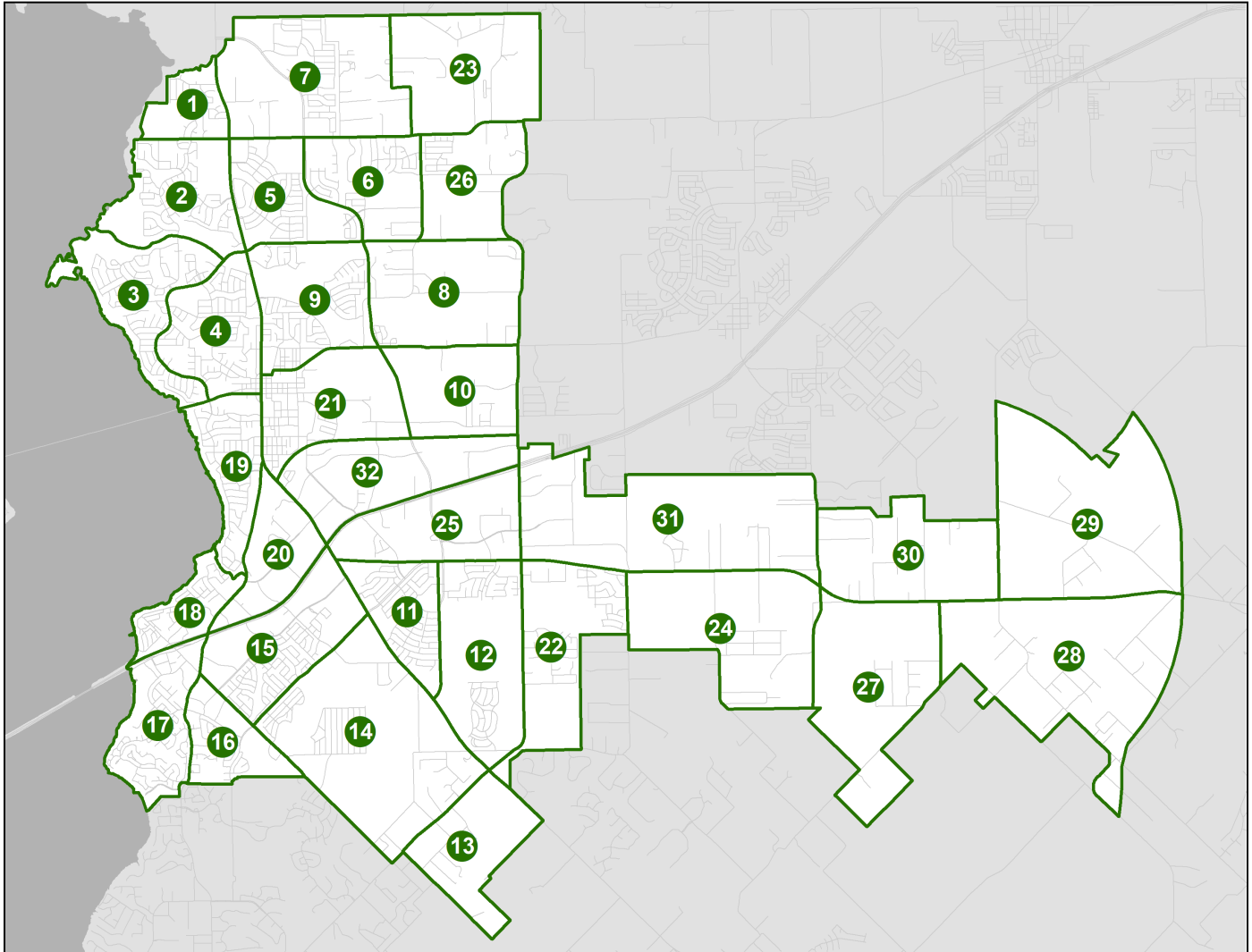


FIGURE 1: PARK DISTRICTS

SECTION 38-62. APPEALS, WAIVERS, AND VARIANCES TO THIS ARTICLE’S REQUIREMENTS BY THE CITY COUNCIL.

(1) *Appeals*. The *Applicant* may appeal the following decisions of the *Director* to the City Council:

- (a) The applicability of the *Cash-In-Lieu of Land Fees* and *Pro-Rata Equipment Fees*;
- (b) The amount of the *Park Fees* due; or,
- (c) The amount of refund due (*if any*).

The burden of proof is on the *Applicant* to demonstrate that the amount or applicability of the fee or refund, was not calculated according to the applicable schedule of fees or the guidelines established for determining such amounts. The *Applicant* must file a notice of appeal with the City Secretary within 30-days following the determination by the *Director*. The filing of an appeal shall stay the matter until final determination by the City Council.



- (2) Variations. Upon written request by the *Applicant*, the City Council may grant a variance to any requirements of this *Article* upon a finding that the strict application of such requirement would result in a substantial hardship, which is not common to similarly situated property owners.
- (3) Waivers. The City Council may waive the requirements of this *Article* upon a finding that said waiver is clearly in the best interest of the City of Rockwall.

SECTIONS 38-63 - 38-82. RESERVED.



ARTICLE III. IMPACT FEE REGULATIONS

SECTION 38-103 – 38-361.

SECTIONS 38-103 THROUGH SECTION 38-362 SHALL BE RETAINED IN ITS ENTIRITY

SECTION 38-362 – 38-398. RESERVED.



ARTICLE IV. DISASTER WARNING SIREN

SECTIONS 38-399. PURPOSE.

The City of Rockwall acknowledges that adequate disaster warning sirens are necessary to provide the general public early warning of impending situations that could pose a detriment to the health and safety of the community (e.g. *flashfloods, tornadoes, civil disturbances, and etcetera*). The City also acknowledges that growth in the community creates a need to develop new disaster warning sirens.

SECTIONS 38-400. DEFINITIONS.

The following words, terms and phrases, when used in this *Article*, shall have the meanings ascribed to them in this *Section*, except where the context clearly indicates a different meaning:

- (1) Planning and Zoning Commission. Planning and Zoning Commission shall mean the Planning and Zoning Commission of the City of Rockwall.
- (2) City Council. City Council shall mean the City Council of the City of Rockwall.
- (3) Developer. The Developer shall mean the property owner, subdivider, applicant, individual, firm, association, syndicate, co-partnership, corporation, or other organization proposing to subdivide or divide a parcel or tract of land or proposing to make improvements to an existing parcel or tract of land for the purpose of conveying or developing the parcel or tract of land.
- (4) Subdivider. See Developer.
- (5) Subdivision. Subdivision means the division of any lot, tract, or parcel of land into two (2) or more parts for the purpose of conveying or developing said lot, tract, or parcel of land now or in the future. The term Subdivision includes the re-subdivision or replatting of an existing Subdivision for the purpose of conveying or developing the whole or a portion of the existing Subdivision. When appropriate to context, the term Subdivision shall relate to the process of subdividing a lot, tract, or parcel of land or to land that has been subdivided. Subdivisions of mobile home spaces for sale or lease shall comply with all provisions of the Municipal Code of Ordinances and the Unified Development Code (UDC) for regulating mobile home parks.

SECTIONS 38-401. APPLICABILITY.

The provisions of this *Article* shall apply to all new development within the City of Rockwall and all *Subdivisions* within the City of Rockwall's Extraterritorial Jurisdiction (ETJ) after the effective date of the ordinance from which this *Article* was derived. This includes:

- (1) Development for which a *Final Plat* is required to be submitted to the City of Rockwall for approval in accordance with State law and the ordinances of the City of Rockwall; and,
- (2) Existing vacant lots for which a subdivision plat has been approved and for which a building permit has not yet been issued by the City of Rockwall.

SECTIONS 38-402. METHODOLOGY AND CALCULATION OF DISASTER WARNING SIRENS.

- (1) Disaster Warning Siren Fee. A Disaster Warning Siren Fee is hereby imposed on all new development in the City of Rockwall for the purposes of assuring that the necessary Disaster Warning Sirens are provided to meet the additional need created by new development. The Disaster Warning Siren Fee shall be calculated by multiplying the Cost Per Acre by the Number of Acres Being Platted or as follows:

DISASTER WARNING SIREN FEE = THE NUMBER OF ACRES BEING PLATTED x COST PER ACRE

- (2) Cost Per Acre. The Cost Per Acre shall be calculated based upon the cost of the last siren bid.
- (3) Acres Served. The number of Acres Served is determined by the radius -- *in feet* -- served by the siren squared, multiplied by 3.1416, and divided by the square feet in an acre (i.e. 43,560 SF). For example, if the proposed disaster warning siren serves an area of 5,000.00-feet, the radius would be determined as follows:

$(5,000^2 \times 3.1416) / 43,560 \text{ SF} = 1,803 \text{ ACRES SERVED BY ONE (1) SIREN}$

- (4) Example of Calculation of a Disaster Warning Siren Fee. Using the example in [Section 38-402\(3\)](#), if the total cost of the last bid for a siren was \$50,000.00, the fee would be calculated as follows:



\$50,000.00/1,803 ACRES = \$27.73 PER ACRE

SECTIONS 38-403. GENERAL REQUIREMENTS.

- (1) Payment Required. The City Council hereby establishes that the property owner of any property which is to be developed, and to which this *Article* is applicable, shall pay to the City of Rockwall -- at the time of subdivision platting or upon issuance of a building permit for existing platted lots at the effective date of the ordinance from which this *Article* is derived -- a *Disaster Warning Siren Fee* to provide for the *Disaster Warning Sirens* needs created by such development or subdivision, in accordance with the provisions of this *Article*.
- (2) Time of Payment. Payment of the *Disaster Warning Siren Fees* required herein shall be paid as a condition of approval of any *Final Plat, Replat, or Minor Plat*. Payment shall be made prior to the filing of the subdivision plat unless otherwise stated in a *Facilities Agreement* or *Development Agreement* approved by the City Council. In the case of existing platted lots, the fee shall be paid at the time of the issuance of a building permit.
- (3) Disaster Warning Siren Fund. All cash payments paid to the City of Rockwall -- in accordance with this *Article* -- shall be deposited in a separate *Disaster Warning Siren Fund*. The City shall account for all such payments with reference to each development for which the payment is made.
- (4) Use of Funds. Any payments made to the *Disaster Warning Siren Fund* shall be used solely for the maintenance, acquisition, development, expansion, and/or upgrading of *Disaster Warning Sirens*.
- (5) Right to Refund. If all or part of the payments made pursuant to this *Article* are not expended, or not under contract to be expended for the purposes authorized in this *Article*, within ten (10) years of the date that 95.00% of all Certificates of Occupancy (CO) have been issued for the completed development of the property for which the payments were made, the person or entity who made such payments shall be entitled to a refund of all unexpended funds. A written request for such refund shall be made within one (1) year of entitlement. If no such timely request is made, the right to a refund of the unexpended funds shall be considered waived.
- (6) Disaster Warning Siren Map. The City of Rockwall's Geographic Information Systems Division shall maintain a *Disaster Warning Siren Map* open to public inspection, indicating the sphere of influence of the *Disaster Warning Sirens* put in place.

SECTIONS 38-404. PENALTIES, SANCTIONS, AND DETERMINATIONS.

- (1) Requirements to be Satisfied Prior to Development. It shall be unlawful for any person who is required to pay the *Disaster Warning Sire Fee* -- as required by this *Article* --, to begin, or allow any other person or contractor to begin, any construction or improvements on any land within the development to which this *Article* applies, until the required payment is made to the City of Rockwall in accordance with the requirements of this *Chapter*.
- (2) Permits and Services to be Withheld. No building permits shall be issued for, and no permanent utility services shall be provided to, any land within any development to which this *Article* applies until the required payment of the *Disaster Warning Siren Fee* is made to the City of Rockwall in accordance with this *Chapter*.
- (3) Request for an Adjustment. A *Request for Adjustment* to the *Disaster Warning Siren Fee* must be submitted in writing to the City Manager. Adjustments shall only be granted in accordance with the following criteria:
 - (A) A showing of good and sufficient cause; and,
 - (B) A determination that failure to grant the adjustment would result in exceptional hardship to the applicant; and,
 - (C) A determination that the granting of an adjustment will not result in increased threats to the public's safety, extraordinary public expense, create nuisances, or conflict with existing local laws or ordinances.
- (4) Determination by the City Manager. A determination made by the City Manager shall be final.

SECTIONS 38-405 – 38-429. RESERVED.



ARTICLE V. GRADING, EXCAVATION, EARTHWORK, AND EROSION CONTROL

SECTIONS 38-430. PURPOSE.

The City Council of the City of Rockwall finds that excessive quantities of soil, mud, rock, pollutants, or other debris eroding from certain areas results in a change in the natural cover, topography, or drainage of residential, commercial, industrial, and recreational land uses, and that changes in topography can significantly interfere with existing drainage courses established in the community. Therefore, the purpose of this *Article* is to reduce soil erosion and sedimentation from occurring, and reducing damages caused by changes in drainage courses that result from non-agricultural grading activities within the City by requiring proper provisions for surface and subsurface water disposal, and the protection of soil surfaces during and after an earth-changing activity in order to promote the health, safety, and general welfare of the community.

SECTIONS 38-431. DEFINITIONS.

The following words, terms and phrases, when used in this *Article*, shall have the meanings ascribed to them in this *Section*, except where the context clearly indicates a different meaning:

- (1) *City Engineer*. The *City Engineer* of the City of Rockwall or his/her designee.
- (2) *Erosion Control*. *Erosion Control* shall mean a measure that prevents or control of wind or water erosion in land development or construction.
- (3) *Grading*. The term *Grading* means the sculpting of an area of land for the needs of a specific project. *Grading* refers to any stripping, cutting, filling, stockpiling, or any combination thereof which modifies the existing land surface contour.
- (4) *Sediment Control*. *Sediment Control* shall mean a measure or device designed to keep eroded soil on a construction site.

SECTIONS 38-432. APPLICABILITY.

The provisions of this *Article* shall apply to property owners, persons, or agents filling, grading, excavating or otherwise disturbing the surface of real property within the City of Rockwall, whether they be contractors, subcontractors, supervisors, managers, agents, developers, employees, or otherwise. Failure to comply with the requirements of this *Article* shall constitute an offense, and for each day of such failure shall constitute a separate offense.

SECTIONS 38-433. GRADING PERMIT REQUIRED FOR FILLING, GRADING, AND EXCAVATION WORK.

No person shall fill, grade, excavate, or otherwise disturb the surface of real property within the City of Rockwall without first having secured a grading permit from the *City Engineer*. No owner of real property shall knowingly permit another person to fill, grade, excavate, or otherwise disturb the surface of real property within the City of Rockwall without first having secured a permit from the *City Engineer*. In addition, if the property to be filled, graded, excavated, or otherwise disturbed is within the flood hazard or erosion hazard setback area, a development permit must be secured from the *City Engineer* as required in this *Chapter*.

SECTIONS 38-434. RESPONSIBILITY OF A PROPERTY OWNER.

It shall be unlawful and an offense and shall constitute a nuisance for any person owning or having control of real property within the City of Rockwall to allow or permit soil, mud, rock, pollutants, or debris to wash, slide, erode, or otherwise be moved from said real property onto streets, alleyways, utility facilities, drainage facilities, rights-of-way or easements. It shall be the duty of each property owner or party in control thereof to prevent soil, mud, rock, pollutants or debris from such real property being deposited or otherwise transported onto the streets, alleyways, utility facilities, rights-of-way, or easements of the City of Rockwall, and to inspect such property and acquaint themselves with the conditions existing and to remedy conditions likely or calculated to allow soil, mud, rock, pollutants or debris to wash, slide, erode, or otherwise be transported onto the streets, alleyways, utility facilities, rights-of-way, or easements and failure to do so shall be deemed criminal negligence for the purpose of the offense described herein.

SECTIONS 38-435. REQUIREMENTS FOR FILLING, GRADING, AND EXCAVATION WORK.

The *City Engineer* shall prepare a list of allowable fill materials and the minimum required compaction requirements for each material. All filling shall use only the materials listed for fill. All fill placed on a site and visible from a public right-of-way shall be leveled and have a final cover of topsoil, a minimum of six (6) inches in depth, that will support vigorous plant growth, immediately following completion of filling operations. Intermediate leveling and cover shall be required at intervals not to exceed 30-days for filling operations that will exceed 30-days in duration. In areas where fill is being placed to control erosion, the *City Engineer* may substitute an alternate cover that is resistant to erosion for the requirement to cover fill with topsoil.

SECTIONS 38-436. GRADING PERMITS AND CRITERIA.



(1) Criteria for the Issuance of a Grading Permit. The Engineering Department of the City of Rockwall shall issue permits for the grading, filling, excavating, or otherwise disturbing the surface of real property upon the satisfaction of the following criteria:

- (A) The applicant shall provide a grading plan that meets the Engineering Department’s *Standards of Design and Construction Manual*.
- (B) The applicant shall provide adequate assurances that the City of Rockwall will be reimbursed for any expenses related to cleaning or the removal of dirt, debris, or other pollutants from City streets, alleyways, utility facilities, rights-of-way and easements or the barricading thereof by the posting of a deposit of cash with the City to guarantee same.
- (C) The amount of such deposit shall be established by the City Council of the City of Rockwall from time to time and is hereby established as follows:

AREA	
PARCELS OR TRACTS OF LAND ONE (1) ACRE OR LESS	\$500.00 MINIMUM
PARCELS OR TRACTS OF LAND GREATER THAN ONE ACRES	\$500.00 + \$100.00 FOR EACH ADDITIONAL ACRE OVER ONE (1) ACRE

- (D) The applicant provides a notarized statement from the property owner giving permission for the applicant to fill, grade, excavate, or otherwise disturb the property and acknowledgement by the property owner of the responsibilities of the property owner described in [Section 38-434](#) of this *Chapter*.
- (E) The submission by the applicant of a *Storm Water Pollution Prevention Plan (SWP3)* for all work disturbing one (1) acre of land or more. This *Storm Water Pollution Prevention Plan (SWP3)* must be prepared by a licensed professional engineer in accordance with all applicable Environmental Protection Agency (EPA) and Texas Commission on Environmental Quality (TCEQ) regulations and approved by the *City Engineer* prior to the issuance of a *Grading Permit*.
- (F) The submission by the applicant of a copy of *Notice of Intent (NOI)* and/or a *Construction Site Notice (CSN)* as required by the Texas Commission on Environmental Quality (TCEQ) regulations for all work disturbing one (1) acre of land or more.
- (G) The *City Engineer* may exclude that portion of tracts in excess of ten (10) acres that is determined to be so situated as to not contribute to erosion due to location and topography.
- (H) The parcel, tract or lot is not a portion of a tract of land that is actively being developed or that has an active *Development Application*.

(2) Work Performed by the City. If the City of Rockwall is required to remove soil, rock, mud, and debris from its streets, alleyways, utility facilities, rights-of-way, or easements for any reason due to work being performed on a property for which a deposit has been made pursuant to [Section 38-436\(1\)](#), reasonable charges shall be billed to the applicant and subtracted from the balance of the applicant’s deposit. The City of Rockwall will attempt to notify the applicant to clean the affected area unless deemed to be an emergency requiring immediate attention.

(3) Criteria for a Refund of Deposit. Upon written request by the applicant to the *City Engineer*, the unused portion of the applicant’s deposit shall be refunded if the following criteria is met:

- (A) The site for which the deposit exists has been stabilized against erosion, and permeant ground cover has been established.
- (B) No further hazard of erosion is present on the site.
- (C) All temporary erosion control structures have been removed from the site.
- (D) Permanent erosion control facilities are in place and functioning properly as designed.
- (E) The *City Engineer* has given written acceptance of public improvements.

(4) Refund of Deposit. An applicant who has submitted a written request for return of their deposit who meets the requirements of [Section 38-436\(3\)](#) shall be refunded all funds not used to reimburse the City of Rockwall for the removal of soil, rock, mud, debris, and pollutants from its streets, alleyways, utility facilities, rights-of-way, or easements. Should an applicant fail to meet all requirements for a refund, the applicant’s request will be rejected until such time the requirements are met. When the requirements have been met, the funds subject to refund will be sent via first-class mail to the address on the applicant’s grading permit application or if such address has been updated pursuant to application instructions to the applicant’s updated address. If the refund mailed to the applicant is returned by the United States Postal Service (USPS) as undeliverable, the funds shall be forfeited to the City of Rockwall and placed in the *General Fund*.

(5) Forfeiture of Funds. If a written request for return of a deposit is not made within two (2) years of the date the project on the property for which the deposit has been made receives written acceptance from the *City Engineer* of the public improvements, the unused portion of the applicant’s deposit shall be forfeited to the City of Rockwall and placed in the *General Fund* after the City notifies the applicant.



- (6) *Expiration and Extension of a Grading Permit.* Grading Permits shall be valid for two (2) years after the date of issuance by the City of Rockwall. Grading Permits may be extended for one (1) additional year (i.e. for a total of three [3] years) upon written request by the applicant to the City Engineer. The City Engineer will have the site inspected to verify compliance with the permit conditions and the provisions of the submitted Storm Water Pollution Prevention Plan (SWP3) before making the permit extension. Failure of the applicant to maintain compliance with the permit conditions and the provisions of the submitted Storm Water Pollution Prevention Plan (SWP3) shall be adequate cause to deny a request for grading permit extension.

SECTIONS 38-437. PERMIT FEE AND DEPOSIT.

Construction, grading, filling, or excavation undertaken by the City of Rockwall, franchised utility companies and existing individual residential lots with existing residences under one (1) acre in size shall be exempt from the deposit and fee as required by this Article.

SECTIONS 38-438. PROPERTY OWNER'S RESPONSIBILITY.

- (1) *Property Owner's Responsibility.* The property owner shall be responsible for the implementation and operation of a Storm Water Pollution Prevention Plan (SWP3) in accordance with all applicable Environmental Protection Agency (EPA) and Texas Commission on Environmental Quality (TCEQ) regulations and all cleanup operations incidental to the grading, filling, excavation, construction or other disturbance of the surface of real property including leveling, establishment of ground cover, erosion and sediment control and removal of all trash, debris, or other materials not suitable for fill including those deposited on streets, alleyways, utilities facilities, rights-of-way or easements. In addition, the property owner shall be responsible for maintaining compliance with the approved grading plan.
- (2) *Failure to Perform.* If the property owner fails in any respect to fulfill the requirements of this Article, the City of Rockwall may go upon the owner's property and perform such work as may be necessary to fulfill such requirements and may level, establish ground cover, construct erosion control, remove all soil, rock, debris, and other materials not suitable for fill including those deposited on streets, alleyways, utility facilities, rights-of-way, or easements -- at the property owner's expense --, and charge same against the deposit of the applicant unless deemed an emergency requiring immediate attention. The City of Rockwall will first contact the applicant to address the matter.
- (3) *Failure to Pay.* In addition, if a deposit has not been made with the City of Rockwall or if the incurred cost by the City exceeds the amount of the deposit, the City shall bill the property owner the unpaid expenses. If the property owner fails to pay the City of Rockwall such expenses within 30-days of being billed, the City of Rockwall shall have the right to place a lien on the property owner's property, which shall be filed with the Rockwall County Clerk as in the case of paving assessment liens for all amounts expended by the City of Rockwall in excess of the deposit plus interest at the current lawful rate. If the property owner fails to fulfill the requirement of this Article the City may revoke the grading permit, issue citations, or take other legal remedies as may be necessary to enforce compliance with this Article.

SECTIONS 38-439. EXEMPTIONS.

A Grading Permit shall not be required for the following:

- (1) Customary and incidental routine ground maintenance, landscaping, and gardening on any property for which a subdivision plat, variance request, in a floodplain, or building permit is not required and for which such work does not affect stormwater drainage on or through the site.
- (2) Emergency repairs of a temporary nature made on public or private property that are necessary for the preservation of life, health or property, and for which are made under circumstances where it would be impossible or impracticable to obtain a grading permit.