

ROCKWALL CITY COUNCIL MEETING

Monday, March 18, 2024 - 6:00 PM

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

I. Call Public Meeting to Order

II. Invocation and Pledge of Allegiance - Mayor Pro Tem Campbell

III. Proclamations / Awards / Recognitions

1. Pastor Steve & Brenda Swofford Appreciation Day Proclamation
2. Severe Weather Awareness Week Proclamation
3. Red Cross Month Proclamation (March)

IV. Appointment Items

1. Appointment with Planning & Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

V. Open Forum

This is a time for anyone to address the Council and public on any topic not already listed on the agenda or set for a public hearing. To speak during this time, please turn in a (yellow) "Request to Address City Council" form to the City Secretary either before the meeting or as you approach the podium. Per Council policy, public comments should be limited to three (3) minutes out of respect for others' time. On topics raised during Open Forum, please know Council is not permitted to respond to your comments during the meeting since the topic has not been specifically listed on the agenda (the Texas Open Meetings Act requires that topics of discussion/deliberation be posted on an agenda not less than 72 hours in advance of the Council meeting). This, in part, is so that other citizens who may have the same concern may also be involved in the discussion.

VI. Consent Agenda

These agenda items are routine/administrative in nature, have previously been discussed at a prior City Council meeting, and/or they do not warrant Council deliberation. If you would like to discuss one of these items, please do so during "Open Forum."

1. Consider approval of the minutes from the March 4, 2024 city council meeting, and take any action necessary.
2. Consider authorizing the City Manager to execute a contract with SLM Landscaping for grounds maintenance in the amount of \$639,023 to be funded by the Parks Operations budget, and take any action necessary.

3. **P2024-006** - Consider a request by Brad Boswell and Asher Hamilton of RIV Properties for the approval of a Final Plat of Lots 1, 2 & 3, Block A, George Morton Estates Addition being a 3.59-acre tract of land identified as Lots 1 & 2, Block 1; Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block 3; Lots 1, 2, 3, & 4, Block 5; Lots 1 & 2 and a portion of Lots 3 & 4, Block 6; Lots 2, 3, & 4, Block 7; Lots 1 & 2, Block 8; and Lots 1, 2, 3, & 4, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the Hillside Mixed Use Subdistrict and the Horizon/Summer Lee Subdistrict of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon Road and Summer Lee Drive, and take any action necessary.

VII. Public Hearing Items

If you would like to speak regarding an item listed below, please turn in a (yellow) "Request to Address City Council" form to the City Secretary either before the meeting or as you approach the podium. The Mayor or Mayor Pro Tem will call upon you to come forth at the proper time. Please limit your comments to no more than three minutes.

1. **Z2024-003** - Hold a public hearing to discuss and consider a request by Michael Twichell of Michael F. Twichell, LP on behalf of Jim Duggan of NEC John King & 552, LP for the approval of an **ordinance** for a Zoning Change and PD Development Plan amending Planned Development District 74 (PD-74) [*Ordinance No. 17-60*] being a 17.3750-acre portion of a larger 405.184-acre Planned Development District situated within the J. Strickland Survey, Abstract No. 187; T. R. Bailey Survey, Abstract No. 30; and, J. Simmons Survey, Abstract No. 190, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for limited General Retail (GR) District land uses, situated within the SH-205 By-Pass Overlay (BY-OV) District, generally located at the northeast corner of the intersection of John King Boulevard and FM-552, and take any action necessary (**1st Reading**).
2. **Z2024-008** - Hold a public hearing to discuss and consider a request by Marisol Ortiz on behalf of Ricardo Alonso for the approval of an **ordinance** for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 0.121-acre parcel of land identified as Lot 49 of the Canup's Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 302 E. Bourn Street, and take any action necessary (**1st Reading**).
3. **Z2024-009** - Hold a public hearing to discuss and consider a request by Harold Fetty of H. D. Fetty Land Surveyor, LLC on behalf of Antonio Borjas for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Single-Family Estate 1.5 (SFE-1.5) District and a Light Industrial (LI) District for a 9.4411-acre tract of land identified as Tract 3-4 of the J. H. Bailey Survey, Abstract No. 45, City of Rockwall, Rockwall, Texas, zoned Agricultural (AG) District, situated in the SH-276 Overlay (SH-276 OV) District, addressed 172 Zollner Road, and take any action necessary (**1st Reading**).
4. **Z2024-006** - Hold a public hearing to discuss and consider approval of an **ordinance** for a Text Amendment to Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code (UDC) and to establish Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances for the purpose of creating requirements for *Short-Term Rentals*, and take any action necessary.

VIII. Action Items

1. Discuss and consider presentation by Pattillo, Brown & Hill LLP, of the Annual Comprehensive Financial Report, FY2023, and take any action necessary

IX. 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.

The City of Rockwall City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda above, as authorized by Texas Government Code ¶ 551.071 (Consultation with Attorney) ¶ 551.072 (Deliberations about Real Property) ¶ 551.074 (Personnel Matters) and ¶ 551.087 (Economic Development)

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 15th day of March, 2024, at 5 PM and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kristy Teague, City Secretary
or Margaret Delaney, Asst. to the City Sect.

Date Removed

Rockwall,



Texas

Proclamation

Whereas, Stephen K. and Brenda Swofford moved their family to Rockwall in March of 1989 for Steve to become Pastor of First Baptist Church of Rockwall; and

Whereas, during his 35-year pastorate at FBC Rockwall, Steve has led the 172-year-old institution, expanding the footprint of the property from one building to five, purchasing four adjacent properties and adding multiple new parking areas - all to reach the people of our community with the Gospel; and

Whereas, during his 35 years, FBC Rockwall has experienced nearly 2000 baptisms while raising and sending over forty million dollars to missions organizations locally and around the world; and

Whereas, member enrollment has increased tremendously, with worship services growing from one service with an average attendance of 250 to three services with over 1,250 people attending; and

Whereas, Steve's wife, Brenda, has faithfully served alongside him and contributed over 23 years in teaching, including 18 at Rockwall ISD schools; and

Whereas, Steve's influential leadership has allowed him to serve in various roles with different organizations, including President of the Southern Baptists of Texas Convention, Trustee of the International Mission Board of the Southern Baptist Convention, Chairman of the Board of Trustees for the Home Mission Board of the Southern Baptist Convention, and Executive Board of the Southern Baptists of Texas Convention; and

Whereas, Steve's commitment to the Rockwall community has also included being a long-tenured member of the Rockwall Noon Rotary Club, including serving on its Board of Directors; and

Whereas, Steve also spent 35 years doing ride-alongs and counseling families and first responders as a Chaplain for the Rockwall Police and Fire Departments.

Now, Therefore, I, Trace Johannesen, Mayor of the City of Rockwall, Texas, do hereby proclaim **MARCH 18, 2024** as

PASTOR STEVE AND BRENDA SWOFFORD APPRECIATION DAY

in the City of Rockwall and encourage all citizens to thank and applaud Steve and Brenda Swofford for 35 years of dedicated service to the Rockwall community.

In Witness Whereof, I hereunto set my hand and official seal this 18th day of March, 2024.

Trace Johannesen, Mayor

Rockwall, Texas Proclamation

Whereas, springtime in North Central Texas ushers in beautiful flowers, warmer temperatures and – sometimes – severe weather; and

Whereas, common types of severe weather in this part of Texas include thunderstorms, often characterized by lightning, thunder, high damaging winds, hail, flooding, and even tornadoes; and

Whereas, severe weather “watches” issued for Rockwall County by the National Weather Service’s Fort Worth Office mean that conditions are right for certain types of weather to happen in our area, and residents should actively keep themselves aware and informed of any ensuing “warnings;” and

Whereas, a “warning” that has been issued means that credible information – such as from the National Weather Service itself or from trained storm spotters – indicates there is an imminent danger, and you should take action immediately to be aware and to protect yourself; and

Whereas, several means exist by which members of the public may be kept informed of severe weather, but the very best means by which they may do so is to purchase and keep on hand a NOAA weather radio, which can be bought from many retailers or online, usually ranging in price from \$30 to \$70; and

Whereas, Rockwall County residents may also text “RCOEM” to 888777 to receive important weather and emergency-related text alerts; and

Whereas, the Rockwall County Office of Emergency Management and city officials proactively keep a pulse on severe weather, especially during storm season, but also throughout the year, as severe weather in this part of Texas can happen at any time and within any month; and

Whereas, it is vital that residents and businesses stay “weather aware,” ensuring they are tuned in to proper notification sources and have a plan in place for finding safety during severe storms.

Now, Therefore, I, Trace Johannesen, Mayor of the City of Rockwall, Texas, do hereby proclaim **MARCH 17 - 23, 2024** as

SEVERE WEATHER AWARENESS WEEK

in the City of Rockwall and encourage all citizens to stay weather aware and safe, both this week and always.

In Witness Whereof, I hereunto set my hand and official seal this 18th day of March, 2024.

Trace Johannesen, Mayor

Rockwall, Texas Proclamation

Whereas, in 1943, President Franklin D. Roosevelt issued a proclamation, recognizing and celebrating the compassion of people across the nation who care for others in times of crisis; and

Whereas, kindhearted volunteers in Rockwall and throughout the Red Cross DFW Metro East Chapter step up and provide a beacon of hope for neighbors here in North Texas; and

Whereas, last year, the DFW Metro East Chapter assisted 685 families while responding to more than 375 disasters, delivering shelter, food and comfort; and

Whereas, 1,304 blood drives were held by Red Cross blood hosts in 2023, collecting more than 24,000 units of blood across multiple counties to ensure new moms, cancer patients and accident victims had access to safe, lifesaving blood; and

Whereas, in 2023, the Red Cross proudly supported more than 2,000 North Texan military members, veterans, their families and caregivers to cope with the challenges of service; and

Whereas, 1,925 North Texas Red Cross volunteers - who are truly the most vital, driving force behind the organization - responded to the call to provide relief to families who experienced the worst days of their lives; and

Whereas, 38,602 people enrolled in Red Cross first aid, CPR and AED training courses, helping to make the DFW Metro East Chapter more resilient in the event of a disaster.

Now, Therefore, I, Trace Johannesen, Mayor of the City of Rockwall, Texas, do hereby proclaim the month of **MARCH** as

AMERICAN RED CROSS MONTH

in the City of Rockwall and encourage all citizens to support the humanitarian efforts of this organization, applauding it and its volunteers for the many services they provide to countless communities and individuals in need across our great nation.

In Witness Whereof, I hereunto set my hand and official seal of the City on this 18th day of March, 2024.



Trace Johannesen, Mayor

ROCKWALL CITY COUNCIL MEETING

Monday, March 4, 2024 - 5:00 PM

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

I. Call Public Meeting to Order

Mayor Johannesen called the public meeting to order at 5:00 p.m. Present were Mayor Trace Johannesen, Mayor Pro Tem Anna Campbell, and Councilmembers Sedric Thomas, Mark Moeller, Clarence Jorif, and Dennis Lewis. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd, and City Attorney Frank Garza. Councilmember Tim McCallum was absent from the meeting.

Mayor Johannesen read the below-listed discussion items into the record before recessing the public meeting to go into Executive Session.

II. Executive Session

1. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development)
2. Discussion regarding possible land lease agreement for a cellular communication tower on real property owned by the City in the vicinity of Springer Road, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding possible sale/purchase/lease of real property in the vicinity of the downtown area, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
4. Discussion regarding terms contained in a mutual aid interlocal agreement for specialized police services between the City of Rockwall and the City of Rowlett, pursuant to Section §551.071 (Consultation with Attorney)

III. Adjourn Executive Session

Council adjourned from Executive Session at 6:00 p.m.

IV. Reconvene Public Meeting (6:00 P.M.)

Mayor Johannesen reconvened the public meeting at 6:00 p.m.

V. Invocation and Pledge of Allegiance - Mayor Johannesen

Mayor Johannesen delivered the invocation and led the Pledge of Allegiance.

VI. Open Forum

Mayor Johannesen explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed Open Forum.

VII. Take Any Action as a Result of Executive Session

Mayor Pro Tem Campbell moved to authorize the City Manager to negotiate and execute a land lease agreement for a cellular communication tower located on city owned property at the Springer Road Water tower site. Councilmember Thomas seconded the motion, which passed by a vote of 6 ayes with 1 absence (McCallum).

Mayor Pro Tem moved to authorize the City Manager to negotiate and execute an interlocal agreement for specialized police services (mutual aid) between the City of Rockwall and the City of Rowlett. Councilmember Jorif seconded the motion, which passed by a vote of 6 ayes with 1 absence (McCallum).

VIII. Consent Agenda

1. Consider approval of the minutes from the February 20, 2024 city council meeting, and take any action necessary.
2. **Z2024-001** - Consider a request by the City of Rockwall for the approval of an **ordinance** for a Zoning Change amending Planned Development District 2 (PD-2) [Ordinance No.'s 72-02, 73-33, 80-19, 84-53, 85-16, 86-28, 92-08, 92-23, 96-06, 96-24 & 99-46] for the purpose of consolidating the regulating ordinances for a 171.135-acre tract of land situated within the M. J. Barksdale Survey, Abstract No. 11; W. Blevins Survey, Abstract No. 9; and, E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 2 (PD-2), generally located north of IH-30 and west of Ridge Road [FM-740], and take any action necessary **(2nd Reading)**.
3. **Z2024-002** - Consider a request by Javier Silva of JMS Custom Homes, LLC on behalf of Ruben Fragoso of RSR Capital, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Guest Quarters/Secondary Living Unit* on a 0.22-acre parcel of land identified as Lot C, Block 112, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 52 (PD-52) and Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 715 Sherman Street, and take any action necessary **(2nd Reading)**.
4. Consider an **ordinance** amending Section 26-505, *Prohibited in Specific Places*, of Article VII, *Stopping, Standing, or Parking*, of Chapter 26, *Motor Vehicles & Traffic*, of the Municipal Code of Ordinances to include the prohibition of semi-trucks and trailers parking on either side of Fit Sport Life Boulevard, and take any action necessary. **(2nd reading)**
5. **P2024-005** - Consider a request by Juan J. Vasquez of Vasquez Engineering, LLC on behalf of Shane Shoulders of Kennor Rockwall Retail, LLC for the approval of a *Replat* for Lot 10, Block A, Dalton Goliad Addition being a 1.93-acre tract of land identified as Lots 8 & 9, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the N. SH-205 Overlay (N. SH-205 OV) District, generally located on the west side of SH-205 north of the intersection of SH-205 and FM-552, and take any action necessary.

6. Consider approval of a resolution cancelling the City of Rockwall's May 4, 2024 General Election, declaring unopposed candidates to be duly elected in city council member Places 2, 4, and 6, and take any action necessary.
7. Consider approval of the Rockwall Police Department's 2023 Racial Profiling Report, and take any action necessary.
8. Consider approval of a recommendation from the Hotel Occupancy Tax (HOT) Subcommittee awarding funding for the Oasis Pickleball tournaments in the amount of \$35,000, authorizing the City Manager to execute associated contracts, and take any action necessary.

Mayor Pro Tem Campbell requested to pull item #8 from the Consent Agenda for further discussion.

Mayor Pro Tem Campbell then moved to approve the remainder of the Consent Agenda items (#s 1, 2, 3, 4, 5, 6, and 7). Councilmember Thomas seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 24-07**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 2 (PD-2) AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CONSOLIDATE THE REGULATING ORDINANCES OF THE PLANNED DEVELOPMENT DISTRICT, BEING A 171.135-ACRE TRACT OF LAND SITUATED WITHIN THE M. J. BARKSDALE SURVEY, ABSTRACT NO. 11; W. BLEVINS SURVEY, ABSTRACT NO. 9; AND THE E. P. G. CHISUM SURVEY, ABSTRACT NO. 64, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**CITY OF ROCKWALL
ORDINANCE NO. 24-08
SPECIFIC USE PERMIT NO. S-326**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 52 (PD-52) [ORDINANCE NO. 02-14] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR GUEST QUARTERS/SECONDARY LIVING UNIT ON A 0.22-ACRE PARCEL OF LAND, IDENTIFIED AS LOT C, BLOCK 112, B.F. BOYDSTUN ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**CITY OF ROCKWALL
ORDINANCE NO. 24-06**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE MUNICIPAL CODE ORDINANCES OF THE CITY OF ROCKWALL, BY AMENDING SECTION 26-505, PROHIBITED IN SPECIFIC PLACES, OF ARTICLE VII, STOPPING, STANDING OR PARKING, OF CHAPTER 26, MOTOR VEHICLES AND TRAFFIC, TO

INCORPORATE ADDITIONAL STREETS SUBJECT TO PROHIBITED PARKING REQUIREMENTS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion was approved by a vote of 6 ayes with 1 absence (McCallum).

Regarding Consent Agenda item #6, Mayor Johannesen congratulated Councilmembers Moeller, Thomas and Campbell for not drawing any opponents for the May 4 General Election, thereby enabling the city to cancel its election and save money in doing so. He expressed that them not having drawn opponents is indication that the public is happy with their service on the Council.

Regarding Consent Agenda item #8, Mayor Pro Tem Campbell moved to approve Consent Agenda item #8 with funding in the amount of \$35,000, requesting that – as part of the funding – Oasis will need to provide receipts associated with use of funds that are granted (i.e. for any advertising and/or promotional items purchased with the funds). Councilmember Lewis seconded the motion. At the request of Mayor Johannesen, Councilmember Lewis explained why approving this funding request for a facility located outside of our own city limits is a good idea. Councilmember Lewis shared that Oasis has three (sometimes) tournaments annually. Tournament attendees fill up our hotels, they eat in our restaurants and they shop in our stores – all things which produce revenue for the City. He went on to explain that there are four reasons why this and previous city councils have been able to lower taxes – (1) good fiscal management by staff; (2) increases in appraised home values; (3) new homes being built and (4) sales tax revenues. New homes being built have slowed when comparing last year to the year before. In addition, appraised values are not going up as fast, and our city sales tax revenues have increased. In order to ensure sales taxes remain healthy and increasing, the city has to bring people here, and those people need to be shopping and spending money in our city. So, that aspect is one of the main things he looks at when evaluating HOT funding requests. He explained Oasis’ original request came in at just over \$90k, and it, thereafter, was significantly reduced down to the \$35k amount.

Following Councilmember Lewis’ comments, Mayor Pro Tem Campbell shared that anywhere from 1,500 to about 2,200 hotel stays are booked within our city during each tournament held. This is a significant, positive impact on our city. Mayor Johannesen pointed out that Oasis is located in McLendon-Chisholm, and there are no hotels in existence in that municipality. So, it stands to reason that attendees will be staying in hotels located within our city limits. City Manager, Mary Smith shared that she recently visited with local hotel managers at both The Hilton and Springhill Suites. The Springhill Suites manager in particular shared with Mrs. Smith that if she could get pickleball tournaments regularly, she would not ever have to worry about her weekday vacancies.

The motion to approve Consent Agenda item #8 (\$35k with the requirement that Oasis submit receipts) then passed by a vote of 6 ayes with 1 absence (McCallum).

IX. Action Items

- 1. Z2024-004** - Discuss and consider a request by Zach Butler for the approval of an **ordinance** for a Specific Use Permit (SUP) for an Accessory Building and Carport on a one (1) acre parcel of land identified as Lot 9 of the Northcrest Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 9 Crestview Circle, and take any action necessary (**2nd Reading**).

Planning Director, Ryan Miller provided background information on this item, indicating that it passed by a

vote of 5 to 0 at the last, regular council meeting. Mr. Miller went on to explain the provisions that have been added to this ordinance at the request of Council based on discussions at the last meeting. Councilmember Jorif interjected, clarifying that this ordinance passed at the last meeting by a vote of 4 ayes, 1 nay (Jorif), (with 2 absences) – not a vote of 5 to 0.

Councilmember Lewis moved to approve Z2024-004. Councilmember Thomas seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 24-09
SPECIFIC USE PERMIT NO. S-327**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A *DETACHED GARAGE* ON A ONE (1) ACRE PARCEL OF LAND IDENTIFIED AS LOT 9 OF THE NORTHCREST ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve then passed by a vote of 5 ayes, 1 nay (Jorif), and 1 absence (McCallum).

2. **MIS2024-002** – Discuss and consider a request by Revi Menasche for the approval of a Miscellaneous Case for a *Variance* to the proximity requirements for the sale and on-site consumption of alcoholic beverages on a 1.254-acre parcel of land identified as Lot 1RA of the Cain Properties #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 316 S. Goliad Street, and take any action necessary.

Planning Director, Ryan Miller provided background information concerning this agenda item, indicating that this property is located directly across from Rockwall City Hall at “The Bagel Lady” (existing) business. He went on to explain the variance that is being requested associated with the proximity requirement, which stipulates that alcohol should not be sold less than 300 feet away from a church. This is measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. He explained that granting a variance to the distance requirement(s) is a discretionary decision on the part of Council. Following Mr. Miller’s briefing, the applicant then came forth.

Revi Menasche
The Bagel Lady (business)
316 South Goliad
Rockwall, TX 75087

Mrs. Menasche shared that she and her husband would like to open a comedy place and utilize space that is currently not being used by her business, especially during evening hours. She explained that she and her husband want to honor their late daughter, who was a comic and a chef, and who recently passed away. Mrs. Menasche indicated that she has asked her business neighbors about their thoughts pertaining to her desire to begin selling alcohol at this location. She indicated that, in speaking with the nearby church, she

has learned they are ok with her selling alcohol there. She is only interested in selling beer and wine (no liquor or mixed drinks). She also explained that she is willing to serve / sell alcohol only on evenings when adult comedy is taking place. She explained she might also want to have evenings when teenagers are present for events, and – on those nights – she would not be serving alcohol at all. She went on to explain that a lot of coffee shops sell beer and wine.

Mayor Pro Tem Campbell provided condolences to Mrs. Menasche for the passing of her daughter. She sought clarification regarding if members of Reach Church (nearby) have been asked how they feel about alcohol sales. Mrs. Menasche expressed that – yes, she has spoken to them, and the nearby church has given her indication they are okay with it, as they are drinkers themselves. Right now, she is planning on having comedy on Friday and Saturday nights, as well as “open mic” comedy on Sundays. Doors would open at 6:00, and comedy would last until about 10:00 – 10:30 at night.

Councilmember Moeller also expressed condolences about the passing of Mrs. Menasche’s daughter. He indicated that this venue will be something unique and different and will bring something new to Rockwall. He thanked her for talking to the nearby church about wanting to begin selling alcohol.

Councilmember Sedric expressed his condolences and shared that he thinks this is a good way to honor her late daughter and provide a new type of entertainment venue to the city and to patrons. Mrs. Menasche shared that there will be some “R rated” comedy; however, there will also be family-friendly, PG-13 comedy provided as well.

Councilmember Thomas then moved to approve MIS2024-002. Mayor Pro Tem Campbell seconded the motion. Councilmember Jorif then commented that he understands reasons behind why Mrs. Menasche is doing this (to honor her late daughter). However, he explained that – in order to maintain neutrality – he is going to vote against approving this request this evening since he believes in the 300’ rule in place by TABC. Councilmember Lewis expressed the belief that having ‘clean comedy’ is doable, and he encouraged her to try to do so, while also recognizing that she is the business owner, so it will be her decision. Mayor Johannessen clarified that the City has adopted TABC alcohol-related provisions, and he shared that he has no problem supporting this request.

The motion to approve passed by a vote of 5 ayes, 1 nay (Jorif) and 1 absence (McCallum).

Mrs. Smith shared that Mrs. Menasche’s daughter actually won the competition on one of the television episodes called “Chopped” not long before she passed away. Mrs. Menasche shared that she passed away a month after she filmed that show. She shared that some of the food served will be inspired by flavors her late daughter used and loved.

3. Discuss and consider approval of a resolution authorizing an update to the impact fee program for roadway, water, and wastewater facilities and appointing a Capital Improvements Advisory Committee (CIAC), and take any action necessary.

Mr. Miller, the city’s Planning Director, provided background information related to this agenda item. At the last Council meeting, Council authorized execution of an agreement with a consultant – Freese & Nichols, to assist with updating impact fees, which the state requires be done once every five years. In addition, Birkhoff, Hendricks and Carter, LLP (engineering firm) will be doing updates to the impact fees for the city’s water / wastewater facilities.

He went on to share that a Capital Improvements Advisory Committee (CIAC) is required by the Texas Local Government Code to be put in place to serve in an advisory capacity to the City Council related to updating

these impact fees. He went on to explain that State law allows for a city to appoint its existing Planning & Zoning Commission to serve in this role. Or, the Council may appoint an ad-hoc committee of at least five members where 40% of the membership consists of representatives of the real estate, development or building industries plus at least one representative from the city's Extraterritorial Jurisdiction (ETJ).

Mr. Miller shared that the last several times, the Council has opted to utilize the city's existing P&Z Commission for this purpose. The resolution being presented to Council this evening has been drafted in order to name the city's P&Z Commission to serve in this capacity; however, it can also be changed if Council would like to instead appoint an alternative committee as described above.

Councilmember Lewis moved to approve the resolution "as is," appointing the P&Z Commission to serve as the Capital Improvements Advisory Committee (CIAC) and authorizing an update to the city's impact fee program for roadway, water and wastewater facilities. Councilmember Jorif seconded the motion, which passed unanimously of those present (6 to 0 with McCallum being absent).

X. City Manager's Report, Departmental Reports and Related Discussions Pertaining To Current City Activities, Upcoming Meetings, Future Legislative Activities, and Other Related Matters.

1. Building Inspections Department Monthly Report
2. Fire Department Monthly Report
3. Parks & Recreation Department Monthly Report
4. Police Department Monthly Report
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

City Manager Mary Smith provided brief comments, indicating the city recently received indication that it will be awarded a TX Parks & Wildlife Boat Ramp Parking Grant. It is a \$1 million grant with \$250k being for design and \$750k for construction and the city's portion being \$312,500. She explained that design will happen over the summer, and then the city will be ready to start construction on it by the fall.

XI. Adjournment

The meeting was adjourned at 6:32 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 18th DAY OF MARCH, 2024.

TRACE JOHANNESSEN, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY



CITY OF ROCKWALL, TEXAS MEMORANDUM

TO: Mary Smith, City Manager
FROM: Travis E. Sales, Director Parks, Recreation and Animal Services
DATE: March 18, 2024
SUBJECT: Grounds Maintenance Services Contract Extension

The current large landscape maintenance services contract provides for mowing, weed eating, trimming and debris removal at City facilities, parks, street medians, ROW and thoroughfares. Maintenance includes but is not limited to all trees, shrubs, ground cover, beds, turf, mulch and application of some herbicides and insecticides. These contracts provide for an annual extension at end of the initial contract period for up to three consecutive years should the scope of work and contracted bid conditions remain the same; and both parties agree to the extension. Staff has determined that it is in the best interest of the City to renew these contracts, but 2024 requires a re-bid as all renewals have been utilized.

Large Contract

The large service contract expired on March 7, 2024 that was awarded to Southlake Landscaping and Maintenance (SLM) in March 2020. The current contract amount was \$653,455.93 and a 5% increase was figured into the 2023-2024 budget for the re-bid in the amount of \$686,160.00 for the approved 2023-2024 budget. Bids were as follows:

Green World Care:	\$489,908.62
SLM Landscaping:	\$639,023.00
Brightview:	\$655,086.89
SRH Landscape:	\$697,995.00
Yellowstone:	\$825,638.77
Clients First:	Incomplete Bid
Chief Landscaping:	Incomplete Bid
DD Commercial:	Incomplete Bid

Bids were advertised per purchasing procedures and bids were opened on Wednesday, February 21, 2024 at 2:00pm. The best value bid was submitted by Southlake Landscaping and Maintenance (SLM) in the amount of \$639,023.00. The best value scoring matrix sheet that averages all scoring sheets from the three panel members that scored the bids under the supervision of Misty Farris, Purchasing were made available at the bidder's request. SLM was our previous contractor and has performed well in the last 4 years and their bid is \$47,137.00 under our approved budget.

Staff asks City Council to consider authorizing the City Manager to execute this contract with SLM for a period of one-year with three one-year renewal options for the new 2024-2025 projected cost.



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council

DATE: March 18, 2024

APPLICANT: Brad Boswell; *RIV Properties LLC*

CASE NUMBER: P2024-006; *Replat for Lots 4-6, Block A, George Morton Estate Addition*

SUMMARY

Consider a request by Brad Boswell and Asher Hamilton of RIV Properties for the approval of a Final Plat of Lots 4-6, Block A, George Morton Estates Addition being a 3.59-acre tract of land identified as Lots 1 & 2, Block 1; Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block 3; Lots 1, 2, 3, & 4, Block 5; Lots 1 & 2 and a portion of Lots 3 & 4, Block 6; Lots 2, 3, & 4, Block 7; Lots 1 & 2, Block 8; and Lots 1, 2, 3, & 4, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the Hillside Mixed Use Subdistrict and the Horizon/Summer Lee Subdistrict of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon Road and Summer Lee Drive, and take any action necessary.

PLAT INFORMATION

- Purpose. The applicant is requesting the approval of a Replat for a 3.59-acre tract of land (*i.e. Lots 1-3, Block A, George Morton Estate Addition*) for the purpose of creating three (3) parcels of land (*i.e. Lots 4-6, Block A, George Morton Estate Addition*). The purpose of the Replat is to abandon existing easements, and dedicate new easements and right-of-way in order to facilitate the development of a 176-unit *Condominium Building* on the subject property.
- Background. The City Council annexed the subject property into the City of Rockwall on November 7, 1960 through the adoption of *Ordinance No. 60-03*. Upon annexation, the subject property was zoned Agricultural (AG) District. On December 7, 1966, the subject property was platted into its current configuration as part of the George Morton Estate Addition. Based on the May 16, 1983 and December 7, 1993 *Historic Zoning Maps*, at some point between these dates portions of the subject property adjacent to Horizon Road [*FM-3097*] were rezoned to General Retail (GR) District. On June 19, 1989, portions of the subject property were also rezoned to Planned Development District 32 (PD-32) [*Ordinance No. 89-20*]. The PD-32 ordinance was amended four (4) times by *Ordinance No.'s 89-20, 02-55, 08-11, & 10-21*. On March 7, 2022, the City Council approved a *PD Development Plan* [*Ordinance No. 22-10*] for the subject property. The *PD Development Plan* was amended twice by *Ordinance No.'s 22-36 & 23-05*. On March 14, the Planning and Zoning Commission approved a *Site Plan* [*Case No. SP2023-008*] to allow the construction of a 176-unit condominium building on the subject property. On May 1, 2023, the City Council approved a final plat [*Case No. P2023-008*] that allowed for the conveyance of the subject property (*i.e. Lots 1-3, Block A, George Morton Estate Addition*).
- Conformance to the Subdivision Ordinance. The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- *conforming to the requirements for plats as stipulated by the Chapter 38, Subdivisions, of the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional Approval. Conditional approval of this Replat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the Replat for *Lots 4-6, Block A, George Morton Estate Addition* staff would propose the following conditions of approval:

- (1) All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this Replat; and,
- (2) Any construction resulting from the approval of this Replat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On March 12, 2024 the Planning and Zoning Commission approved a motion to recommend approval of the replat by a vote of 4-0, with Commissioners Deckard, Womble, and Hustings absent.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. _____

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹
- FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹
- REPLAT (\$300.00 + \$20.00 ACRE) ¹
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) ¹
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ^{1&2}
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.

²: A **\$1,000.00** FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the Hillside Mixed Use Subdistrict and the Horizon/Summer Lee Subdistrict of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon Road and Summer Lee Drive.

SUBDIVISION _____

GENERAL LOCATION _____

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING	PD-32	CURRENT USE	Undeveloped
PROPOSED ZONING	PD-32	PROPOSED USE	Condominium
ACREAGE	5.083 Acres	LOTS [CURRENT]	N/A
		LOTS [PROPOSED]	N/A

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

<input type="checkbox"/> Agent	_____	<input checked="" type="checkbox"/> APPLICANT	RIV Rockwall LLC
CONTACT PERSON	_____	CONTACT PERSON	Brad Boswell and Asher Hamilton
ADDRESS	_____	ADDRESS	2040 Century Center Blvd Suite #10
CITY, STATE & ZIP	_____	CITY, STATE & ZIP	Irving, TX 75062
PHONE	_____	PHONE	(214) 493-3346
E-MAIL	_____	E-MAIL	bboswell@realtyinvestments.com

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ _____, TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE _____ DAY OF _____, 20____. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE _____ DAY OF _____, 20____.

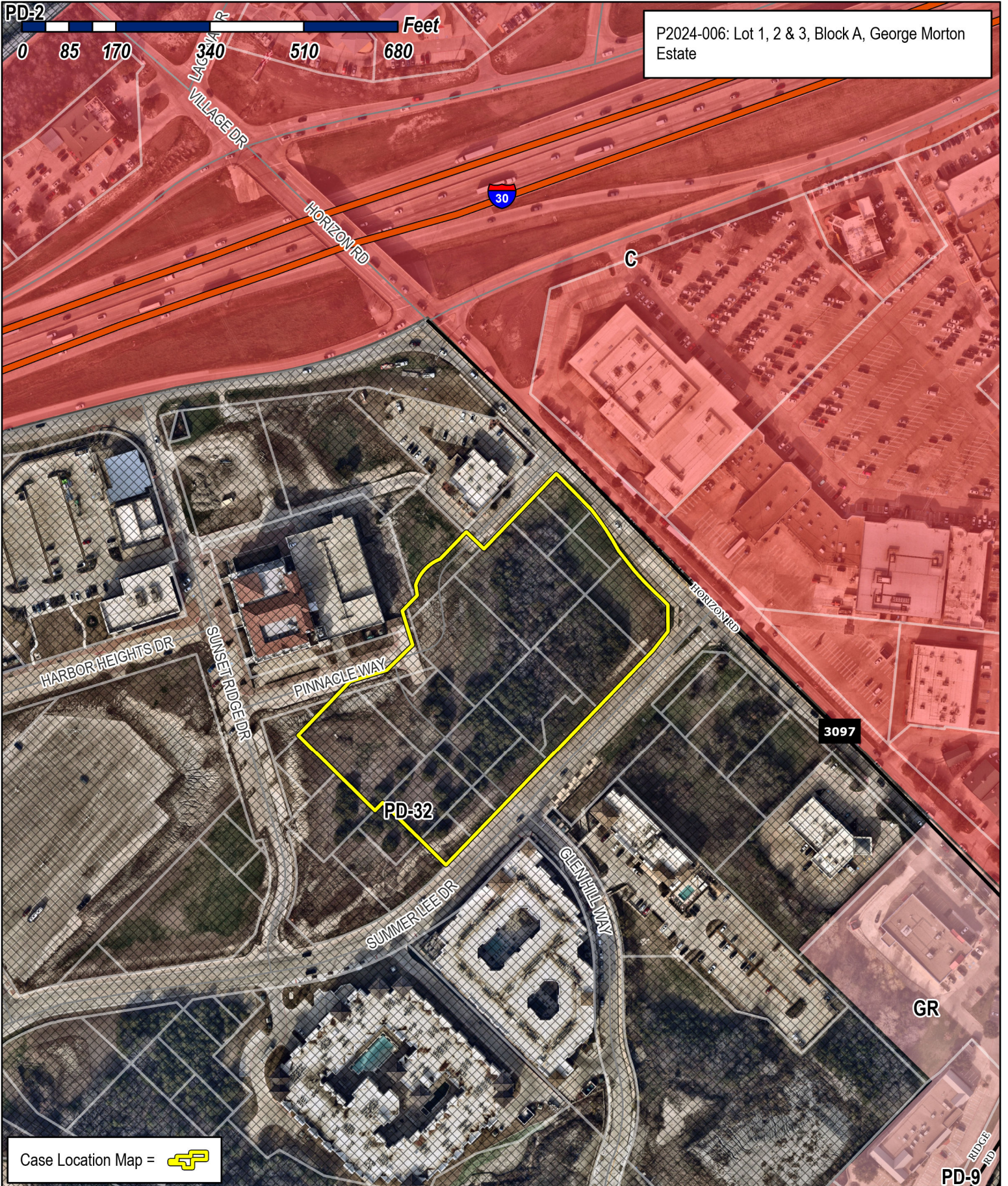
OWNER'S SIGNATURE _____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS _____

MY COMMISSION EXPIRES _____



P2024-006: Lot 1, 2 & 3, Block A, George Morton Estate



Case Location Map = 



City of Rockwall

Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75087
 (P): (972) 771-7745
 (W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.





CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council

DATE: March 18, 2024

APPLICANT: Brad Boswell; *RIV Properties LLC*

CASE NUMBER: P2024-006; *Replat for Lots 4-6, Block A, George Morton Estate Addition*

SUMMARY

Consider a request by Brad Boswell and Asher Hamilton of RIV Properties for the approval of a Final Plat of Lots 4-6, Block A, George Morton Estates Addition being a 3.59-acre tract of land identified as Lots 1 & 2, Block 1; Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block 3; Lots 1, 2, 3, & 4, Block 5; Lots 1 & 2 and a portion of Lots 3 & 4, Block 6; Lots 2, 3, & 4, Block 7; Lots 1 & 2, Block 8; and Lots 1, 2, 3, & 4, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the Hillside Mixed Use Subdistrict and the Horizon/Summer Lee Subdistrict of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon Road and Summer Lee Drive, and take any action necessary.

PLAT INFORMATION

- Purpose. The applicant is requesting the approval of a Replat for a 3.59-acre tract of land (*i.e. Lots 1-3, Block A, George Morton Estate Addition*) for the purpose of creating three (3) parcels of land (*i.e. Lots 4-6, Block A, George Morton Estate Addition*). The purpose of the Replat is to abandon existing easements, and dedicate new easements and right-of-way in order to facilitate the development of a 176-unit *Condominium Building* on the subject property.
- Background. The City Council annexed the subject property into the City of Rockwall on November 7, 1960 through the adoption of *Ordinance No. 60-03*. Upon annexation, the subject property was zoned Agricultural (AG) District. On December 7, 1966, the subject property was platted into its current configuration as part of the George Morton Estate Addition. Based on the May 16, 1983 and December 7, 1993 *Historic Zoning Maps*, at some point between these dates portions of the subject property adjacent to Horizon Road [*FM-3097*] were rezoned to General Retail (GR) District. On June 19, 1989, portions of the subject property were also rezoned to Planned Development District 32 (PD-32) [*Ordinance No. 89-20*]. The PD-32 ordinance was amended four (4) times by *Ordinance No.'s 89-20, 02-55, 08-11, & 10-21*. On March 7, 2022, the City Council approved a *PD Development Plan* [*Ordinance No. 22-10*] for the subject property. The *PD Development Plan* was amended twice by *Ordinance No.'s 22-36 & 23-05*. On March 14, the Planning and Zoning Commission approved a *Site Plan* [*Case No. SP2023-008*] to allow the construction of a 176-unit condominium building on the subject property. On May 1, 2023, the City Council approved a final plat [*Case No. P2023-008*] that allowed for the conveyance of the subject property (*i.e. Lots 1-3, Block A, George Morton Estate Addition*).
- Conformance to the Subdivision Ordinance. The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- *conforming to the requirements for plats as stipulated by the Chapter 38, Subdivisions, of the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional Approval. Conditional approval of this Replat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the Replat for *Lots 4-6, Block A, George Morton Estate Addition* staff would propose the following conditions of approval:

- (1) All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this Replat; and,
- (2) Any construction resulting from the approval of this Replat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On March 12, 2024 the Planning and Zoning Commission approved a motion to recommend approval of the replat by a vote of 4-0, with Commissioners Deckard, Womble, and Hustings absent.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. _____

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹
- FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹
- REPLAT (\$300.00 + \$20.00 ACRE) ¹
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) ¹
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ^{1&2}
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.

²: A **\$1,000.00** FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the Hillside Mixed Use Subdistrict and
 SUBDIVISION the Horizon/Summer Lee Subdistrict of Planned Development District 32 (PD-32), generally located at the
 GENERAL LOCATION southwest corner of the intersection of Horizon Road and Summer Lee Drive.

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING	PD-32	CURRENT USE	Undeveloped
PROPOSED ZONING	PD-32	PROPOSED USE	Condominium
ACREAGE	5.083 Acres	LOTS [CURRENT]	N/A
		LOTS [PROPOSED]	N/A

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

<input type="checkbox"/> Agent		<input checked="" type="checkbox"/> APPLICANT	RIV Rockwall LLC
CONTACT PERSON		CONTACT PERSON	Brad Boswell and Asher Hamilton
ADDRESS		ADDRESS	2040 Century Center Blvd Suite #10
CITY, STATE & ZIP		CITY, STATE & ZIP	Irving, TX 75062
PHONE		PHONE	(214) 493-3346
E-MAIL		E-MAIL	bboswell@realtyinvestments.com

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ _____, TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE _____ DAY OF _____, 20____. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE _____ DAY OF _____, 20____.

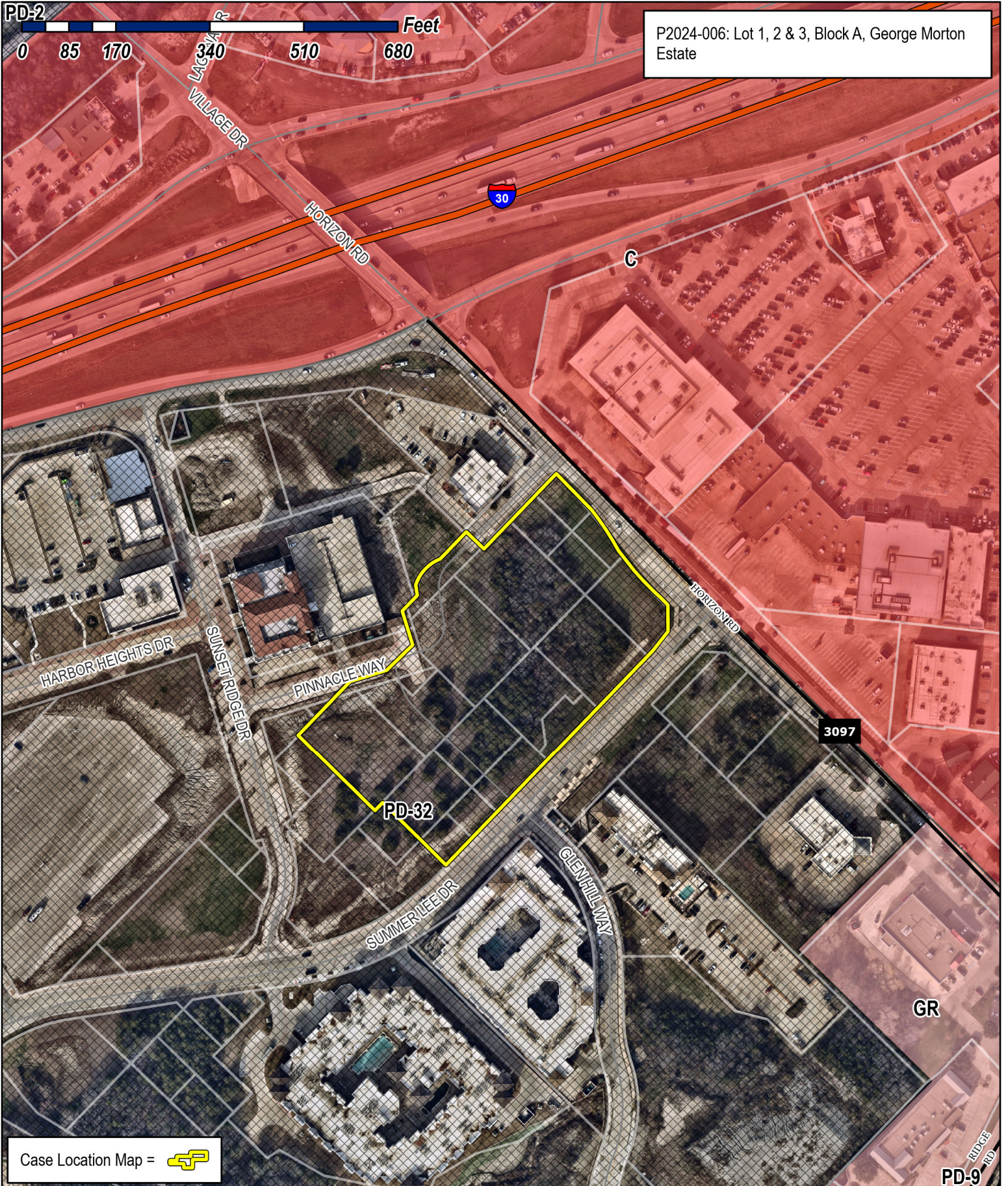
OWNER'S SIGNATURE _____


NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS _____

MY COMMISSION EXPIRES _____



P2024-006: Lot 1, 2 & 3, Block A, George Morton Estate



Case Location Map = 

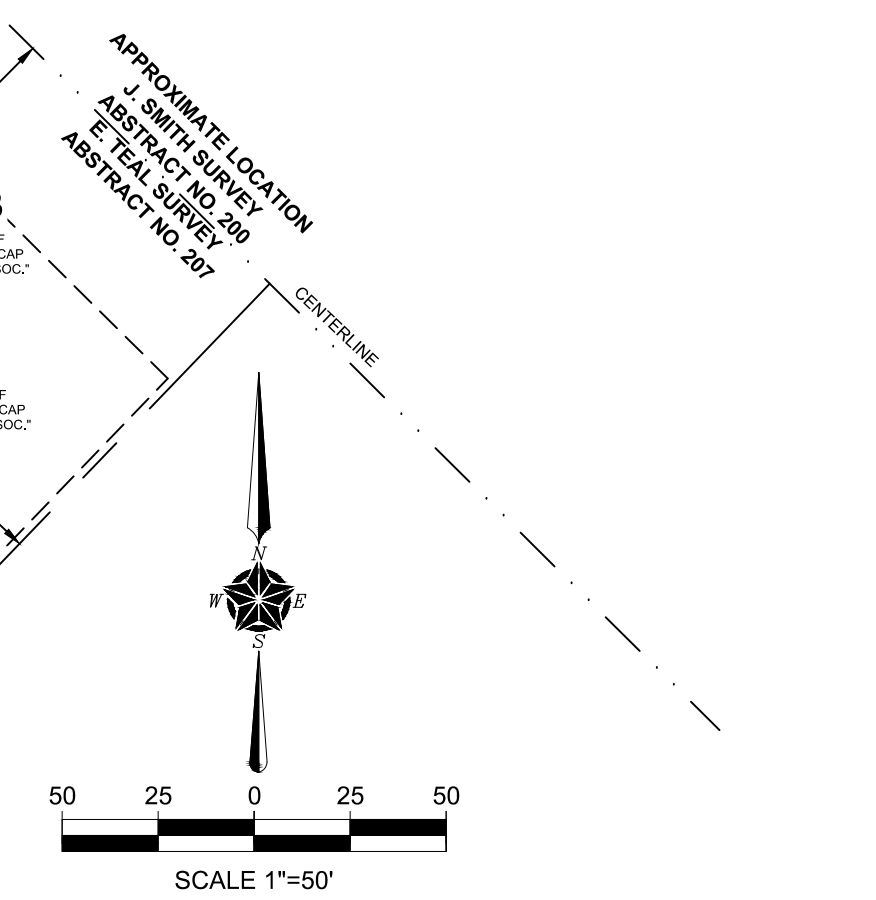
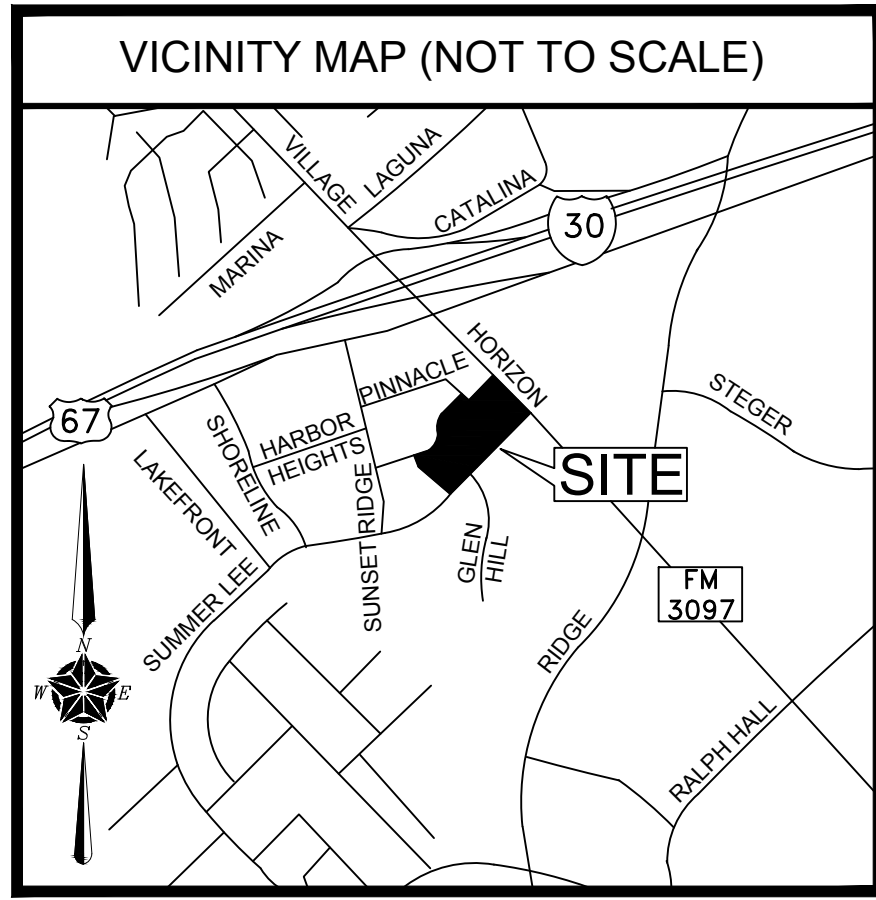


City of Rockwall

Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75087
 (P): (972) 771-7745
 (W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.





POINT OF BEGINNING
STATE PLANE COORDINATES
N = 7,014,291.739'
E = 2,590,194.617'

BLOCK A
GEORGE MORTON ESTATE
GROSS = 221,408 SQ. FT. / 5.083 ACRES
NET = 191,617 SQ. FT. / 4.399 ACRES

- LEGEND**
- P.R.D.C.T. PLAT RECORDS, ROCKWALL COUNTY, TEXAS
 - D.R.R.C.T. DEED RECORDS, ROCKWALL COUNTY, TEXAS
 - O.P.R.R.C.T. OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS
 - INST. NO. INSTRUMENT NUMBER
 - VOL., PG. VOLUME, PAGE
 - SQ. FT. SQUARE FEET
 - IRF IRON ROD FOUND
 - IRS 1/2 INCH IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED "TXHS"
 - X FND/SET X CUT FOUND/SET
 - BDS MAG NAIL SET WITH 2 INCH BRASS WASHER STAMPED "TEXAS HERITAGE SURVEYING & RPLS 5382"
 - <CM> CONTROL MONUMENT

OWNER
JUDY GRACE BRYANT
LINDA JEAN BRUNETTE
DOUGLAS FREDERICK WYGAL
2528 MARK
MESQUITE, TX 75150

OWNER / DEVELOPER
RIV ROCKWALL LLC
2040 CENTURY CENTER BLVD.
SUITE #10
IRVING, TX 75062

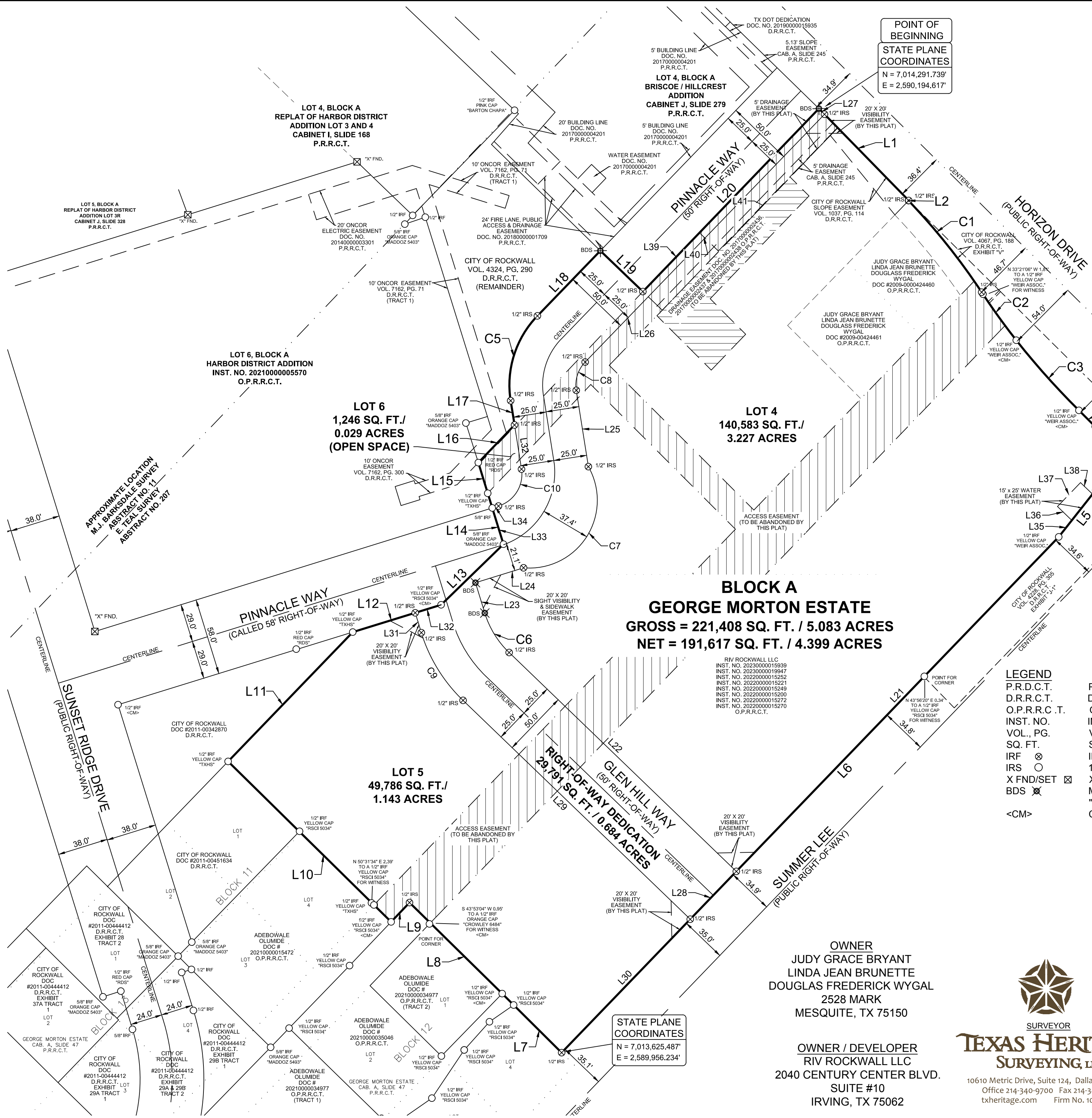
SURVEYOR
TEXAS HERITAGE SURVEYING, LLC
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com Firm No. 10169300

FINAL PLAT
LOTS 4-6, BLOCK A
GEORGE MORTON ESTATE ADDITION
BEING A REPLAT OF
LOTS 1, 2 & 3, BLOCK A
GEORGE MORTON ESTATE ADDITION
BEING THREE (3) LOTS
5.083-ACRES OR 221,408 SF
SITUATED WITHIN THE
E. TEAL SURVEY, ABSTRACT NO. 207
CITY OF ROCKWALL,
ROCKWALL COUNTY, TEXAS

JOB # 2202266-8 / SCALE= 1" = 50' / DRAWN: KO / 01/31/2024
PAGE 1 OF 3

CASE # P2024-006

STATE PLANE COORDINATES
N = 7,013,625.487'
E = 2,589,956.234'



OWNER'S CERTIFICATE OF DEDICATION

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS RIV ROCKWALL LLC, Judy Grace Bryant, Linda Jean Brunette, Douglas Frederick Wygal, BEING THE OWNERS OF A TRACT OF land in the County of Rockwall, State of Texas, said tract being described as follows:

BEING a tract of land situated in the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, being a portion of that tract of land described as George Morton Estate, an addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Cabinet A, Slide 47, Plat Records, Rockwall County, Texas, and being that same tract of land as shown on the Conveyance Plat of George Morton Estate, Lots 1, 2 & 3, Block A as recorded in Instrument Number 2023000009727, Official Public Records, Rockwall County, Texas, said tract being inclusive of those tracts of land contained in the following deeds:

that tract of land described in Deed Without Warranty to RIV ROCKWALL LLC as recorded in Instrument Number 20230000019947, Official Public Records, Rockwall County, Texas, along with that tract of land described in Special Warranty Deed to Riv Rockwall LLC as recorded in Instrument Number 20230000015939, Official Public Records, Rockwall County, Texas, along with that tract of land described in General Warranty Deed to Riv Rockwall LLC as recorded in Instrument Number 20220000015252, Official Public Records, Rockwall County, Texas, along with that tract of land described in General Warranty Deed to Riv Rockwall LLC as recorded in Instrument Number 20220000015221, Official Public Records, Rockwall County, Texas, along with that tract of land described in General Warranty Deed to Riv Rockwall LLC as recorded in Instrument Number 20220000015249, Official Public Records, Rockwall County, Texas, along with that tract of land described in General Warranty Deed to Riv Rockwall LLC as recorded in Instrument Number 20220000015200, Official Public Records, Rockwall County, Texas, along with that tract of land described in General Warranty Deed to Riv Rockwall LLC as recorded in Instrument Number 20220000015272, Official Public Records, Rockwall County, Texas, along with that tract of land described in General Warranty Deed to Riv Rockwall LLC as recorded in Instrument Number 20220000015270, Official Public Records, Rockwall County, Texas, also including that tract of land as described in Special Warranty Deed to Judy Grace Bryant, Linda Jean Brunette, Douglas Frederick Wygal as recorded in Instrument Number 2009-424461, Official Public Records, Rockwall County, Texas, and that tract of land as described in Special Warranty Deed to Judy Grace Bryant, Linda Jean Brunette, Douglas Frederick Wygal as recorded in Instrument Number 2009-424460, Official Public Records, Rockwall County, Texas, together being more particularly described by metes and bounds as follows;

BEGINNING at a Mag Nail set with 2 inch brass washer stamped "TEXAS HERITAGE SURVEYING & RPLS 5382" for the intersection of the east corner of Pinnacle Way (called 44' right-of-way) and the southwest right-of-way line of Horizon Road (variable width right-of-way);

THENCE along the said southwest right-of-way line of Horizon Road the following bearings and distances;

THENCE South 44 degrees 18 minutes 46 seconds East, a distance of 96.72 feet to a 1/2 inch iron rod found with yellow plastic cap stamped "TXHS" for an ell corner;

THENCE South 44 degrees 47 minutes 34 seconds West, a distance of 0.17 feet to a 1/2 inch iron rod found with yellow plastic cap stamped "TXHS" for an ell corner, same being the start of a tangent curve to the right having a radius of 489.50 feet a delta angle of 10 degrees 20 minutes 09 seconds and a chord bearing and distance of South 38 degrees 37 minutes 33 seconds East 88.18 feet;

THENCE with the curve to the right, an arc distance of 88.30 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "TXHS" for the end of said curve, same being the start of a tangent curve to the left having a radius of 510.50 feet a delta angle of 05 degrees 00

minutes 25 seconds and a chord bearing and distance of South 35 degrees 45 minutes 12 seconds East 44.61 feet, from which a 1/2 inch iron rod found with yellow plastic cap stamped "WEIR ASSOC" bears North 33 degrees 21 minutes 06 seconds West 1.81 feet;

THENCE with the curve to the left, an arc distance of 44.61 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "WEIR ASSOC." for the end of said curve, same being the start of a tangent curve to the right having a radius of 576.50 feet a delta angle of 07 degrees 02 minutes 15 seconds and a chord bearing and distance of South 41 degrees 46 minutes 32 seconds East 70.77 feet;

THENCE with the curve to the right, an arc distance of 70.81 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "WEIR ASSOC." for the end of said curve;

THENCE South 45 degrees 02 minutes 23 seconds East, a distance of 17.32 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "WEIR ASSOC." for the north corner of a clip corner at the intersection of the present northwest right-of-way line of Summer Lee Drive (variable width right-of-way) and said southwest right-of-way line of Horizon Road;

THENCE South 00 degrees 21 minutes 42 seconds East, along the clip corner transition from said Horizon Road to Summer Lee Drive, a distance of 47.83 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "WEIR ASSOC." for an angle point;

THENCE along the said present northwest right-of-way line of Summer Lee Drive the following bearings and distances;

THENCE South 38 degrees 15 minutes 42 seconds West, a distance of 44.82 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "WEIR ASSOC. for an angle point"

THENCE South 43 degrees 56 minutes 20 seconds West, a distance of 539.17 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "TXHS" ell corner;

THENCE North 45 degrees 10 minutes 59 seconds West, with said present northwest right-of-way line of Summer Lee Drive, passing at a distance of 50.90 feet a 1/2 inch iron rod found with yellow plastic cap stamped "RSCI 5034" for the southeast corner of that tract of land described as Tract 2 in Special Warranty Deed to Olumide Adebowale as recorded in Document No. 2021-0000035046, Official Public Records, Rockwall County, Texas and continuing for a total distance of 63.07 feet to a 1/2 inch iron rod found with yellow plastic cap stamped "RSCI 5034" for the east corner of that tract of land described as Tract 2 in Special Warranty Deed to Olumide Adebowale as recorded in Document No. 2021-0000034977, Official Public Records, Rockwall County, Texas;

THENCE North 45 degrees 30 minutes 04 seconds West, along the northeast line of said Olumide Adebowale tracts, a distance of 97.78 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "TXHS" for an ell corner;

THENCE South 43 degrees 34 minutes 18 seconds West, along the northwest line of said Adebowale 2021-0000035046 tract, a distance of 20.05 feet to a 1/2 inch iron rod found with yellow plastic cap stamped "RSCI 5034" for the east corner of that tract of land described in General Warranty Deed to Olumide Adebowale as recorded in Document No. 2021-0000015472, Official Public Records, Rockwall County, Texas;

THENCE North 45 Degrees 27 minutes 27 seconds West, along the northeast line of said Adebowale 2021-0000015472 tract, passing at a distance of 96.96 feet the north corner of said Adebowale 2021-0000015472 tract, same being the east corner of that tract of land described in General Warranty Deed to City of Rockwall as recorded in Document No. 2011-0000451634, Official Public Records, Rockwall County, Texas, and continuing for a total distance of 172.17 feet to a 1/2 inch iron rod found with yellow plastic cap stamped "TXHS" in the southeast line of that tract of land described in General Warranty Deed to RIV Rockwall LLC as recorded in Document No. 2011-0000342870, Official Public Records, Rockwall County, Texas;

THENCE North 43 degrees 56 minutes 50 seconds East, along the southeast line of RIV ROCKWALL LLC tract 2011-0000342870, a distance of 135.24 feet to a 1/2 inch iron rod found with yellow plastic cap stamped "TXHS" in the southeast right-of-way line of Pinnacle Way (called 58' right-of-way);

THENCE North 72 degrees 48 minutes 50 seconds East, along the said southeast right-of-way line of Pinnacle Way, a distance of 69.59 feet to a 1/2 inch iron rod found with yellow plastic cap stamped "RSCI 5034";

THENCE North 45 degrees 47 minutes 44 seconds East, traversing said Pinnacle Way, a distance of 65.45 feet to a 5/8 inch iron rod found with orange plastic cap stamped "MADDOX 5403" for an angle corner;

THENCE North 17 degrees 11 minutes 07 seconds West, along the northeast end of said Pinnacle way, passing a 5/8 inch iron rod found at a distance of 28.53 feet for the northeast corner of said Pinnacle Way, same being the east corner of Lot 6, Block A, Harbor District Addition, an addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Document No. 20210000005570, Plat Records, Rockwall County, Texas, and continuing along the south northeast line of said Lot 6, Block A for a total distance of 40.12 feet to a 1/2 inch iron rod found for the south corner of the remainder of that tract of land described in General Warranty Deed to City of Rockwall recorded in Volume 4324, Page 290, Deed Records, Rockwall, County, Texas;

THENCE North 17 degrees 03 minutes 53 seconds West, continuing along the south northeast line of said Lot 6, Block A, a distance of 24.13 feet to a 1/2 inch iron rod found with red plastic cap stamped "RDS";

THENCE North 43 degrees 53 minutes 04 seconds East, along the southeast line of said City of Rockwall remainder tract, a distance of 39.31 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "TXHS" for an angle point;

THENCE North 08 degrees 59 minutes 31 seconds West, traversing said City of Rockwall remainder tract, a distance of 18.52 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "TXHS" for the start of a tangent curve to the right having a radius of 75.00 feet a delta angle of 52 degrees 59 minutes 15 seconds and a chord bearing and distance of North 17 degrees 30 minutes 06 seconds East 66.92 feet;

THENCE along said curve to the right, continuing to traverse said City of Rockwall remainder tract, an arc distance of 69.36 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "TXHS" for the end of said curve;

THENCE North 43 degrees 59 minutes 44 seconds East, continuing to traverse said City of Rockwall remainder tract, a distance of 68.22 feet to a Mag Nail set with 2 inch brass washer stamped "TEXAS HERITAGE SURVEYING & RPLS 5382" for the south corner of Lot 4, Block A, Briscoe / Hillcrest Addition, an addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Cabinet J, Slide 279, Plat Records, Rockwall County, Texas;

THENCE South 46 degrees 06 minutes 56 seconds East along the northeast line of said City of Rockwall remainder tract, along the southwest end of Pinnacle Way, a distance of 44.37 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "TXHS" for the south corner of said Pinnacle Way at the northwest line of the northwest 20' easement of the George Morton Estate plat;

THENCE North 43 degrees 53 minutes 04 seconds East, along the southeast line of said Pinnacle Way, a distance of 191.14 feet to the POINT OF BEGINNING and containing 221,408 square feet of 5.083 acres of land more or less.

PARCEL LINE TABLE			PARCEL LINE TABLE			PARCEL LINE TABLE			PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION	LINE #	LENGTH	DIRECTION	LINE #	LENGTH	DIRECTION	LINE #	LENGTH	DIRECTION
L1	96.72'	S44°18'46"E	L11	135.24'	N43°56'50"E	L21	349.69'	N43°56'20"E	L31	15.66'	N17°11'10"W
L2	0.17'	S44°47'34"W	L12	69.59'	N72°48'50"E	L22	237.45'	S46°03'40"E	L32	20.42'	S72°48'56"W
L3	17.32'	S45°02'23"E	L13	65.45'	N45°47'44"E	L23	23.92'	S17°11'10"E	L32	33.63'	S8°59'29"E
L4	47.83'	S0°21'42"E	L14	40.12'	N17°11'07"W	L24	37.91'	S72°48'50"W	L33	28.54'	S17°11'09"E
L5	44.82'	S38°15'42"W	L15	24.13'	N17°03'53"W	L25	58.21'	S8°59'31"E	L34	4.92'	N72°48'50"E
L6	539.19'	S43°56'20"W	L16	39.31'	N43°53'04"E	L26	68.31'	S43°59'44"W			
L7	63.07'	N45°10'59"W	L17	18.52'	N8°59'31"W	L27	5.63'	N46°06'56"W			
L8	97.78'	N45°30'04"W	L18	68.19'	N43°59'44"E	L28	50.00'	N43°56'17"E			
L9	20.05'	S43°34'18"W	L19	44.37'	S46°06'56"E	L29	237.45'	N46°03'40"W			
L10	172.17'	N45°27'27"W	L20	191.14'	N43°53'04"E	L30	139.50'	N43°56'20"E			
BOUNDARY CURVE TABLE				INSIDE CURVE TABLE							
CURVE #	LENGTH	RADIUS	DELTA	CHORD	CURVE #	LENGTH	RADIUS	DELTA	CHORD		
C1	88.30'	489.50'	10°20'09"	S38°37'33"E 88.18'	C7	111.15'	51.00'	124°52'19"	S32°39'00"W 90.42'		
C2	44.61'	510.50'	5°00'25"	S35°45'12"E 44.60'	C8	23.12'	25.00'	52°59'15"	S17°30'06"W 22.31'		
C3	70.81'	576.50'	7°02'15"	S41°46'32"E 70.77'	C9	60.48'	120.00'	28°52'29"	N31°37'25"W 59.84'		
C5	69.36'	75.00'	52°59'15"	N17°30'06"E 66.92'	C10	35.69'	25.00'	81°48'21"	S31°54'39"W 32.74'		
C6	35.28'	70.00'	28°52'29"	S31°37'25"E 34.91'							

EASEMENT LINE TABLE		
LINE #	LENGTH	DIRECTION
L35	15.89'	N38°15'42"E
L36	15.00'	N46°03'40"W
L37	25.00'	N43°56'20"E
L38	12.51'	S46°03'40"E
L39	61.44'	N43°53'04"E
L40	19.75'	N46°00'16"W
L41	129.11'	S43°59'44"W

OWNER
JUDY GRACE BRYANT
LINDA JEAN BRUNETTE
DOUGLAS FREDERICK WYGAL
2528 MARK
MESQUITE, TX 75150

OWNER / DEVELOPER
RIV ROCKWALL LLC
2040 CENTURY CENTER BLVD.
SUITE #10
IRVING, TX 75062



TEXAS HERITAGE
SURVEYING, LLC
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com Firm No. 10169300

FINAL PLAT
LOTS 4-6, BLOCK A
GEORGE MORTON ESTATE ADDITION
BEING A REPLAT OF
LOTS 1, 2 & 3, BLOCK A
GEORGE MORTON ESTATE ADDITION
BEING THREE (3) LOTS
5.083-ACRES OR 221,408 SF
SITUATED WITHIN THE
E. TEAL SURVEY, ABSTRACT NO. 207
CITY OF ROCKWALL,
ROCKWALL COUNTY, TEXAS

JOB # 2202266-8 / SCALE= 1" = 50' / DRAWN: KO / 01/31/2024
PAGE 2 OF 3

CASE # P2024-006

OWNER'S CERTIFICATE OF DEDICATION

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 GEORGE MORTON ESTATE, LOTS 4-6, BLOCK A 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 GEORGE MORTON ESTATE, LOTS 4-6, BLOCK A 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 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 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; 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.

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.

GENERAL NOTES

- (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).

OWNER'S DEDICATION CONTINUED

CI (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.

RIV ROCKWALL LLC

ASHER HAMILTON - PARTNER

STATE OF TEXAS

COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared ASHER HAMILTON, 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 of _____, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS MY COMMISSION EXPIRES

JUDY GRACE BRYANT, INDIVIDUALLY

STATE OF TEXAS

COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared JUDY GRACE BRYANT, 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 of _____, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS MY COMMISSION EXPIRES

DOUGLASS FREDRICK WYGAL, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE

OF LINDA DOUGLASS BRUNETTE, DECEASED

STATE OF TEXAS

COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared DOUGLASS FREDRICK WYGAL, 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 of _____, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS MY COMMISSION EXPIRES

SURVEYOR'S CERTIFICATE

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

I, J.R. JANUARY, a Registered Professional Land Surveyor R.P.L.S. 5382, 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

REGISTERED PUBLIC SURVEYOR NO.

CITY SIGNATURE BLOCK

APPROVED: I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING 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 OF _____, 2024.

WITNESS OUR HANDS, THIS ____ day of _____, 2024.

MAYOR, CITY OF ROCKWALL

PLANNING AND ZONING COMMISSION CHAIRMAN

CITY SECRETARY

CITY ENGINEER



Texas Heritage
SURVEYING, LLC

10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com Firm No. 10169300

FINAL PLAT
LOTS 4-6, BLOCK A
GEORGE MORTON ESTATE ADDITION
BEING A REPLAT OF
LOTS 1, 2 & 3, BLOCK A
GEORGE MORTON ESTATE ADDITION
BEING THREE (3) LOTS
5.083-ACRES OR 221,408 SF
SITUATED WITHIN THE
E. TEAL SURVEY, ABSTRACT NO. 207
CITY OF ROCKWALL,
ROCKWALL COUNTY, TEXAS

JOB # 2202266-8 / SCALE= 1" = 50' / DRAWN: KO / 01/31/2024
PAGE 3 OF 3

CASE # P2024-006



CITY OF ROCKWALL

PLANNING AND ZONING COMMISSION MEMORANDUM

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council

CC: Mary Smith, *City Manager*
Joey Boyd, *Assistant City Manager*

FROM: Ryan Miller, *Director of Planning and Zoning*

DATE: March 18, 2024

SUBJECT: Z2024-003; *PD Development Plan and Amendment to Planned Development District 74 (PD-74)*

On March 12, 2024, the Planning and Zoning Commission opened the public hearing for *Case No. Z2024-003* and approved a motion to continue the public hearing to the March 26, 2024 Planning and Zoning Commission meeting by a vote of 4-0 (*with Commissioners Deckard, Womble, and Hustings absent*). This action came at the request of the property owner -- *Jim Duggan of NEC John King & 552, LP --*, who requested the postponement due to many of the adjacent residents of the Breezy Hill Subdivision stating that they would be unable to attend the meeting due to Spring Break. In addition, only four (4) of the seven (7) commissioners were able to be present at the meeting. According to Subsection 02.03(C)(3), *Continuation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), “(a) public hearing may be continued by the Planning and Zoning Commission or City Council any time after the public hearing has commenced. The continuation of a public hearing shall be to a specific time and date no later than 30-days from the first or most recent public hearing. A continued public hearing shall be presumed to be held in the same location as the initial public hearing, unless a difference location is announced. The announcement of a continuation at a public hearing shall be sufficient notice and no additional notice is required.” This means the City Council will need to announce the new public hearing date of April 1, 2024 and no further action or motions are required. Should the City Council have any questions staff and the applicant will be available at the March 18, 2024 City Council meeting.

Miller, Ryan

From: Jim Duggan <jim@dugganrealty.com>
Sent: Thursday, March 7, 2024 5:03 PM
To: Miller, Ryan
Subject: John king & 552

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Ryan, I wanted to discuss the possibility of tabling our zoning request due to it being Spring Break next week. I realize our submittal unfortunately results in our case being heard while many of the adjacent residents as well as several Planning & Zoning commissioners will be absent. I think tabling it would give more neighbors an opportunity to be present as well as having the full Planning & Zoning commission in attendance. If we are required to move forward, we can certainly do so. While I will not be able to attend, we will have our architect at the meeting. Let me know if our request is appropriate under the circumstances. If there is anything I may have missed please let me know. Thank you.

TREC Information: Texas requires all real estate licensees to present the following [Information About Brokerage Services](#) to any prospective client.

Consumer Protection Notice: [CN 1-5.pub \(texas.gov\)](#)

Best Regards,

James F. Duggan
President/CEO



7500 San Jacinto Place
Plano, Texas 75024
972-980-9686 x106
972-980-9705 Fax
214-801-9940 Mobile

[Consumer Protection Notice](#)

CONFIDENTIALITY NOTICE: This message originates from Duggan Realty Advisors, LLC. This e-mail message and all attachments may contain CONFIDENTIAL INFORMATION WHICH ALSO MAY BE LEGALLY PRIVILEGED and which is intended solely for the use of the addressee(s) named above. If you are not the intended recipient, you should immediately stop reading this message and delete it from your system. Any unauthorized reading, distribution, copying, or other use of this message or its attachments is strictly prohibited. This message may not be copied or distributed without this disclaimer. If you received this message in error, please notify me immediately by telephone or by return e-mail.



CITY OF ROCKWALL

CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council

DATE: March 18, 2024

APPLICANT: Marisol Ortiz

CASE NUMBER: Z2024-008; *Specific Use Permit (SUP) for Residential Infill in an Established Subdivision at 302 E. Bourn Street*

On March 12, 2024, the Planning and Zoning Commission held a public hearing on *Case No. Z2024-008*, and approved a motion to continue the public hearing to the April 9, 2024 Planning and Zoning Commission meeting. The purpose of this action was to allow the applicant time to make changes to their building elevations and overall design plan. According to Subsection 02.03, *Procedures for Zoning Applications*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), “(a) public hearing that was noticed in the manner prescribed by Subsection 02.03(A) [Article 11; UDC] may be postponed by announcing the postponement at the time and place of the noticed public hearing. The postponement of a public hearing shall be to a specific time and date no later than 30-days from the first or most recent public hearing. A postponed public hearing shall be presumed to be held in the same location as the initial public hearing, unless a different location is announced. The announcement of a postponement at a public hearing shall be sufficient notice and no additional notice is required.” This means that the City Council will need to announce the new public hearing date of April 15, 2024. No further action or motions are required. Should the City Council have any questions, staff will be available at the March 18, 2024 City Council Meeting.



CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council

DATE: March 18, 2024

APPLICANT: Harold Fetty; *H. D. Fetty Land Surveyor*

CASE NUMBER: Z2024-009; *Zoning Change (AG to SFE-1.5 & LI)*

SUMMARY

Hold a public hearing to discuss and consider a request by Harold Fetty of H. D. Fetty Land Surveyor, LLC on behalf of Antonio Borjas for the approval of a Zoning Change from an Agricultural (AG) District to a Single-Family Estate 1.5 (SFE-1.5) District and a Light Industrial (LI) District for a 9.4411-acre tract of land identified as Tract 3-4 of the J. H. Bailey Survey, Abstract No. 45, City of Rockwall, Rockwall, Texas, zoned Agricultural (AG) District, situated in the SH-276 Overlay (SH-276 OV) District, addressed 172 Zollner Road, and take any action necessary.

BACKGROUND

According to the Rockwall Central Appraisal District (RCAD) a 2,814 SF single-family home was constructed on the subject property in 2006. The subject property was annexed by the City Council on December 22, 2008 by *Ordinance No. 08-65 [Case No. A2008-003]*. At the time of annexation, the subject property was zoned Agricultural (AG) District.

PURPOSE

On February 16, 2024, the applicant -- *Harold Fetty of H. D. Fetty Land Surveyor*-- submitted an application requesting to change the zoning of the subject property from an Agricultural (AG) District to a Single-Family Estate 1.5 (SFE-1.5) and Light Industrial (LI) District. The purpose of this request is to facilitate the future conveyance of a portion of the subject property.

ADJACENT LAND USES AND ACCESS

The subject property is addressed 172 Zollner Road. The land uses adjacent to the subject property are as follows:

- North: Directly north of the subject property are the corporate limits of the City of Rockwall. Beyond this is SH-276, which is identified as a P6D (*i.e. primary arterial, six [6] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are properties located within the City of Rockwall's Extraterritorial Jurisdiction (ETJ).
- South: Directly south of the subject property is a vacant ~44.50-acre tract of land (*i.e. Tract 5-01 of the J. H. Bailey Survey, Abstract No. 45*) zoned Agricultural (AG) District. Beyond this are the corporate limits of the City of Rockwall.
- East: Directly east of the subject property are four (4) tracts of land (*i.e. Tracts 1 & 3-5 of the J. H. Bailey Survey, Abstract No. 45; Lots 1 & 2, Block A, Mendez Addition*) developed with single-family homes. Beyond this is Green Circle, which is identified as an M4U (*i.e. major arterial, four [4] lane, undivided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Following this roadway are three (3) tracts of land (*i.e. Tracts 1, 2, & 3 of the R. Dickens Survey, Abstract No. 73*) developed with single-family homes. All of these properties are zoned Agricultural (AG) District.
- West: Directly west of the subject property is a vacant 8.8621-acre tract of land (*i.e. Tract 3-3 of the J. H. Bailey Survey, Abstract No. 45*). Beyond this are two (2) tracts of land, one (1) tract is developed with an *Auto Repair Garage* (*i.e. Tract 3-2 of the J. H. Bailey Survey, Abstract No. 45*), and the other tract is developed with a single-family home

(i.e. Tract 4, of the J. H. Bailey Survey, Abstract No. 45). Following this is a 19.8327-acre tract of land (i.e. Tract 5 of the J. H. Bailey Survey, Abstract No. 45) developed with a single-family home. All of these properties are zoned Agricultural (AG) District.

CONFORMANCE TO THE CITY’S CODES

According to Subsection 05.02, *Light Industrial (LI) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), “(t)he Light Industrial (LI) District is a zoning district intended to create a limited industrial zone that provides for modern types of industrial land uses... Limitations have been placed on the uses in this district to significantly restrict outside activities and the storage of materials, noise, vibration, smoke, pollution, fire and explosive hazards, glare and any other potentially adverse externalities.” In addition, the Light Industrial (LI) District is intended for industrial parks and larger, cleaner types of industries. In this case, the applicant has stated that the property is being rezoned to facilitate the future sale of a portion of the subject property. According to Article 05, *District Development Standards*, of the Unified Development Code (UDC), the following is a summary of the density and dimensional requirements of the Light Industrial (LI) District:

TABLE 1: LIGHT INDUSTRIAL (LI) DISTRICT STANDARDS

MINIMUM LOT AREA	12,500 SF
MINIMUM LOT WIDTH	100'
MINIMUM LOT DEPTH	125'
MINIMUM FRONT YARD SETBACK ⁽¹⁾	25'
MINIMUM SIDE YARD SETBACK ⁽²⁾	15'
MINIMUM REAR YARD SETBACK ⁽²⁾	10'
MINIMUM BETWEEN BUILDINGS ⁽²⁾	15'
MAXIMUM BUILDING HEIGHT ⁽³⁾	60'
MAXIMUM LOT COVERAGE	90-95%
MINIMUM LANDSCAPING	15%

GENERAL NOTES:

- 1: FROM FUTURE RIGHT-OF-WAY AS SHOWN ON THE ADOPTED MASTER THOROUGHFARE PLAN OR AS ACTUALLY EXISTS, WHICHEVER IS GREATER.
- 2: THE SETBACK CAN BE REDUCED TO ZERO (0) FEET WITH A FIRE RATED WALL.
- 3: BUILDING HEIGHT MAY BE INCREASED UP TO 240-FEET IF APPROVED THROUGH A SPECIFIC USE PERMIT (SUP) BY THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL.

If this zoning change is approved, the portion of the subject property being rezoned to a Light Industrial (LI) District will be subject to the standards stipulated by the Unified Development Code (UDC) and which are show in *Table 1* above. As previously stated, the applicant is proposing to rezone the subject property for the purpose of subdividing the subject property into two (2) parcels of land to facilitate the sale of the portion of the subject property being rezoned to a Light Industrial (LI) District. Since this would leave a remainder tract that is less than ten (10) acres with a single-family home situated on it, the applicant is proposing to rezone the remainder of the subject property in accordance with the properties current land use. The most appropriate zoning for this tract of land is Single-Family Estate 1.5 (SFE-1.5) District. According to Subsection 03.02, *Single-Family Estate 1.5 (SFE-1.5) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), “(t)he Single-Family Estate 1.5 (SFE-1.5) District is the proper zoning classification for rural, estate lots that are a minimum of 1½-acres in size. These lots are typically in areas that are located in the City’s hinterland...” According to Article 05, *District Development Standards*, of the Unified Development Code (UDC), the following is a summary of the density and dimensional requirements of the Single-Family Estate 1.5 (SFE-1.5) District:

TABLE 2: SINGLE -FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT STANDARDS

MINIMUM LOT AREA	63,340 SF
MINIMUM LOT WIDTH	150'
MINIMUM LOT DEPTH	250'
MINIMUM FRONT YARD SETBACK	50'
MINIMUM SIDE YARD SETBACK	25'
MINIMUM REAR YARD SETBACK	10'
MINIMUM BETWEEN BUILDINGS	10'

CONFORMANCE WITH OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN

According to the *Land Use Plan* contained in the OURHometown Vision 2040 Comprehensive Plan, the subject property is located within the South Central Estates District, which -- based on the *District Description for the South Central Estates District* -- "...has the potential to have a mixture of land uses, but is currently relatively undeveloped." The *Land Use Plan* for this district designates the portion of the subject property that fronts SH-276 for Technology/Employment land uses, which is "...characterized by employment-oriented businesses, which are generally situated in larger centers (i.e. Rockwall Technology Park) with access to key transportation networks." In addition, the Light Industrial (LI) District is one (1) of the two (2) zoning districts permitted under this *Land Use Plan Designation*. The remaining portion of the property where the single-family home is situated, is designated as Commercial/Retail based on the *Land Use Plan*. In this case, the applicant is requesting this portion of the subject property to be zoned Single-Family Estate 1.5 (SFE-1.5) District, which is not consistent with the *Land Use Plan*; however, it is consistent with the current land use on the subject property. Furthermore, the area has not started to transition as expected and the proposed zoning does appear to be appropriate with the current use of the subject property and adjacent land. It is staff's opinion that the *Land Use Plan*, does not need to be changed if the proposed zoning is approved, and that the Commercial/Retail land use designation is still an appropriate designation for the future development of the area. Based on this, the applicant's request to change the zoning of the subject property from Agricultural (AG) District to a Single-Family Estate 1.5 (SFE-1.5) District and Light Industrial (LI) District appears to conform to the Comprehensive Plan.

INFRASTRUCTURE

Based on the proposed request, the following infrastructure is required to be constructed to provide adequate public services for the development of the subject property:

- (1) Roadways. At the time of development, the developer shall verify the right-of-way width of SH-276 to ensure that the right-of-way meets the Texas Department of Transportation's (TXDOT's) requirements.
- (2) Water. The subject property is located within the Blackland Water Supply Corporation's Certificate of Convenience and Necessity (CCN). Based on this -- *at the time of development* -- the City will need a *Will Serve* letter from the Blackland Water Supply Corporation stating that they have the ability to serve the subject property and provide the necessary fire flows required by the City of Rockwall.
- (3) Wastewater. There is currently no wastewater infrastructure within 100-feet of the subject property. At the time of development, the developer shall confirm if they will be utilizing an *On-Site Sewage Facility (OSSF)* in accordance with Division 5, *On-Site Sewage Facility*, of the Municipal Code of Ordinances. This will be required to be reviewed and permitted through Rockwall County.
- (4) Drainage. Detention will be required and need to be sized per *Manning's C-Value* for the zoning designation.

NOTIFICATIONS

On February 22, 2024, staff mailed 24 notices to property owners and occupants within 500-feet of the subject property. There are no Homeowner's Associations (HOAs) or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received one (1) notice in opposition of the applicant's request.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request to rezone the subject property from an Agricultural (AG) District to a Single-Family Estate 1.5 (SFE-1.5) District and Light Industrial (LI) District, then staff would propose the following conditions of approval:

- (1) Any construction resulting from the approval of this Zoning Change shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On March 12, 2024 the Planning and Zoning Commission approved a motion to recommend approval of the zoning change by a vote of 4-0, with Commissioners Deckard, Womble, and Hustings absent.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. **22024-**

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹
- FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹
- REPLAT (\$300.00 + \$20.00 ACRE) ¹
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) ¹
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ^{1 & 2}
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.
²: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS **172 Zollner Rd**

SUBDIVISION **JH Bailey**

LOT

BLOCK

GENERAL LOCATION **Zollner 1st 276**

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING **AG**

CURRENT USE

PROPOSED ZONING **SFE 1.5 & L1**

PROPOSED USE

ACREAGE **9.42**

LOTS [CURRENT]

LOTS [PROPOSED]

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

OWNER **Antonio Borjas**

APPLICANT

CONTACT PERSON **Antonio Borjas**

CONTACT PERSON

ADDRESS **172 Zollner Rd**

ADDRESS

CITY, STATE & ZIP **Royse city, TX 75189**

CITY, STATE & ZIP

PHONE **214-926-7934**

PHONE

E-MAIL

E-MAIL

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ _____ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE _____ DAY OF _____ 20____. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

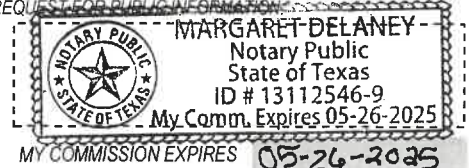
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE **16th** DAY OF **February** 20**24**

OWNER'S SIGNATURE

Antonio Borjas

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Margaret Delaney





Z2024-009: Zoning Change from AG to SFE-1.5 & LI

Feet

0 100 200 400 600 800

TANDEM TRL

276

551

STENGEL

GREEN CIR

AG

ZOLLNER RD

Case Location Map = 



City of Rockwall

Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75087
 (P): (972) 771-7745
 (W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

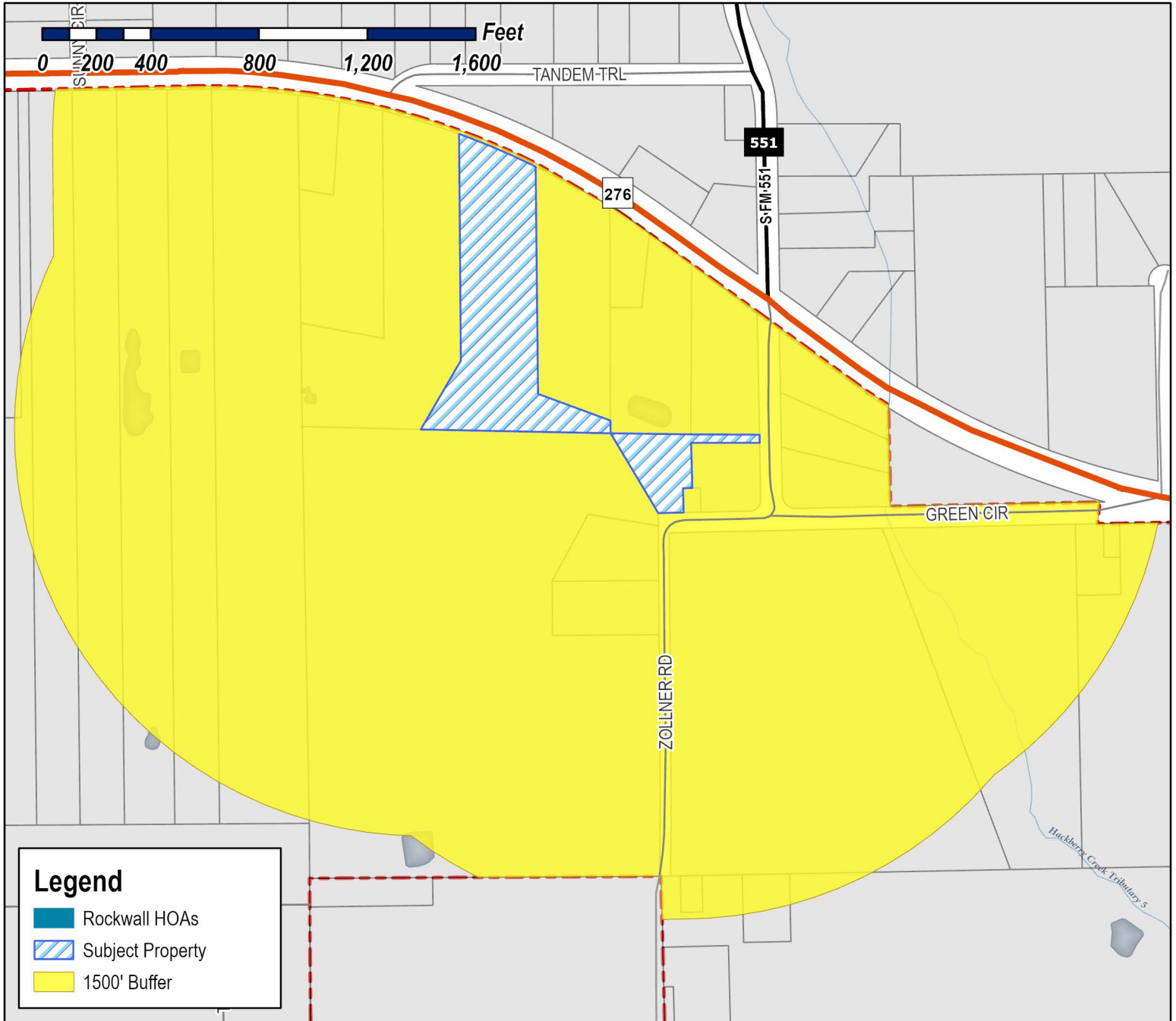




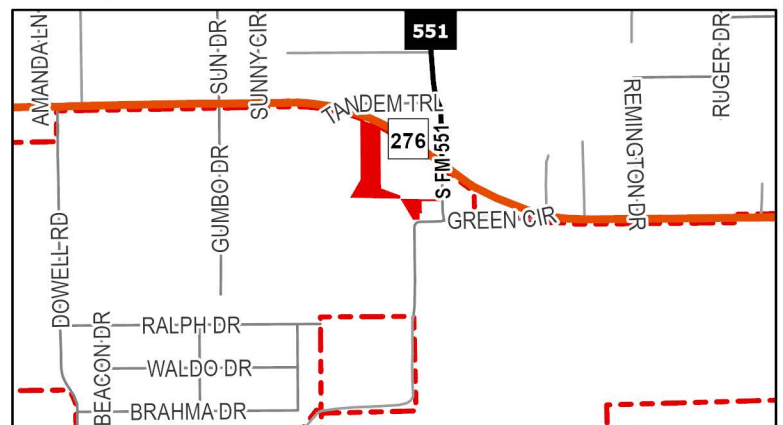
City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



Case Number: Z2024-009
Case Name: Zoning Change from AG to SFE-1.5 & LI
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 172 Zollner Road



Date Saved: 2/16/2024

For Questions on this Case Call (972) 771-7745



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



Case Number: Z2024-009
Case Name: Zoning Change from AG to SFE-1.5 & LI
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: 172 Zollner Road

Date Saved: 2/16/2024

For Questions on this Case Call: (972) 771-7745



GONZALEZ OSCAR
1010 LAKESHORE BLVD
OAK POINT, TX 75068

RESIDENT
105 ZOLLNER RD
ROYSE CITY, TX 75189

RAMIREZ MARTIN & TERESA
11582 HWY 205
LAVON, TX 75166

DHILLON GURMIT AND RANJEET K
1512 RIDGETOP CT
ROCKWALL, TX 75032

RESIDENT
161 GREEN CIR
ROYSE CITY, TX 75189

BORJAS ANTONIO
172 ZOLLNER RD
ROYSE CITY, TX 75189

RESIDENT
186 ZOLLNER RD
ROYSE CITY, TX 75189

RESIDENT
201 GREEN CIR
ROYSE CITY, TX 75189

MCAULEY CHRISTOPHER ROSS
254 ZOLLNER
ROYSE CITY, TX 75189

FULLER DONALD J
261 GREEN CIR
ROYSE CITY, TX 75189

RESIDENT
264 GREEN CIR
ROYSE CITY, TX 75189

BRANTON NORA JANE
345 EL RIO DR
MESQUITE, TX 75150

METRO REALEDGE LLC
3620 WHITE BIRCH WAY
EULESS, TX 76040

MCAULEY MICHAEL D & JUDY
444 ZOLLNER RD
ROYSE CITY, TX 75189

MCAULEY JUDY LYNN
444 ZOLLNER ROAD
ROYSE CITY, TX 75189

SZOBOSZLAY TOM
4827 STATE HIGHWAY 276
ROCKWALL, TX 75189

RESIDENT
4891 HWY276
ROYSE CITY, TX 75189

EDGEMON TONY L AND REGINA A
4947 STATE HIGHWAY 276
ROYSE CITY, TX 75189

THOMPSON BRADLEY
5095 STATE HWY 276
ROYSE CITY, TX 75189

MEDINA LIGNA SARDON AND MARVIN JOSUE
MEDINA ANARIBA
5143 STATE HIGHWAY 276
ROYSE CITY, TX 75189

BORJAS MARIO ALBERTO
647 TUBBS ROAD
ROCKWALL, TX 75032

CALVILLO MICHELLE ANN
8119 SAMUELS ROAD
TERRELL, TX 75160

WHITE TIMOTHY E
9104 PRIVATE ROAD 2325
TERRELL, TX 75160

JONES LARRY JAY
P.O. BOX 92
WESTON, CO 81091

PUBLIC NOTICE



CITY OF ROCKWALL
PLANNING AND ZONING DEPARTMENT
PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Z2024-009: Zoning Change from AG to SFE-1.5 & LI

Hold a public hearing to discuss and consider a request by Harold Fetty of H. D. Fetty Land Surveyor, LLC on behalf of Antonio Borjas for the approval of a Zoning Change from an Agricultural (AG) District to a Single-Family Estate 1.5 (SFE-1.5) District and a Light Industrial (LI) District for a 9.4411-acre tract of land identified as Tract 3-4 of the J. H. Bailey Survey, Abstract 45, City of Rockwall, Rockwall, Texas, zoned Agricultural (AG) District, situated in the SH-276 Overlay (SH-276 OV) District, addressed 172 Zollner Road, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, March 12, 2024 at 6:00 PM, and the City Council will hold a public hearing on Monday, March 18, 2024 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

Henry Lee
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, March 18, 2024 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

PLEASE RETURN THE BELOW FORM

Case No. Z2024-009: Zoning Change from AG to SFE-1.5 & LI

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Four horizontal grey bars for providing reasons for support or opposition.

Name:
Address:

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Case No. Z2024-009: Zoning Change from AG to SFE-1.5 & LI

Please place a check mark on the appropriate line below:

I am in favor of the request for the reasons listed below.

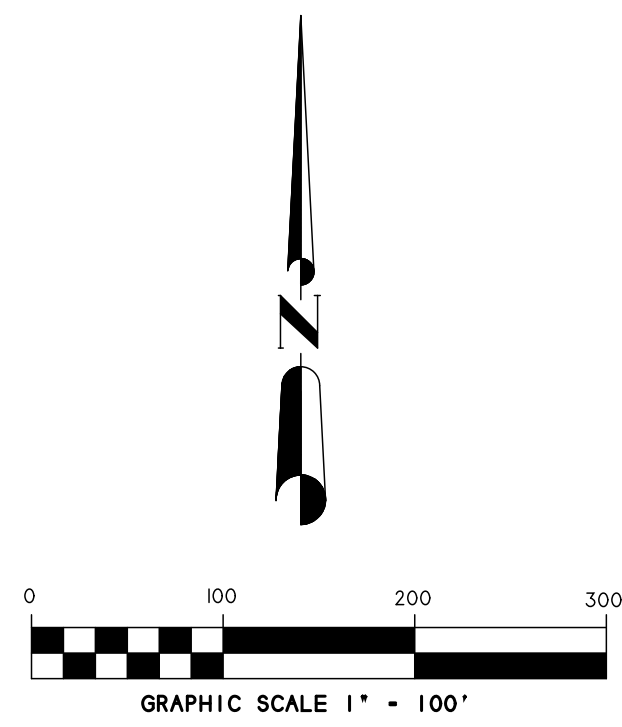
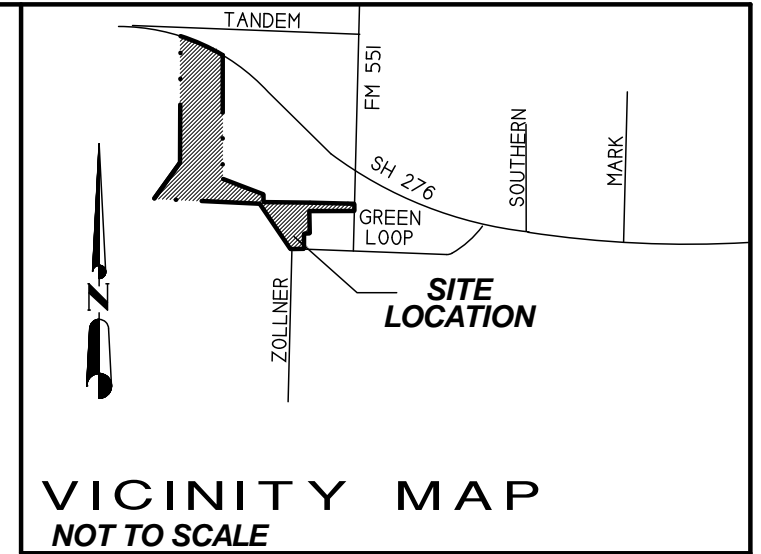
I am opposed to the request for the reasons listed below.

[Redacted area]

Name: *Timothy E. White (417 Green Circle Road, Tx 75789)* *Property near*
mailing Address: *9104 PR 2325, Jerrrell, Texas 75760* *request*

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

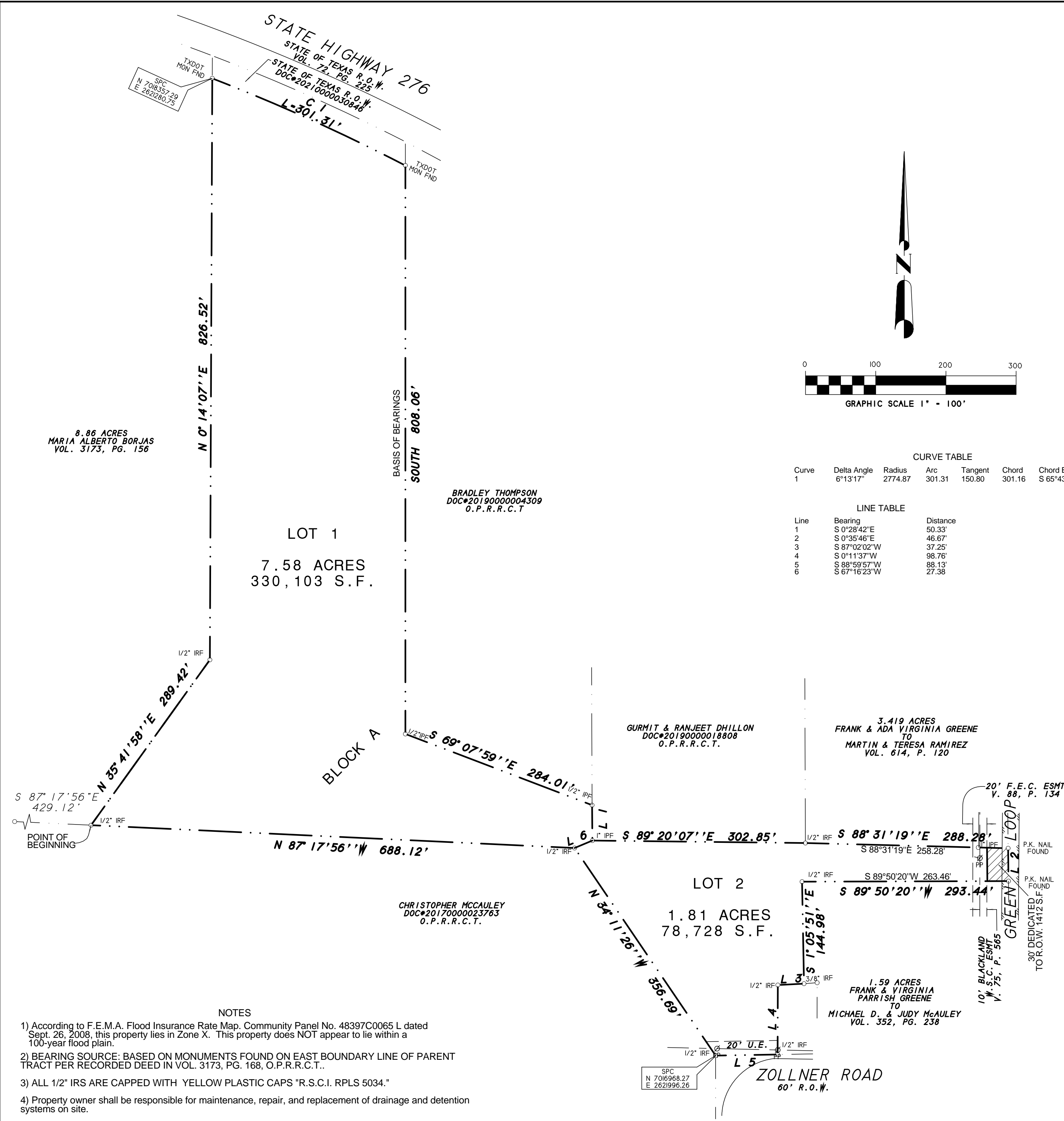


CURVE TABLE

Curve	Delta Angle	Radius	Arc	Tangent	Chord	Chord Bearing
1	6°13'17"	2774.87	301.31	150.80	301.16	S 65°43'08"E

LINE TABLE

Line	Bearing	Distance
1	S 0°28'42"E	50.33'
2	S 0°35'46"E	46.67'
3	S 87°02'02"W	37.25'
4	S 0°11'37"W	98.76'
5	S 88°59'57"W	88.13'
6	S 67°16'23"W	27.38'



CONVEYANCE PLAT
BORJAS ADDITION
LOT 1 & LOT 2, BLOCK A
CONTAINING A TOTAL OF
9.42 ACRES/410,243 S.F.
(2 LOTS)
J.H. BAILEY SURVEY, A-45
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

- NOTES
- 1) According to F.E.M.A. Flood Insurance Rate Map, Community Panel No. 48397C0065 L dated Sept. 26, 2008, this property lies in Zone X. This property does NOT appear to lie within a 100-year flood plain.
 - 2) BEARING SOURCE: BASED ON MONUMENTS FOUND ON EAST BOUNDARY LINE OF PARENT TRACT PER RECORDED DEED IN VOL. 3173, PG. 168, O.P.R.R.C.T..
 - 3) ALL 1/2" IRS ARE CAPPED WITH YELLOW PLASTIC CAPS "R.S.C.I. RPLS 5034."
 - 4) Property owner shall be responsible for maintenance, repair, and replacement of drainage and detention systems on site.

SHEET 1 OF 2

SYMBOL LEGEND

TV	GAS	TEL	HI	FF
CABLE	METER	PHONE	HYDRANT	POWER
ROSE	ROSE	ROSE	ROSE	ROSE
ELEC	ELEC	BOX	LP	1/2" IRF
ELECTRIC	SUBSURFACE	METER	POLE	1/2" IRF FOUND
METER	JUNCTION BOX			1/2" CORNER
FENCE	EXISTENT LINE	AR	AR	PREPARE
		UNIT	UNIT	PLANS

SURVEY DATE FEBRUARY 16, 2024
SCALE 1" = 100' FILE #20031589-P
CLIENT BORJAS GF # NONE

OWNER:
ANTONIO BORJAS
172 ZOLLNER ROAD
ROCKWALL, TEXAS 75032

H.D. Fetty Land Surveyor, LLC
Firm Registration no. 10150900
6770 FM 1565 ROYSE CITY, TX 75189 972-635-2255 PHONE tracy@hdfetty.com

OWNER'S CERTIFICATE
(Public Dedication)

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS, ANTONIO BORJAS, BEING THE OWNER OF A TRACT OF land in the County of Rockwall, State of Texas, said tract being described as follows:

All that certain lot, tract or parcel of land situated in the JOHN H. BAILEY SURVEY, ABSTRACT NO. 45, City of Rockwall, Rockwall County, Texas, and being a part of that 28.79 acres Tract 2 as described in a Warranty deed from Robert Smith and Lawrence Jones and wife, Sue Jones, dated July 29, 1970 and being recorded in Volume 92, Page 29 of the Real Property Records of Rockwall County, Texas, and being a part of that tract of land as described in a Warranty deed to Antonio Borjas, as recorded in Volume 3173, Page 168 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" found for corner in the South boundary line of said 28.79 acres tract, said point being S. 87 deg. 17 min. 56 sec. E., 429.12 feet from a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" found for corner at the base of a fence corner post at the Southwest corner of said 28.79 acres tract of land;

THENCE N. 35 deg. 41 min. 58 sec. E., a distance of 289.42 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" found for corner;

THENCE N. 00 deg. 14 min. 07 sec. E., a distance of 826.52 feet to a TXDOT monument found for corner in the South right-of-way line of State Highway 276;

THENCE in a Southeasterly direction along a curve to the left having a central angle of 06 deg. 13 min. 17 sec., a radius of 2744.87 feet, a tangent of 150.80 feet, a chord of S. 65 deg. 43 min. 08 sec. E., 301.16 feet along said right-of-way line, an arc distance of 301.31 feet to a TXDOT monument found for corner in the east line of Borjas tract;

THENCE SOUTH along the East line of said Borjas tract, a distance of 808.06 feet to a 1/2" iron pipe found for corner at the Southeast corner of same;

THENCE S. 69 deg. 07 min. 59 sec. E. a distance of 284.01 feet to a 1/2" iron rod pipe found for corner;

THENCE S. 00 deg. 28 min. 42 sec. E. a distance of 50.33 feet to a 1" iron pipe found for corner;

THENCE S. 89 deg. 20 min. 07 sec. E. a distance of 302.85 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" found for corner at the Southwest corner of a 3.419 acres tract of land as described in a Deed to Martin and Teresa Ramirez, as recorded in Volume 614, Page 120 of the Real Property Records of Rockwall County, Texas;

THENCE S. 88 deg. 31 min. 19 sec. E. along the South line of said 3.419 acres tract, a distance of 288.28 feet to a P-K Nail for corner in the center of Green Loop;

THENCE S. 00 deg. 35 min. 46 sec. E. along the center of said road, a distance of 46.67 feet to a P-K nail for corner at the Northeast corner of a 1.59 acres tract of land as described in a Deed to Michael D. and Judy McAuley, as recorded in Volume 352, Page 238 of the Real Property Records of Rockwall County, Texas;

THENCE S. 89 deg. 50 min. 20 sec. W. along the North line of said 1.59 acres tract, a distance of 293.44 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" found for corner at the Northwest corner of same;

THENCE S. 01 deg. 05 min. 51 sec. E. a distance of 144.98 feet to a 3/8" iron rod found for corner;

THENCE S. 87 deg. 02 min. 02 sec. W. a distance of 37.25 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" found for corner;

THENCE S. 00 deg. 11 min. 37 sec. W. a distance of 98.76 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner in the North line of Zollner Road;

THENCE S. 88 deg. 59 min. 57 sec. W. along the North line of Zollner Road, a distance of 88.13 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" found for corner;

THENCE N. 34 deg. 11 min. 26 sec. W. along the South line of said 28.79 acres tract, a distance of 356.69 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" found for corner;

THENCE N. 87 deg. 17 min. 56 sec. W. along the South line of said 28.79 acres tract, a distance of 688.12 feet to the POINT OF BEGINNING and containing 410,243 square feet or 9.42 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS
COUNTY OF ROCKWALL

I the undersigned owner of the land shown on this plat, and designated herein as BORJAS ADDITION, LOT 1 & LOT 2, BLOCK A, an Addition 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 further certify that all other parties who have a mortgage or lien interest in BORJAS ADDITION, LOT 1 & LOT 2, BLOCK A, have been notified and signed this plat.

I 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 also understand the following:

- No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
- 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.
- 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.
- The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
- The developer 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.
- 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 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, my successors and assigns hereby waive any claim, damage, or cause of action that I may have as a result of the dedication of exaction's made herein.

ANTONIO BORJAS

NOTE: It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, as required under Ordinance 83-54.

STATE OF TEXAS
COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared ANTONIO BORJAS 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 of _____, _____.

Notary Public in and for the State of Texas

My Commission Expires:

SURVEYOR'S CERTIFICATE

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, Harold D. Fetty, III, R.P.L.S. No. 5034, 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.



Harold D. Fetty, III
Registered Professional Land Surveyor No. 5034

RECOMMENDED FOR FINAL APPROVAL

Planning and Zoning Commission _____ Date _____

APPROVED

I hereby certify that the above and foregoing plat of BORJAS ADDITION, LOT 1 & LOT 2, BLOCK A an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the _____ day of _____, _____.

This approval shall be invalid unless the approved plat for such addition is recorded in the office of the County Clerk of Rockwall, County, Texas, within one hundred eighty (180) days from said date of final approval.

Said addition shall be subject to all the requirements of the Subdivision Regulations of the City of Rockwall.

WITNESS OUR HANDS, this _____ day of _____, _____.

Mayor, City of Rockwall _____ City Secretary City of Rockwall _____

City Engineer _____ Date _____

CONVEYANCE PLAT

BORJAS ADDITION
LOT 1 & LOT 2, BLOCK A

CONTAINING A TOTAL OF
9.42 ACRES/410,243 S.F.
(2 LOTS)

J.H. BAILEY SURVEY, A-45
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

SHEET 2 OF 2

SYMBOL LEGEND											
TV	GAS	TEL	PH	LF	PP						
TELEPHONE	LINE	TEL	PHONE	LINE	POST						
CABLE RISER	METER	METER	RISER	HYDRANT	POLE						
ELC	ELEC	WTR	WTR	LP	1/2" BIF						
ELECTRIC	BOX	ELECTRIC	WATER	POLE	POST AND FOUND						
METER	SUBSURFACE	JUNCTION	BOX	WATER	1" CORNER						
-*	FENCE	---	EASEMENT LINE	---	AIR COND. UNIT						
					PROPANE TANK						

OWNER:
ANTONIO BORJAS
172 ZOLLNER ROAD
ROCKWALL, TEXAS 75032

H.D. Fetty Land Surveyor, LLC

Firm Registration no. 101509-00
6770 FM 1565 ROYSE CITY, TX 75189 972-635-2255 PHONE tracy@hdfetty.com

SURVEY DATE FEBRUARY 16, 2024
SCALE 1" = 100' FILE #20031589-P
CLIENT BORJAS GF # NONE

CITY CASE NO. P2024-____

CITY OF ROCKWALL

ORDINANCE NO. 24-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT AND LIGHT INDUSTRIAL (LI) DISTRICT FOR A 9.4411-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3-4 OF THE J. H. BAILEY SURVEY, ABSTRACT NO. 45, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Harold Fetty on behalf of Antonio Borjas for the approval of a Zoning Change from an Agricultural (AG) District to Single-Family Estate 1.5 (SFE-1.5) District and Light Industrial (LI) District on a 9.4411-acre tract of land identified as Tract 3-4 of the J. H. Bailey Survey, Abstract No. 45, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, and more fully described and depicted in *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-02*] should be amended as follows:

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

SECTION 1. That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning of the *Subject Property* from Agricultural (AG) District to Single-Family Estate 1.5 (SFE-1.5) District and Light Industrial (LI) District;

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes provided for a Single-Family Estate 1.5 (SFE-1.5) District and a Light Industrial (LI) District as stipulated in Section 01.01, *Use of Land and Buildings*, of Article 04, *Permissible Uses* and Section 03.01, *General Residential District Standards*; Section 03.02, *Single-Family Estate 1.5 (SFE-1.5) District*; Section 05.01, *General Industrial District Standards*; Section 05.02, *Light Industrial (LI) District*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City

of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as maybe amended in the future;

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in the zoning described herein;

SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 5. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code (UDC) of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable; and

SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect;

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 1ST DAY OF APRIL, 2024.

Trace Johannesen, *Mayor*

ATTEST:

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

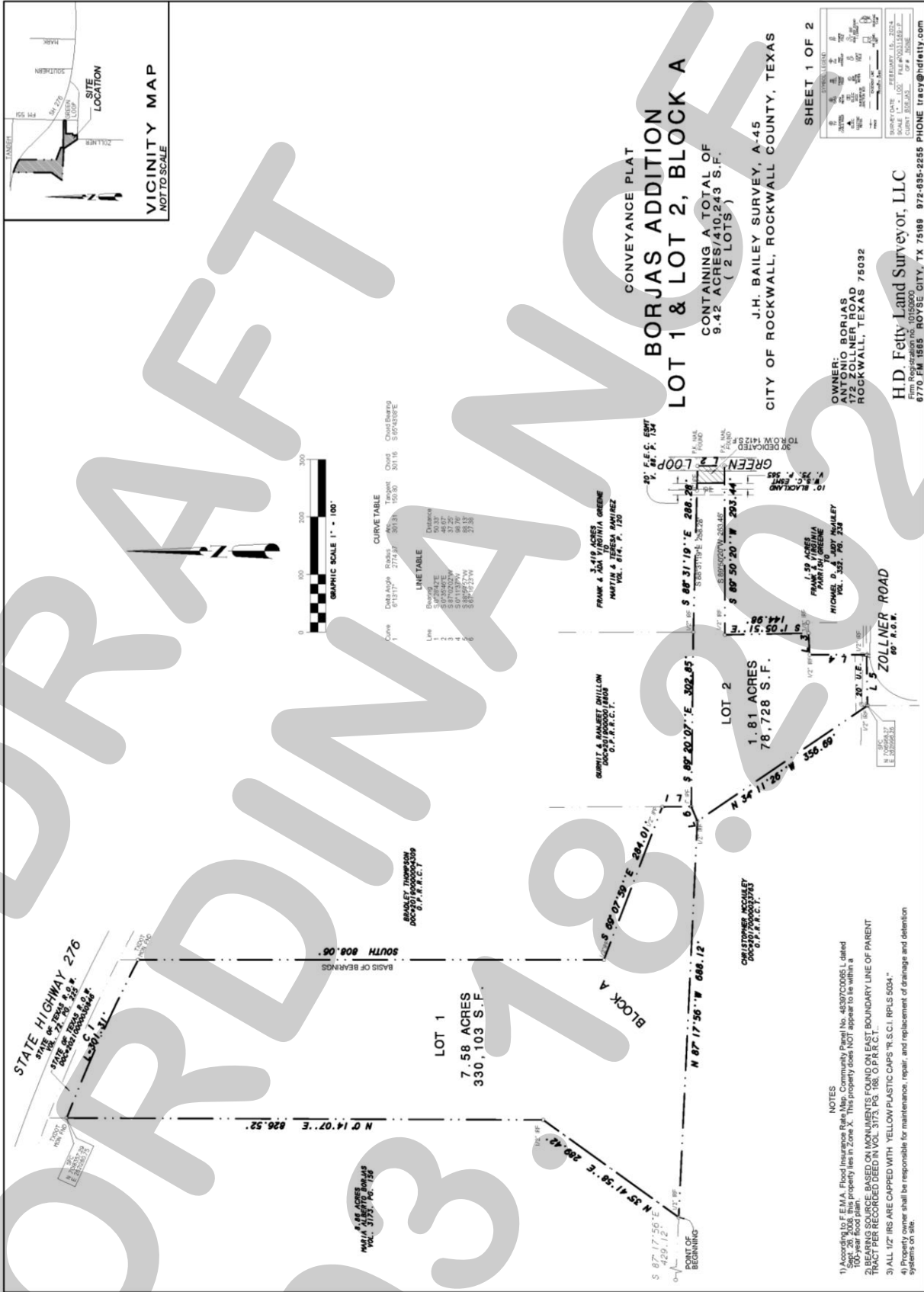
1st Reading: March 18, 2024

2nd Reading: April 1, 2024

Exhibit 'A'
Location Map



Exhibit 'B'
Zoning Exhibit





CITY OF ROCKWALL
CITY COUNCIL MEMORANDUM

PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council
CC: Mary Smith, *City Manager*
Joey Boyd, *Assistant City Manager*
FROM: Ryan Miller, *Director of Planning and Zoning*
DATE: March 18, 2024
SUBJECT: Proposed Short-Term Rental (STR) Program

On February 5, 2024, the City Council voted 7-0 to direct staff to move forward with an amendment to the Unified Development Code (UDC) and the Municipal Code of Ordinances establishing regulations and a registration program for *Short-Term Rentals*. Based on this direction, staff has prepared a text amendment to both the Unified Development Code (UDC) and the Municipal Code of Ordinances that would create zoning and regulatory restrictions for *Short-Term Rentals*. In addition, the proposed text amendment prepared by staff establishes regulations and a registration program for *Short-Term Rentals* in the City of Rockwall. Specifically, the proposed amendment makes the following changes to the Unified Development Code (UDC) and Municipal Code of Ordinances:

- Defines *Short-Term Rental* as “...a residential dwelling unit, apartment, condominium, or *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* in which the entire structure or a portion thereof is offered for rent for a period exceeding 12-hours, but less than 30 consecutive days, to a particular occupant.” This definition goes on to define a *Short-Term Rental* as a residential land use in accordance with the definition contained in the *Tax Code* and in conformance with previous Texas court decisions (*see above*).
- Creates three (3) distinct categories of *Short-Term Rentals*, which are as follows:
 - (1) *Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex)*. A single-family home, townhome, or duplex -- or portion thereof -- in which the property owner or operator, as reflected in a valid lease agreement, is a resident (*i.e. occupies the primary structure*) and is present during the rental. This includes when a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* is detached from the primary structure and either the primary or secondary structure is rented, but the owner or operator resides on the property.
 - (2) *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)*. A single-family home, townhome, or duplex -- or a portion thereof -- in which the property owner or operator does not occupy the dwelling unit during the rental, or that the owner or property owner does not occupy another dwelling unit -- or portion thereof -- on the same property (*i.e. the property owner or operator is not on-site as an occupant during the rental of the property*).
 - (3) *Short-Term Rental (Apartment or Condominium)*. An apartment or condominium (*or similar multi-family structure, excluding duplexes, but including triplexes or quadplexes, as defined in this Unified Development Code [UDC]*) -- or a portion thereof -- in which the property owner or operator may or may not be an occupant of the dwelling unit during the rental.
- Amends the *Permissible Land Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC) to allow *Short-Term Rentals* in all of the City's *Single-Family* zoning districts and in the Two-Family (2F) District and Multi-Family 14 (MF-14) District. Specific Use Permits (SUPs) are required for the Downtown (DT) District and Residential-Office (RO) District. The purpose of requiring a Specific Use Permit (SUP) in these districts is to acknowledge that since these districts are transitional or mixed-use districts that a *Short-Term Rental* may or may not be appropriate depending on the specific location of the proposed use. The amendment also specifically prohibits the *Short-*

Term Rental land use within all of the City's non-residential zoning district, which is consistent with the definitions established above.

- Creates *Conditional Land Use Standards* for each type of *Short-Term Rental* that regulates the location and types of land uses that can be established with the *STR*. With regard to *Non-Owner Occupied STR's*, a proximity requirement of 500-foot was chosen by the City Council to prevent the proliferation of *Non-Owner Occupied STR's* in residential subdivisions; however, the Planning and Zoning Commission approved a motion to recommend a 1,000-foot proximity requirement, and staff has made the appropriate changes to the draft ordinance. In addition, the ordinance does allow the Planning and Zoning Commission and City Council to consider a Specific Use Permit (SUP) to allow closer proximity on a *case-by-case* basis. In addition, a percentage of units was established to regulate the number of *STR's* (*i.e. both owner occupied and non-owner occupied*) permitted in an apartment or condominium building. Staff should note that there is precedence for the use of both of these methods to restricting *STR's* in other City's *STR* ordinances (*i.e. the City of Waco uses a 500-foot proximity requirement and the City of San Antonio uses a percentage of units requirement*). In addition, staff should note that proximity requirements are already used for several land uses within the City's Unified Development Code (UDC).
- Creates a *Short-Term Rental Permit and Registration Program*. In conjunction with the proposed ordinance, staff has also created a permit application and registration form that shows the information that would be collected as part of the proposed program. Based on the proposed ordinance, a \$500.00 application fee would be required to register a *STR* and the registration and permit would be valid for a period of three (3) years once issued.
- Creates *General Standards for Short-Term Rentals* that include requirements associated with advertising, parking, temporary structures, trash, signage, life safety requirements, conduct on premises, tenant notification requirements, and payment of hotel occupancy tax. The applicant of a *Short-Term Rental Permit* would be required to certify current and continued compliance with these requirements. In addition, an initial inspection would be required to ensure compliance with all of the *General Standards* prior to the issuance of a *Short-Term Rental Permit*.
- Requires that each *Short-Term Rental* property shall be required to have general commercial insurance (*or an equivalent*) coverage of a minimum of \$500,000.00 per occurrence coverage and an aggregate of \$1,000,000.00.
- Establishes enforcement and penalty procedures for *Short-Term Rentals*. Specifically, the ordinance establishes specific violations and a penalty that can range from \$500.00 to \$2,000.00 per violation. In addition, if a *STR* accrues three (3) violations in any consecutive 12-month period, the *Short-Term Rental Permit and Registration* for the *STR* is revoked and the property owner would be prohibited from reapplying for a new *Short-Term Rental Permit and Registration* for a period of 12 months.
- Requires a *Responsible Party* as part of the *Short-Term Rental Permit and Registration*. A *Responsible Party* is a "...local representative that resides in Rockwall County and who is available at all time the rental is in use." The purpose of this requirement is to discourage absentee ownership, and ensure there is a point of contact that is local and can remedy any issues or violations for the City or the occupants of the *STR* during a rental.
- Creates an appeal process for any administrative decisions made by staff as required by the ordinance. Since this would be an appeal to an administrative decision, the ordinance requires all appeals to be heard by the Board of Adjustments (BOA) in accordance with existing procedures.
- Establishes *Non-Conforming Rights* for properties that are able to prove they have been operating as a *Short-Term Rental* prior to the adoption of the proposed ordinance. This includes exemptions to certain zoning requirements (*i.e. the proximity requirements and the permissible use zoning districts*). With this being said, under the proposed program these existing *STR's* would still be required to register and apply for a permit through the proposed program by a specified date (*i.e. the Grace Period which is June 30, 2024 or 90-days after the anticipated approval date of this ordinance of April 1, 2024*).

In establishing these requirements, staff researched other cities' ordinances to ensure that what was being proposed was not atypical in regulating *Short-Term Rentals*. Staff should note, that the majority of the cities that were surveyed by staff had more restrictive ordinances than what is currently being proposed. With this being said, the proposed ordinance is an

example of a program that can be adopted to regulate *Short-Term Rentals*, and staff can make any adjustments, additions, or omissions desired by the City Council.

In addition, if approved, the proposed ordinance would be implemented in accordance with the following process:

- (1) Property Owner Notifications. After the first reading of the ordinance, staff will prepare a property owner notification list of all *Short-Term Rental* properties that are able to be identified within the community. Once this list is complete, and the ordinance is adopted staff will mail out a letter outlining the program, a copy of the proposed/approved ordinance, and the *Short-Term Rental Permit Application and Registration* form to all the *Short-Term Rental* addresses in the City and their corresponding property owner's addresses. In addition, staff will include information notifying property owners of the *Short-Term Rental Registration Program* in the water bill that will go out the week of ordinance adoption. This should be sent out to all property owners in the City. Finally, staff will prepare a summary of the *Short-Term Rental Program* and links to the *Short-Term Rental Permit Application and Registration* form, and post this information on social media websites.
- (2) Applications for Existing Short-Term Rentals. From April 1, 2024 to June 30, 2024, staff will accept *Short-Term Rental Permit Application and Registration* forms for existing *Short-Term Rentals* only. These would be defined by the program as *Short-Term Rentals* that were in operation prior to the adoption of the program. To be eligible to register as an existing *Short-Term Rental* the applicant will need to be able to demonstrate the following: [1] that the property was purchased prior to April 1, 2024, AND [2] proof that the property was used as a *Short-Term Rental* (i.e. a listing, proof of rental, etc.) OR proof of payment of hotel occupancy tax to the City of Rockwall. During this time period the proximity requirements will not apply to applicants of existing *Short-Term Rentals*. No new permits for *Short-Term Rentals* will be accepted during the grace period.
- (3) Applications for New Short-Term Rentals. After June 30, 2024, applications for new *Short-Term Rentals* may be submitted to the City of Rockwall. These applications will be subject to the proximity requirements stipulated in the text amendment. No applications for existing *Short-Term Rentals* will be accepted after the grace period and all applications will be deemed to be for new *Short-Term Rentals*.
- (4) Other Procedural Items. In addition to the procedures list above, staff will also be: [1] creating a separate permitting classification for *Short-Term Rentals* (i.e. STR2024-XXX) that will help track the *Short-Term Rental Registrations and Permits*, [2] creating an online map service that will show all *Short-Term Rentals* that register with the City and the 1,000-foot proximity requirement for non-owner occupied *Short-Term Rentals*, and [3] creating an FAQ website on the City's website that can provide general information concerning the program.

To assist the City Council in making a decision regarding the text amendment, staff has provided a map showing the proximity requirements at 500-feet and 1,000-feet. In addition, staff has provided a copy of the proposed draft ordinance and a copy of the *Short-Term Rental Permit and Registration* application form. In accordance with Subsection 02.01(C) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), staff brought the proposed changes to the Planning and Zoning Commission for a recommendation to the City Council, and -- on March 12, 2024 -- the Planning and Zoning Commission approved a motion to recommend approval of the text amendment (with the change of the proximity requirements from 500-feet to 1,000-feet) by a vote of 4-0 (with Commissioners Deckard, Womble, and Hustings absent). In addition, staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Should the City Council have any questions staff will be available at the meeting on March 18, 2024.



designated use of any development, structure, or part thereof, where official approval and the required building permits were granted before the enactment of this Unified Development Code (UDC), or any amendment thereto, where construction, conforming with the plans, shall have been started prior to the effective date of the ordinance from which this Unified Development Code is derived or such amendment, and where such construction shall have been completed in a normal manner within the subsequent 12-month period, with no interruption, except for reasons beyond the builder's control.

- (D) Damage Due to Acts of God. Any non-conforming structure which is damaged more than 75% of its then appraised tax value above the foundation, by fire, flood, explosion, wind, earthquake, war, riot or other calamity or act of God, shall not be restored or reconstructed and used as it was before the damaging event. If such structure is damaged less than 75% of its then appraised tax value above the foundation, it may be restored, reconstructed, or used as before, provided that the restoration or reconstruction is completed within 12 months of the damaging event. The 12-month period does not include any necessary litigation.
- (E) Repair of Unsafe Buildings, Structures and Sites. Nothing in this Unified Development Code (UDC) shall be construed to prohibit the strengthening or repair of any part of any building or structure declared unsafe by proper authority, unless such repairs exceed 50% of the replacement cost of the building. If the repairs exceed 50%, the building shall be brought into conformity with all requirements of the zoning district in which it is located.
- (F) General Repairs and Maintenance.
- (1) On any non-conforming structure or portion of a structure containing a non-conforming use, no work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-load-bearing walls, fixture, wiring, or plumbing to an extent exceeding ten (10) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be.
 - (2) If 50% or more of a non-conforming structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
- (G) Moving of a Non-conforming Building or Structure. No non-conforming building or structure shall be moved in whole or in part to any other location on the lot, or on any other lot, unless every portion of the building or structure is made to conform to all the regulations of the district.
- (H) Non-conforming Lot Sizes. All lots used for storage that do not require a building and the use of such lot is made non-conforming by this Unified Development Code (UDC) or amendments thereto shall cease to be used for such storage within six months of the date

of adoption of the ordinance from which this Unified Development Code (UDC) is derived, or amendments [*thereto*].

SUBSECTION 06.05: NON-CONFORMING SHORT-TERM RENTALS

Short-Term Rentals, as defined in Article 13, Definitions, of this Unified Development Code (UDC), shall be considered to be legally in existence for the purpose of establishing vested or non-conforming rights regarding the zoning requirements if all of the following criteria is met by the owner of a Short-Term Rental:

- (A) The owner of a property provides a property deed or proof of ownership showing that the property was purchased prior to **April 1, 2024**.
- (B) The owner of the property can provide proof that the property was used as a Short-Term Rental (i.e. a listing, proof of rental, etc.) OR proof of payment of hotel occupancy tax to the City of Rockwall.



vehicles are kept for remuneration, hire, or sale and where a retail service station may be maintained as a secondary use.

- (7) Residential Garage. A residential accessory building used for the storage motor vehicles. These structures are typically attached to the primary structure; however, they may also be a detached structure.
- (8) Guest Quarters/Secondary Living Unit. An accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration and is not rented or otherwise used as a separate domicile.
- (9) Home Occupation. A commercial use customarily carried on in the home by members of the occupant family without structural alterations in the principal building or any of its rooms, without offering any commodity or service for sale on premises, without the installations of machinery or additional equipment other than that customary to normal household operations, without the employment of additional persons, without the use of a sign to advertise the occupations, and which does not cause the generation of other than normal noise, and pedestrian and vehicular traffic.
- (10) Limited-Service Hotel. A building or group of buildings used as a temporary dwelling place for individuals in exchange of financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Hotel room units are accessed through doorways into an internal hallway, courtyard, or lobby. Financial consideration for hotel room units is generally calculated on a nightly basis.
- (11) Full-Service Hotel. A building or group of buildings designed for and occupied as a temporary dwelling place. Access to guestrooms shall be restricted exclusively to interior corridors, that shall be accessed via the main lobby of the building or entryways individually equipped with some form of security-controlled access system. Customary hotel services such as linen, maid service, telephone, and other guest amenities are provided and may also contain various personal service shops.
- (12) Residence Hotel. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Residence hotel room units are designed to be suitable for long-term occupancy with financial consideration being calculated on a nightly, weekly, and/or monthly basis. Typical residence hotel attributes include, but are not limited to, kitchen facilities, two-story design, and external doorways into room units.
- (13) Motel. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Each motel room unit has direct access to the outside. Financial consideration for motel room units is generally calculated on a nightly basis.
- (14) Multi-Family Structure or Development. A development consisting of at least three (3) single-family dwelling units grouped into a single building or multiple buildings on an individual parcel of land. Examples of a *Multi-Family*

Development include Triplexes, Quad or Fourplexes, apartments, condominiums, and etcetera.

- (15) Portable Building. A temporary building that may or may not have a foundation and is transportable.
- (16) Residential Infill in or Adjacent to an Established Subdivision. The new development of a single-family home or duplex on an existing vacant or undeveloped parcel of land or the redevelopment of a developed parcel of land for a new single-family home or duplex within an established subdivision that is mostly or entirely built-out.
- (17) Short-Term Rental. A *Short-Term Rental* is a residential dwelling unit, apartment, condominium, or *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* in which the entire structure or a portion thereof is offered for rent for a period exceeding 12-hours, but less than 30 consecutive days, to a particular occupant. In practice, a *Short-Term Rental* is considered to be a residential land use, and is *not* considered to be a *Limited-Service Hotel, Full-Service Hotel, Residence Hotel, Motel, or Bed and Breakfast* as defined in this Unified Development Code (UDC). *Short-Term Rentals* can be further defined based on the following three (3) categories:
 - (a) Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex). A single-family home, townhome, or duplex -- or portion thereof -- in which the property owner or operator, as reflected in a valid lease agreement, is a resident (*i.e. occupies the primary structure*) and is present during the rental. This includes when a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* is detached from the primary structure and either the primary or secondary structure is rented, but the owner or operator resides on the property.
 - (b) Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex). A single-family home, townhome, or duplex -- or a portion thereof -- in which the property owner or operator does *not* occupy the dwelling unit during the rental, or that the owner or property owner does *not* occupy another dwelling unit -- or portion thereof -- on the same property (*i.e. the property owner or operator is not on-site as an occupant during the rental of the property*).
 - (c) Short-Term Rental (Apartment or Condominium). An *Apartment or Condominium (or similar multi-family structure, excluding duplexes, but including triplexes or quadplexes, as defined in this Unified Development Code [UDC])* -- or a portion thereof -- in which the property owner or operator may or may not be an occupant of the dwelling unit during the rental.
- ~~(17)~~(18) Single-Family Attached Structure. A single-family residential structure that is occupied by one (1) family and shares a common wall or walls with another single-family residential structure, but that is on an individual lot and can be conveyed individually (*i.e. one [1] dwelling unit per lot*).
- ~~(18)~~(19) Single-Family Detached Structure. A single-family residential structure that is occupied by one (1) family, is situated on a single parcel of land, does not share a common

CHAPTER 13. RENTAL HOUSING

ARTICLE 1. IN GENERAL

SECTIONS 13-1 – 13-20. RESERVED

ARTICLE 2. SHORT-TERM RENTALS

SECTION 13-21. PURPOSE

The purpose of this *article* is to minimize the impacts of *Short-Term Rentals* on the City of Rockwall's existing residential neighborhoods and buildings, and to provide regulations to preserve and protect the integrity of the City's residential districts while continuing to support the rights or property owners. In addition, the following sections are intended to provide a logical process for the registration, permitting, and inspection of *Short-Term Rentals*. The requirements of this *Article* apply only to the regulation of *Short-Term Rentals*, as defined herein; however, nothing in this *Article* shall be construed to be a waiver of the requirement to assess and collect the required *Hotel Occupancy Taxes* for any *Short-Term Rental* for less than 30 consecutive days, or any applicable provision of the City of Rockwall's Municipal Code of Ordinances.

SECTION 13-22. DEFINITIONS

Hotel Occupancy Tax. The *Hotel Occupancy Tax* as defined Article IV, *Hotel Occupancy Tax*, of Chapter 40, *Taxation*, of the City's of Rockwall's Municipal Code of Ordinance and Chapter 3, *Tax Administration*, of the Texas Tax Code.

Responsible Party. An individual other than the applicant, who resides within Rockwall County, and who is designated by the owner/applicant to act as the owner's authorized agent if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be available on a 24-hour basis, have access to the *Short-Term Rental* property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, emergencies and property conditions.

Short-Term Rental. A *Short-Term Rental* is a residential dwelling unit, apartment, condominium, *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* in which the entire structure or a portion thereof is offered for rent for a period exceeding 12-hours, but less than 30 consecutive days, to a particular occupant. The term does not include: [1] a *Bed and Breakfast*; [2] a *Motel, Limited Service Hotel, Full-Service Hotel, or Residence Hotel*; [3] a *Boarding House*; [4] a place for residence or use as a licensed health care or *Assisted Living Facility*.

Single-Family Residence. As defined by the Municipal Code of Ordinances and in this *Article*, which includes the following:

- (1) *Single-Family Dwelling (Detached).* A dwelling designed and constructed for occupancy by one (1) family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract, and which is located in a single-family zoning district or Planned Development District.
- (2) *Single-Family Dwelling (Attached).* A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or abutting separate wall and which is designed for occupancy by one (1) family and which is located on a separate platted lot, delineated by front, side, and rear lot lines.

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

- (3) Two Family Dwelling: A single structure designed a constructed with two (2) dwelling units under a single roof for occupancy by two (2) families, one (1) in each unit.
- (4) Condominium. The separate ownership of single dwelling units in a multiple unit structure/structures with common elements.
- (5) Multi-Family Dwelling or Apartment. Any building or portion of a building, which is designed, built, rented, leased, or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home or place of residence by three (3) or more families living in independent dwelling units.

SECTION 13-23. AUTHORITY

The Director of Planning and Zoning and/or the Building Official shall implement and enforce the requirements of this *Article* and may by written order establish such procedures, rules, and or regulations -- *not inconsistent with the requirements of this Article or other City ordinances* -- necessary to implement the intent of this *Article*.

SECTION 13-24. TYPES OF SHORT-TERM RENTALS

The three (3) classifications of *Short-Term Rentals* shall be consistent with the definitions contained in [Article 13, Definitions, of the Unified Development Code \(UDC\)](#), and are further defined as follows:

- (a) Owner-Occupied Single-Family Home, Townhome, or Duplex. A *Short-Term Rental* under this classification shall be subject to the following conditions:
 - (1) The *Short-Term Rental* shall be for a period of time that is less than 30 consecutive days.
 - (2) A sleeping area must -- *at a minimum* -- include the shared use of a full bathroom.
 - (3) The property owner or *Responsible Party* is generally present on-site at the *Short-Term Rental Property* during the entire term of the rental.
 - (4) The *Short-Term Rental* may not operate without a *Short-Term Rental Permit* as required by Section 13-25, *Permit and Registration Requirements* of this *Article*.
- (b) Non-Owner-Occupied Single-Family Home, Townhome, or Duplex. A *Short-Term Rental* under this classification shall be subject to the following conditions:
 - (1) The *Short-Term Rental* shall be for a period of time that is less than 30 consecutive days.
 - (2) The *Short-Term Rental* shall be for the entire dwelling unit.
 - (3) The property owner or responsible party is not present on-site during the term of the rental of the *Short-Term Rental Property*.
 - (4) The *Short-Term Rental* may not operate without a *Short-Term Rental Permit* as required by Section 13-25, *Permit and Registration Requirements* of this *Article*.
- (c) Apartment or Condominium Unit. A *Short-Term Rental* under this classification shall be subject to the following conditions:
 - (1) The *Short-Term Rental* may be owner-occupied or non-owner-occupied.
 - (2) The *Short-Term Rental* shall be for a period of time that is less than 30 consecutive days.

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

- (3) A sleeping area must -- *at a minimum* -- include the shared use of a full bathroom.
- (4) The property owner or responsible party may or may not be generally present on-site during the entire term of the rental of the *Short-Term Rental Property*.
- (5) The *Short-Term Rental* may not operate without a *Short-Term Rental Permit* as required by Section 13-25, *Permit and Registration Requirements* of this *Article*.

SECTION 13-25. PERMIT AND REGISTRATION REQUIREMENTS

- (a) Applicability. No person shall advertise, offer for rent or lease, establish or operate a *Short-Term Rental* on any property within the City of Rockwall without registering and being approved for a *Short-Term Rental Permit*. A *Short-Term Rental Permit* shall be required for each physical address, regardless of the ownership of the property or the physical attributes of the structure situated on the property (e.g. *the number of bedrooms, bathrooms, cooking facilities, etc.*).
- (b) Short-Term Rental Permit. An application for a *Short-Term Rental Permit* shall be submitted on a form provided by the City of Rockwall. A *Short-Term Rental Permit* shall be accompanied by an application fee of \$500.00, and shall include the following information:
 - (1) Ownership Information. The name, street address, email address, and telephone number of the owner of the *Short-Term Rental*, and verification if the *Short-Term Rental* is owner occupied (*i.e. the applicant's residence*). If the owner of the property is a partnership, a corporation, or limited liability company, the application shall list the names of all partners, directors, members, or officers -- *as applicable* -- of ownership entity.
 - (2) Responsible Party. The name, street address, email address, and telephone number of the *Responsible Party* (see [Section 13-28, Enforcement or Penalty](#)).
 - (3) Site Plan. A *Site Plan* showing the location of the *Short-Term Rental* and the parking areas provided for the *Short-Term Rental*.
 - (4) Pictures. Pictures of the subject property showing the rear, front, and side yards of the subject property shall be provided. In addition, pictures of all structures -- *one (1) per each façade of a structure* -- and any on-site amenities shall be provided.
 - (5) Self-Certification of Compliance. A sworn self-certification that the owner of the *Short-Term Rental* is in compliance with and will continue to comply with the standards and other requirements of this *Article*.
 - (6) Acknowledgement of this Article. Acknowledgement of receipt of a copy of this *Article* and agreement to comply with all provisions contained within this *Article* as a condition to receiving and consent to inspection while maintaining a *Short-Term Rental Permit*.
 - (7) Commercial Insurance. Each *Short-Term Rental* property shall be required to have general commercial insurance (*or an equivalent*) coverage of a minimum of \$500,000.00 per occurrence coverage and an aggregate of \$1,000,000.00. The applicant for a *Short-Term Rental* shall provide a copy of the certificate of insurance which shows the name insured, any additional insureds, the location address, the effective date, the coverage limit and type. The owner must notify the City of Rockwall within 30 days if the insurance status changes and provide the City with the updated insurance information. The *Short-Term Rental Permit* shall be revoked in accordance with Section 13-29, *Revocation or Suspension of a Short-Term Rental Permit*, of this *Article* if updated insurance information is not provided.

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

- (c) Completeness of Short-Term Rental Permit Application. Applications for a *Short-Term Rental Permit* shall not be considered complete until all documentation required by this *Article* has been submitted and accepted. Incomplete applications will not be accepted.
- (d) Acknowledgement by Applicant. As part of the submission of an application for a *Short-Term Rental Permit*, the property owner shall acknowledge that a *Short-Term Rental Permit* granted by the City of Rockwall under this *Article* does not supersede any property specific restrictions against *Short-Term Rentals* that may exist under law, agreement, lease, covenant, or deed restriction.
- (e) Expiration of a Short-Term Rental Permit. Unless revoked by the City of Rockwall in accordance with [Section 13-29, Revocation, Suspension, or Denial of a Short-Term Rental Permit](#), of this *Article*, permits shall be valid for a period of three (3) years from the date the permit is issued.
- (f) Renewal of a Short-Term Rental Permit. 30-days prior to the expiration of a *Short-Term Rental Permit*, the property owner shall apply for the renewal of the *Short-Term Rental Permit* on a form provided by the City of Rockwall. Failure to submit an application 30-days prior to the expiration of the *Short-Term Rental*, shall cause all nonconforming rights to lapse and the application shall be treated as a new application subject to the requirements of this *Article* and [Article 04, Permissible Uses, of the Unified Development Code \(UDC\)](#).
- (g) Records. A property owner or operator of a *Short-Term Rental* shall keep detailed records showing each booking and the fees paid for each rental for at least three (3) years and make this information available to the City of Rockwall upon request.
- (h) Non-Transferability. A *Short-Term Rental Permit* is not transferable to another property owner or operator, or address or property. Any attempt to transfer the *Short-Term Rental Permit* shall result in the termination of the permit.

SECTION 13-26. GENERAL STANDARDS FOR SHORT-TERM RENTALS

All *Short-Term Rentals* permitted pursuant to this *Article* and the requirements of [Article 04, Permissible Uses, of the Unified Development Code \(UDC\)](#) shall be subject to the following general standards:

- (a) Advertising. All advertisements for a *Short-Term Rental* -- including online or on a proprietary website, application, or other technology -- shall include the *Short-Term Rental Permit Number* within the description or body of the advertisement for public reference.
- (b) Parking. Parking shall comply with the requirements of [Table 5: Parking Requirement Schedule of Article 06, Parking and Loading, of the Unified Development Code \(UDC\)](#); however, all parking shall be on an improved surface (*i.e. gravel, pavers, asphalt, or concrete*) and no parking shall be permitted on an unimproved surface (*e.g. grass, vegetation, soil, etc.*).
- (c) Evacuation Plan. For all *Short-Term Rentals* that are located within an apartment or condominium building that does not have direct access to the exterior of the building through the front door (*i.e. the primary exit exits to a shared hallway*), shall post an evacuation plan on the front door showing how to exit the building.
- (d) Temporary Structures. Temporary structures including -- *but not limited to* -- recreational vehicles/campers, vehicles intended for occupancy, tents, canopies/shade structures (*not permitted by the City of Rockwall*), or similar structures/vehicles shall not be utilized as *Short-Term Rentals*.

Exhibit 'A'
*Chapter 13, Rental Housing,
of the Municipal Code of Ordinances*

- (e) Trash/Rubbish/Solid Waste. All trash, rubbish, and/or solid waste shall be completely contained within a City approved container (*i.e. a polycart or approved garbage can*), and no trash, rubbish, and/or solid waste -- *bagged or otherwise* -- shall be placed on the ground.
- (f) Signage. No external signage shall be installed or constructed on the property indicating or advertising the property as a *Short-Term Rental*. In addition, the property shall maintain compliance with [Chapter 32, Signs, of the Municipal Code of Ordinances](#).
- (g) Life Safety. The *Short-Term Rental* shall comply with the following *Life Safety* requirements:
- (1) A standard five (5) pound fire extinguisher (*i.e. 2A:10B:C*) shall be properly mounted within 75-feet of all portions of the *Short-Term Rental* on each floor.
 - (2) Operable smoke and carbon monoxide detectors shall be installed and conform to all applicable city codes.
 - (3) All bedrooms/sleeping areas shall have at least one (1) operable emergency point of ingress/egress for rescue and escape (*i.e. windows and/or doors*) in accordance with the City's adopted codes, regulations, and ordinances.
- (h) Conduct On-Premises.
- (1) The property owner and/or *Responsible Party* shall be responsible for informing all occupants of all relevant City of Rockwall codes and the occupants' liability for violating the City's codes.
 - (2) Excessive noise or other disturbance outside of the *Short-Term Rental* that are in violation of [Article IV, Noise, of Chapter 16, Environment, of the Municipal Code of Ordinances](#) shall be prohibited.
 - (3) No overnight sleeping outdoors or outdoor sleeping spaces shall be provided as part of the *Short-Term Rental*.
- (i) Tenant Notification. At a minimum, the property owner and/or responsible party shall post in a visible and obvious location of the *Short-Term Rental* the following information:
- (1) The property owner and/or responsible party's contact information and telephone number.
 - (2) Pertinent information -- *conforming to the general standards of this Article* -- including, but not limited to, the location of the required off-street parking or other available parking; the schedule, location and requirements regarding trash/rubbish/solid waste; and information regarding the conduct of guests on-premise.
 - (3) Information to assist guests in the case of an emergency that poses a threat to personal safety or property. This information should include emergency and non-emergency telephone numbers for police, fire, and medical services.
 - (4) A notice that failure to conform to the above listed requirements is a violation of the City of Rockwall's Municipal Code of Ordinances and that an owner, occupant, or visitor can be cited for violations of these requirements.
- (j) Hotel Occupancy Tax. The property owner or *Responsible Party* shall remit all applicable state, county and local hotel occupancy taxes in a timely manner pursuant to all applicable laws and this *Article*.

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

SECTION 13-27. INSPECTIONS

To ensure compliance with the requirements of this *Article* a *Short-Term Rental* may be inspected under the following circumstances:

- (1) Initial Inspection. As part of the issuance of a new *Short-Term Rental Permit* -- and any *reapplication thereof* --, the City shall conduct inspections to verify compliance with the requirements of this *Article*.
- (2) Inspections Upon Complaint or Suspicion of a Violation. The City of Rockwall may perform inspections when a violation is reported or suspected in accordance with the established code enforcement procedures.
- (3) Inspections for Owner Occupied Short-Term Rentals. If only a portion of the premises is offered for rent, then that portion plus any shared amenities and points of access shall be inspected.
- (4) Violations Resulting from Inspections. If upon completion of an inspection, the premises are found to be in violation of one (1) or more provisions of the applicable City codes and ordinances, the City shall provide written notice of such violations and shall set up a subsequent inspection and date for the violation to be corrected prior to its occupancy.

SECTION 13-28. ENFORCEMENT OR PENALTY

- (a) Operation without a Short-Term Rental Permit. A person commits an offense under this *Article* if a person owns or operates a *Short-Term Rental* without a valid *Short-Term Rental Permit*.
- (b) Responsible Party. The property owner or operator of the *Short-Term Rental* shall designate a *Responsible Party* for each *Short-Term Rental*. The *Responsible Party* is a local representative that resides in Rockwall County and who is available at all times the rental is in use. Should a law enforcement or Neighborhood Improvement Services (NIS) representative respond to a suspected violation at a *Short-Term Rental* and issue a citation, the *Responsible Party* shall be contacted. If applicable, the *Responsible Party* shall contact the occupants within one (1) hour of the issuance of a citation to notify them of the citation and attempt to remedy the situation. Should multiple citations or violations be issued this could result in the revocation of a *Short-Term Rental Permit* in accordance with Section 13-29, *Revocation or Suspension of a Short-Term Rental Permit*, of this *Article*. Failure to update the *Responsible Party* information associated with a *Short-Term Rental Permit* shall be a violation of this *Article*.
- (c) Admission to Premises. The Building Official or their designee may enforce the provisions of this *Article* upon presentation of proper identification to the occupant in charge of the *Short-Term Rental* and may enter -- *with the occupant's permission* -- any *Short-Term Rental* between the hours of 8:00 AM and 6:00 PM; provided, however, that in cases of emergency where extreme hazards are known to exist, which may involve imminent injury to persons, loss of life, or severe property damage, the Building Official or their designee may enter the *Short-Term Rental* at any time and upon presentation of identification and the occupant's permission shall not apply. Whenever the Building Official is denied admission to inspect any *Short-Term Rental* under this provision, inspection shall be made only under the authority of a warrant issued by a magistrate authorizing the inspection.
- (d) Violations. Violation of the terms and conditions for *Short-Term Rentals* contained under this *Article* shall be punishable by a fine of not less than \$500.00, but not more than \$2,000.00 per offense. Penalties for other violations of the City of Rockwall's codes shall be as applicable. Each day a violation of this *Article* continues shall be considered a separate offense, and -- *upon conviction* -- shall be subject to a fine of \$500.00 to a maximum of \$2,000.00 per violation, per day. In addition, violations of any section of this article or any of the City of Rockwall's codes are deemed to be a

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

violation and may result in the revocation of a *Short-Term Rental Permit* in accordance with Section 13-29, *Revocation or Suspension of a Short-Term Rental Permit*, of this Article.

- (e) *Failure to Pay Hotel Occupancy Tax*. Failure to timely pay any applicable hotel occupancy tax is a violation of this Article. If arrearage is not paid within 90-days of the issuance of a delinquency notice the *Short-Term Rental Permit* shall be revoked in accordance with Section 13-29, *Revocation or Suspension of a Short-Term Rental Permit*, of this Article.

SECTION 13-29. REVOCATION OR SUSPENSION OF A SHORT-TERM RENTAL PERMIT

- (a) *Revocation or Suspension Due to Error or False Information*. The Director of Planning and Zoning and/or the Building Official is authorized to suspend or revoke a *Short-Term Rental Permit* issued under the provisions of this Article if it is found that the *Short-Term Rental Permit* was issued in error, the property owner fails to pay hotel occupancy tax, or if it is determined that the property owner or applicant of a *Short-Term Rental Permit* made a false statement of material fact on an application for the permit.
- (b) *Revocation Due to Violation*. The Director of Planning and Zoning and/or the Building Official is authorized to revoke a *Short-Term Rental Permit* after three (3) violations have occurred in any consecutive 12-month period or when a property owner fails to correct a violation within the specified time period. For the purposes of this section, a violation shall be defined as any violation of the requirements of this Article or Article XII, *Property Maintenance Code*, of the Municipal Code of Ordinance.
- (c) *Revocation Process*. Upon a determination to revoke a *Short-Term Rental Permit*, the Director of Planning and Zoning and/or the Building Official shall notify the property owner of the decision to revoke and the effective date of the revocation in writing within ten (10) days of the determination.
- (d) *Reapplication After Revocation*. If a *Short-Term Rental Permit* is revoked, the property owner may not submit a new application for a *Short-Term Rental Permit* for the same property for a period of 12-months from the date of revocation.
- (e) *Permanent Revocation*. A *Short-Term Rental Permit* holder may be subject to permanent revocation if their *Short-Term Rental Permit* is revoked two (2) time due to violations of this Article or other violations to the City's safety, health, and general welfare ordinances.

SECTION 13-30. APPEALS

If the Director of Planning and Zoning and/or the Building Official denies the issuance or renewal of a *Short-Term Rental Permit* or revokes or suspends an existing *Short-Term Rental Permit* issued under this Article, the property owner may appeal the decision to the Board of Adjustments (BOA) in accordance [Subsection 04.03\(A\)\(1\) of Article 02, Development Review Authority, of the Unified Development Code \(UDC\)](#).

SECTION 13-31. NONCONFORMING RIGHTS

Short-Term Rentals existing prior to **April 1, 2024** shall be considered vested or legally nonconforming (see the requirements of Subsection 06.05, *Non-Conforming Short-Term Rentals*, of Article 04, *Permissible Uses*, of the Unified Development Code [UDC]) if they register as such through the *Short-Term Rental Permit* process outlined in this Article by **June 30, 2024**. *Short-Term Rental Permits* and registration is not transferable to another property owner or operator, or address or location. Nonconforming rights also shall not transfer with change of ownership, and any *Short-Term Rental Permit* shall be void upon change of ownership. Notwithstanding the foregoing, the conveyance or

Exhibit 'A'
*Chapter 13, Rental Housing,
of the Municipal Code of Ordinances*

transfer of a unit or property ownership to a legal entity controlled by or providing equitable ownership of the prior owner shall not constitute a change in ownership, provided that the new property owner: [1] apply for a new *Short-Term Rental Permit* in accordance with the terms of this *Article*, and [2] provide evidence to satisfactorily prove that the ownership did not change. Under this circumstance the property owner may maintain the nonconforming rights.



SHORT-TERM RENTAL PERMIT APPLICATION AND REGISTRATION

City of Rockwall
Neighborhood Improvement Services (NIS) Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY	
RECEIVED BY:	
DATE RECEIVED:	
STR PERMIT NO.	

ACKNOWLEDGEMENTS BY PROPERTY OWNER [PLEASE INITIAL BY EACH STATEMENT]

- _____ I acknowledge that a *Short-Term Rental Permit* granted by the City of Rockwall does not supersede any property specific restrictions against *Short-Term Rentals* that may exist under law, agreement, lease, covenant, or deed restriction.
- _____ I acknowledge that if three (3) violations/citations occur in any consecutive 12-month period, that my *Short-Term Rental Permit* will be revoked and that I will not be eligible to apply for a new *Short-Term Rental Permit* for 12-months from the date of revocation. In addition, I acknowledge that the City of Rockwall will have the right to inspect my property when a violation is reported or suspected.
- _____ I acknowledge that a *Short-Term Rental Permit* and any non-conforming rights associated with a *Short-Term Rental Permit* are non-transferable to another property owner or operator, or address or location.
- _____ I acknowledge that I am responsible for remitting all applicable state, county, and local hotel occupancy taxes in a timely manner pursuant to all applicable laws and the requirements of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinance. I also acknowledge that failure to pay hotel occupancy tax will result in the revocation of my *Short-Term Rental Permit*.
- _____ I acknowledge that a *Short-Term Rental Permit* is valid for a period of three (3) years, and -- as the owner of the subject property -- it is my responsibility to apply for a renewal 30-days prior to the expiration of my *Short-Term Rental Permit*. Should I fail to submit a renewal application in this time period, I will forfeit all non-conforming rights and be required to submit a new application that will be subject to all the current requirements stipulated by the Unified Development Code (UDC) and Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances.

REGISTRATION TYPE

New Registration | Renewal of an Existing Registration

Was this property being used as a short-term rental prior to April 1, 2024? Yes | No

PROPERTY INFORMATION [PLEASE PRINT]

Address		Zoning	
Subdivision		Lot	Block
General Location			

TYPE OF SHORT-TERM RENTAL

Please indicate the type of short-term rental being permitted and registered:

- SHORT-TERM RENTAL (OWNER-OCCUPIED SINGLE-FAMILY HOME, TOWNHOME, OR DUPLEX). A single-family home, townhome, or duplex -- or portion thereof -- in which the property owner or operator, as reflected in a valid lease agreement, is a resident (*i.e. occupies the primary structure*) and is present during the rental. This includes when a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* is detached from the primary structure and either the primary or secondary structure is rented, but the owner or operator resides on the property.
- SHORT-TERM RENTAL (NON-OWNER-OCCUPIED SINGLE-FAMILY HOME, TOWNHOME, OR DUPLEX). A single-family home, townhome, or duplex -- or a portion thereof -- in which the property owner or operator does not occupy the dwelling unit during the rental, or that the owner or property owner does not occupy another dwelling unit -- or portion thereof -- on the same property (*i.e. the property owner or operator is not on-site as an occupant during the rental of the property*).
- SHORT-TERM RENTAL (APARTMENT OR CONDOMINIUM). An apartment or condominium (*or similar multi-family structure, excluding duplexes, but including triplexes or quadplexes, as defined in this Unified Development Code [UDC]*) -- or a portion thereof -- in which the property owner or operator may or may not be an occupant of the dwelling unit during the rental.

PROPERTY OWNER INFORMATION [PLEASE PRINT]

Name		Phone	
Mailing Address		City	State Zip Code
Email			

RESPONSIBLE PARTY [PLEASE PRINT]

Please note that a *Responsible Party* is required for all *Short-Term Rental Permit* applications. A Responsible Party is a local representative that resides in Rockwall County and who is available at all time the rental is in use. The *Responsible Party* must be available within one (1) hour of contact and must be authorized to make decisions regarding the property and its occupants.

Same as Property Owner

Name		Phone	
Mailing Address		City	State Zip Code
Email			



SHORT-TERM RENTAL PERMIT APPLICATION AND REGISTRATION

City of Rockwall
Neighborhood Improvement Services (NIS) Department
385 S. Goliad Street
Rockwall, Texas 75087

REQUIREMENTS CHECKLIST

Please indicate that the following required items have been provided with this application by checking the box next to each required item:

- REGISTRATION FEE. A \$500.00 application fee payable to the City of Rockwall.
- SITE PLAN. A site plan showing the location of the *Short-Term Rental* and the parking areas provided for the *Short-Term Rental*.
- PICTURES. Pictures of the subject property showing the rear, front, and side yards of the subject property. In addition, pictures of all structures -- *one (1) per each façade of a structure* -- and any on-site amenities.
- COMMERCIAL INSURANCE. Each *Short-Term Rental* shall be required to have and provide proof of general commercial insurance (*or an equivalent*) coverage of a minimum of \$500,000.00 per occurrence coverage and an aggregate of \$1,000,000.000.
- DRIVER LICENSE. A copy of the driver license for the property owner and responsible party.

GENERAL STANDARDS CHECKLIST

Please indicate that subject property currently conforms with the following requirements by checking the box next to each general standard:

- ADVERTISING. All advertising for the *Short-Term Rental* -- including online or on a proprietary website, application, or other technology -- will include the *Short-Term Rental Permit Number* within the description or body of the advertisement for public reference.
- PARKING. The parking on the subject property currently conforms to the requirements of *Table 5: Parking Requirement Schedule* of Article 06, *Parking and Loading*, of the Unified Development Code (UDC). In addition, I understand that all parking shall be on an improved surface (*i.e. gravel, pavers, asphalt, or concrete*) and no guest or occupant will park on an unimproved surface (*e.g. grass, vegetation, soil, etc.*).
- EVACUATION PLAN. [ONLY APPLICABLE TO APARTMENTS AND CONDOMINIUMS THAT DO NOT HAVE DIRECT INGRESS/EGRESS TO THE EXTERIOR OF THE BUILDING FROM THE FRONT DOOR] An evacuation plan showing how to exit the building has been posted on the front door.
- TEMPORARY STRUCTURES. There are no temporary structures (*i.e. recreational vehicles/campers, vehicles intended for occupancy, tents, canopies or shade structures that are not permitted by the City of Rockwall, or similar structures or vehicles*) being utilized as a *Short-Term Rental*.
- TRASH/RUBBISH/SOLID WASTE. There are enough City approved containers (*i.e. a polycarts or approved garage cans*) to hold all trash/rubbish/solid waste produced on-site. I also understand that it will be a violation to have any trash/rubbish/solid waste -- *bagged or otherwise* -- placed on the ground.
- SIGNAGE. No external signage shall be installed or constructed on the property indicating or advertising the property as a *Short-Term Rental*.
- FIRE EXTINGUISHER. A standard five (5) pound fire extinguisher (*i.e. 2A:10B:C*) has been properly mounted within 75-feet of all portions of the *Short-Term Rental* on each floor.
- SMOKE AND CARBON MONOXIDE DETECTORS. Operable smoke and carbon monoxide detectors have been installed in the *Short-Term Rental* in accordance with all applicable City of Rockwall codes.
- INGRESS/EGRESS. All bedrooms in the *Short-Term Rental* have at least one (1) operable emergency point of ingress/egress for rescue and escape (*i.e. windows and/or doors*).
- SLEEPING ACCOMODATION. There is no overnight sleeping outdoors or outdoor sleeping spaces provided as part of the *Short-Term Rental*.
- TENANT NOTIFICATION. The following information has been posted in a visible and obvious location inside the *Short-Term Rental*: [1] the property owner's and/or the *Responsible Party's* contact information and phone number; [2] pertinent information relating to the aforementioned standards (*i.e. the location of the required off-street parking; the schedule, location, and requirements regarding trash/rubbish/solid waste; information regarding the conduct of guests; and etc.*); [3] information to assist guests in the case of an emergency (*i.e. emergency and non-emergency telephone numbers for police, fire, and medical services*); and, [4] a notice that failure to conform to the requirements and codes of the City of Rockwall is a violation, and that an owner, occupant, or visitor can be cited for violations to these requirements.

RESPONSIBLE PARTY'S CERTIFICATION

I hereby certify that I am the *Responsible Party* of the property identified in this application, and that my primary residence is located in Rockwall County. I further understand my responsibilities as the *Responsible Party* as stipulated by Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances, and consent to have my information posted online. I further acknowledge that failure to comply with these requirements and attests will lead to the revocation of this *Short-Term Rental Permit*.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE _____ DAY OF _____, 20____.

PROPERTY OWNER'S SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



MY COMMISSION EXPIRES

PROPERTY OWNER'S CERTIFICATION

I hereby certify that I am the property owner of the property identified in this application, and that all information provided on this application is true and correct. I also hereby certify that the property identified in this application is in compliance with all of the requirements of Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances, and that it is my sole responsibility to ensure that the property continues to be in compliance with the rules, requirements, and regulations of the City of Rockwall. I further acknowledge that failure to comply with these requirements and attests will lead to the revocation of this *Short-Term Rental Permit*.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE _____ DAY OF _____, 20____.

PROPERTY OWNER'S SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

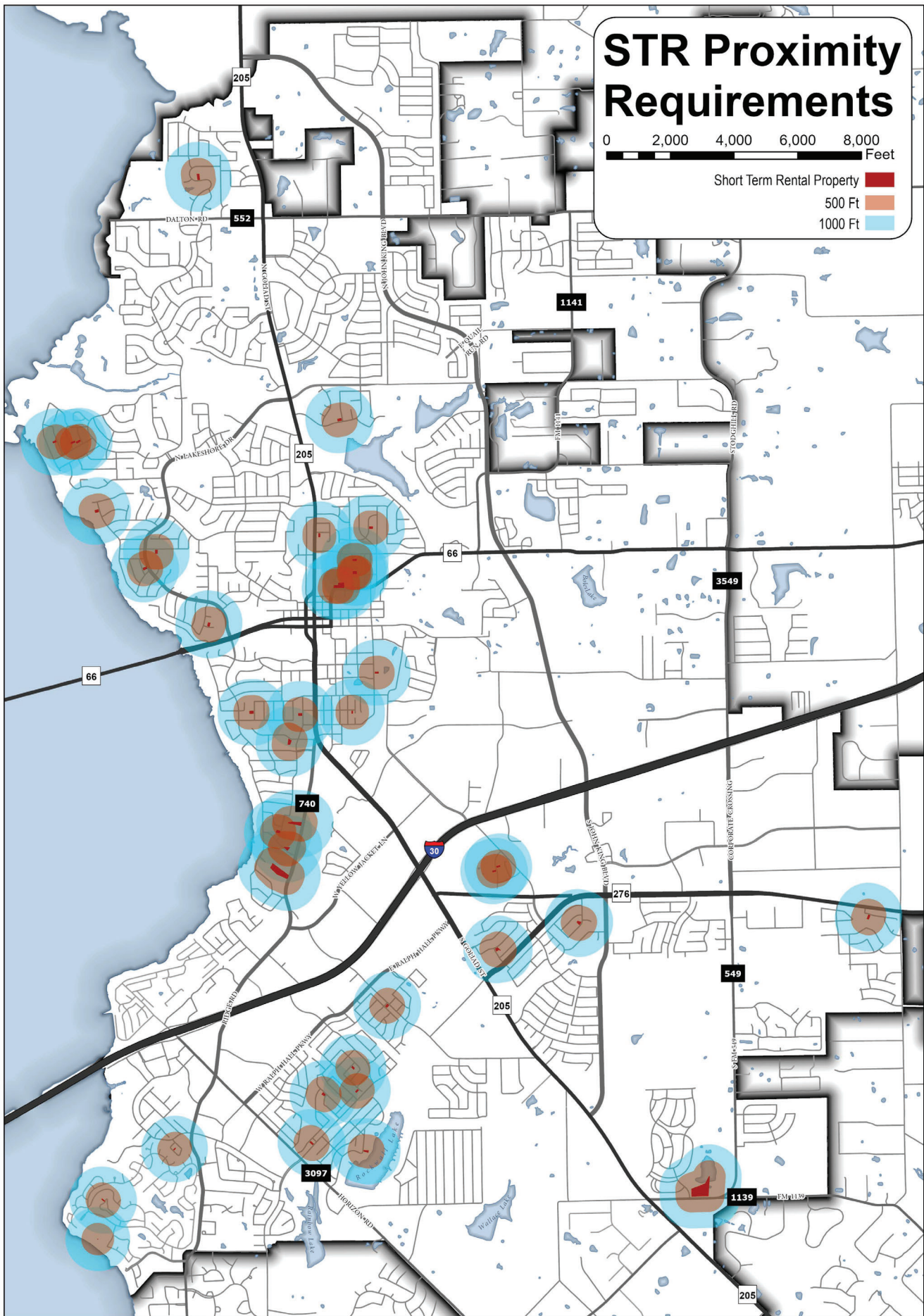


MY COMMISSION EXPIRES

STR Proximity Requirements

0 2,000 4,000 6,000 8,000 Feet

Short Term Rental Property ■
 500 Ft ■
 1000 Ft ■



Path: R:\Projects\CommDev\Planning\Exhibits\ShortTermRentals\ShortTermRentals.aprx



City of Rockwall

Planning & Zoning Department
 385 S Goliad Street
 Rockwall, Texas 75032
 (P): (972) 771-7745
www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



CITY OF ROCKWALL

ORDINANCE NO. 24-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE MUNICIPAL CODE OF ORDINANCES AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY CREATING CHAPTER 13, *RENTAL HOUSING*, OF THE MUNICIPAL CODE OF ORDINANCES AND AMENDING ARTICLE 04, *PERMISSIBLE USES*, AND ARTICLE 13, *DEFINITIONS*, OF THE UNIFIED DEVELOPMENT CODE (UDC) AS DEPCITED IN *EXHIBITS 'A', 'B', & 'C'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that regulations are needed to address regulations for *Short-Term Rentals*; and,

WHEREAS, the operation of *Short-Term Rentals* should not negatively affect property values and the *Short-Term Rentals* should be required to pay Hotel Occupancy Taxes; and,

WHEREAS, the City Council has determined that regulations needed are intended to protect the health, safety, morals, and general welfare of the general public; and,

WHEREAS, an amendment to the City of Rockwall's Municipal Code of Ordinances and the Unified Development Code [Ordinance No. 20-02] has been initiated by the City Council of the City of Rockwall to establish Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances and amend Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of establishing definitions, regulations, and requirements for *Short-Term Rentals*; and,

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Municipal Code of Ordinances and the Unified Development Code (UDC) [Ordinance No. 20-02] should be amended as follows:

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

SECTION 1. That Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances of the City of Rockwall, as heretofore amended, be and the same is established and hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

SECTION 2. That Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'B'* of this ordinance;

SECTION 3. That Article 13, *Definitions*, of the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'C'* of this ordinance;

SECTION 4. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars (\$2,000.00)* for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 5. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Municipal Code of Ordinances and/or Unified Development Code [*Ordinance No. 20-02*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 6. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 1ST DAY OF APRIL, 2024.

Trace Johannesen, *Mayor*

ATTEST:

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: March 18, 2024

2nd Reading: April 1, 2024

CHAPTER 13. RENTAL HOUSING

ARTICLE 1. IN GENERAL

SECTIONS 13-1 – 13-20. RESERVED

ARTICLE 2. SHORT-TERM RENTALS

SECTION 13-21. PURPOSE

The purpose of this *article* is to minimize the impacts of *Short-Term Rentals* on the City of Rockwall's existing residential neighborhoods and buildings, and to provide regulations to preserve and protect the integrity of the City's residential districts while continuing to support the rights or property owners. In addition, the following sections are intended to provide a logical process for the registration, permitting, and inspection of *Short-Term Rentals*. The requirements of this *Article* apply only to the regulation of *Short-Term Rentals*, as defined herein; however, nothing in this *Article* shall be construed to be a waiver of the requirement to assess and collect the required *Hotel Occupancy Taxes* for any *Short-Term Rental* for less than 30 consecutive days, or any applicable provision of the City of Rockwall's Municipal Code of Ordinances.

SECTION 13-22. DEFINITIONS

Hotel Occupancy Tax. The *Hotel Occupancy Tax* as defined Article IV, *Hotel Occupancy Tax*, of Chapter 40, *Taxation*, of the City's of Rockwall's Municipal Code of Ordinance and Chapter 3, *Tax Administration*, of the Texas Tax Code.

Responsible Party. An individual other than the applicant, who resides within Rockwall County, and who is designated by the owner/applicant to act as the owner's authorized agent if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be available on a 24-hour basis, have access to the *Short-Term Rental* property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, emergencies and property conditions.

Short-Term Rental. A *Short-Term Rental* is a residential dwelling unit, apartment, condominium, *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* in which the entire structure or a portion thereof is offered for rent for a period exceeding 12-hours, but less than 30 consecutive days, to a particular occupant. The term does not include: [1] a *Bed and Breakfast*; [2] a *Motel, Limited Service Hotel, Full-Service Hotel, or Residence Hotel*; [3] a *Boarding House*; [4] a place for residence or use as a licensed health care or *Assisted Living Facility*.

Single-Family Residence. As defined by the Municipal Code of Ordinances and in this *Article*, which includes the following:

- (1) *Single-Family Dwelling (Detached).* A dwelling designed and constructed for occupancy by one (1) family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract, and which is located in a single-family zoning district or Planned Development District.
- (2) *Single-Family Dwelling (Attached).* A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or abutting separate wall and which is designed for occupancy by one (1) family and which is located on a separate platted lot, delineated by front, side, and rear lot lines.

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

- (3) Two Family Dwelling: A single structure designed a constructed with two (2) dwelling units under a single roof for occupancy by two (2) families, one (1) in each unit.
- (4) Condominium. The separate ownership of single dwelling units in a multiple unit structure/structures with common elements.
- (5) Multi-Family Dwelling or Apartment. Any building or portion of a building, which is designed, built, rented, leased, or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home or place of residence by three (3) or more families living in independent dwelling units.

SECTION 13-23. AUTHORITY

The Director of Planning and Zoning and/or the Building Official shall implement and enforce the requirements of this *Article* and may by written order establish such procedures, rules, and or regulations -- *not inconsistent with the requirements of this Article or other City ordinances* -- necessary to implement the intent of this *Article*.

SECTION 13-24. TYPES OF SHORT-TERM RENTALS

The three (3) classifications of *Short-Term Rentals* shall be consistent with the definitions contained in [Article 13, Definitions, of the Unified Development Code \(UDC\)](#), and are further defined as follows:

- (a) Owner-Occupied Single-Family Home, Townhome, or Duplex. A *Short-Term Rental* under this classification shall be subject to the following conditions:
 - (1) The *Short-Term Rental* shall be for a period of time that is less than 30 consecutive days.
 - (2) A sleeping area must -- *at a minimum* -- include the shared use of a full bathroom.
 - (3) The property owner or *Responsible Party* is generally present on-site at the *Short-Term Rental Property* during the entire term of the rental.
 - (4) The *Short-Term Rental* may not operate without a *Short-Term Rental Permit* as required by Section 13-25, *Permit and Registration Requirements* of this *Article*.
- (b) Non-Owner-Occupied Single-Family Home, Townhome, or Duplex. A *Short-Term Rental* under this classification shall be subject to the following conditions:
 - (1) The *Short-Term Rental* shall be for a period of time that is less than 30 consecutive days.
 - (2) The *Short-Term Rental* shall be for the entire dwelling unit.
 - (3) The property owner or responsible party is not present on-site during the term of the rental of the *Short-Term Rental Property*.
 - (4) The *Short-Term Rental* may not operate without a *Short-Term Rental Permit* as required by Section 13-25, *Permit and Registration Requirements* of this *Article*.
- (c) Apartment or Condominium Unit. A *Short-Term Rental* under this classification shall be subject to the following conditions:
 - (1) The *Short-Term Rental* may be owner-occupied or non-owner-occupied.
 - (2) The *Short-Term Rental* shall be for a period of time that is less than 30 consecutive days.

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

- (3) A sleeping area must -- *at a minimum* -- include the shared use of a full bathroom.
- (4) The property owner or responsible party may or may not be generally present on-site during the entire term of the rental of the *Short-Term Rental Property*.
- (5) The *Short-Term Rental* may not operate without a *Short-Term Rental Permit* as required by Section 13-25, *Permit and Registration Requirements* of this Article.

SECTION 13-25. PERMIT AND REGISTRATION REQUIREMENTS

- (a) Applicability. No person shall advertise, offer for rent or lease, establish or operate a *Short-Term Rental* on any property within the City of Rockwall without registering and being approved for a *Short-Term Rental Permit*. A *Short-Term Rental Permit* shall be required for each physical address, regardless of the ownership of the property or the physical attributes of the structure situated on the property (e.g. *the number of bedrooms, bathrooms, cooking facilities, etc.*).
- (b) Short-Term Rental Permit. An application for a *Short-Term Rental Permit* shall be submitted on a form provided by the City of Rockwall. A *Short-Term Rental Permit* shall be accompanied by an application fee of \$500.00, and shall include the following information:
 - (1) Ownership Information. The name, street address, email address, and telephone number of the owner of the *Short-Term Rental*, and verification if the *Short-Term Rental* is owner occupied (*i.e. the applicant's residence*). If the owner of the property is a partnership, a corporation, or limited liability company, the application shall list the names of all partners, directors, members, or officers -- *as applicable* -- of ownership entity.
 - (2) Responsible Party. The name, street address, email address, and telephone number of the *Responsible Party* (see [Section 13-28, Enforcement or Penalty](#)).
 - (3) Site Plan. A *Site Plan* showing the location of the *Short-Term Rental* and the parking areas provided for the *Short-Term Rental*.
 - (4) Pictures. Pictures of the subject property showing the rear, front, and side yards of the subject property shall be provided. In addition, pictures of all structures -- *one (1) per each façade of a structure* -- and any on-site amenities shall be provided.
 - (5) Self-Certification of Compliance. A sworn self-certification that the owner of the *Short-Term Rental* is in compliance with and will continue to comply with the standards and other requirements of this Article.
 - (6) Acknowledgement of this Article. Acknowledgement of receipt of a copy of this Article and agreement to comply with all provisions contained within this Article as a condition to receiving and consent to inspection while maintaining a *Short-Term Rental Permit*.
 - (7) Commercial Insurance. Each *Short-Term Rental* property shall be required to have general commercial insurance (*or an equivalent*) coverage of a minimum of \$500,000.00 per occurrence coverage and an aggregate of \$1,000,000.00. The applicant for a *Short-Term Rental* shall provide a copy of the certificate of insurance which shows the name insured, any additional insureds, the location address, the effective date, the coverage limit and type. The owner must notify the City of Rockwall within 30 days if the insurance status changes and provide the City with the updated insurance information. The *Short-Term Rental Permit* shall be revoked in accordance with Section 13-29, *Revocation or Suspension of a Short-Term Rental Permit*, of this Article if updated insurance information is not provided.

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

- (c) Completeness of Short-Term Rental Permit Application. Applications for a *Short-Term Rental Permit* shall not be considered complete until all documentation required by this *Article* has been submitted and accepted. Incomplete applications will not be accepted.
- (d) Acknowledgement by Applicant. As part of the submission of an application for a *Short-Term Rental Permit*, the property owner shall acknowledge that a *Short-Term Rental Permit* granted by the City of Rockwall under this *Article* does not supersede any property specific restrictions against *Short-Term Rentals* that may exist under law, agreement, lease, covenant, or deed restriction.
- (e) Expiration of a Short-Term Rental Permit. Unless revoked by the City of Rockwall in accordance with [Section 13-29, Revocation, Suspension, or Denial of a Short-Term Rental Permit](#), of this *Article*, permits shall be valid for a period of three (3) years from the date the permit is issued.
- (f) Renewal of a Short-Term Rental Permit. 30-days prior to the expiration of a *Short-Term Rental Permit*, the property owner shall apply for the renewal of the *Short-Term Rental Permit* on a form provided by the City of Rockwall. Failure to submit an application 30-days prior to the expiration of the *Short-Term Rental*, shall cause all nonconforming rights to lapse and the application shall be treated as a new application subject to the requirements of this *Article* and [Article 04, Permissible Uses, of the Unified Development Code \(UDC\)](#).
- (g) Records. A property owner or operator of a *Short-Term Rental* shall keep detailed records showing each booking and the fees paid for each rental for at least three (3) years and make this information available to the City of Rockwall upon request.
- (h) Non-Transferability. A *Short-Term Rental Permit* is not transferable to another property owner or operator, or address or property. Any attempt to transfer the *Short-Term Rental Permit* shall result in the termination of the permit.

SECTION 13-26. GENERAL STANDARDS FOR SHORT-TERM RENTALS

All *Short-Term Rentals* permitted pursuant to this *Article* and the requirements of [Article 04, Permissible Uses, of the Unified Development Code \(UDC\)](#) shall be subject to the following general standards:

- (a) Advertising. All advertisements for a *Short-Term Rental* -- including online or on a proprietary website, application, or other technology -- shall include the *Short-Term Rental Permit Number* within the description or body of the advertisement for public reference.
- (b) Parking. Parking shall comply with the requirements of [Table 5: Parking Requirement Schedule of Article 06, Parking and Loading, of the Unified Development Code \(UDC\)](#); however, all parking shall be on an improved surface (*i.e. gravel, pavers, asphalt, or concrete*) and no parking shall be permitted on an unimproved surface (*e.g. grass, vegetation, soil, etc.*).
- (c) Evacuation Plan. For all *Short-Term Rentals* that are located within an apartment or condominium building that does not have direct access to the exterior of the building through the front door (*i.e. the primary exit exits to a shared hallway*), shall post an evacuation plan on the front door showing how to exit the building.
- (d) Temporary Structures. Temporary structures including -- *but not limited to* -- recreational vehicles/campers, vehicles intended for occupancy, tents, canopies/shade structures (*not permitted by the City of Rockwall*), or similar structures/vehicles shall not be utilized as *Short-Term Rentals*.

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

- (e) Trash/Rubbish/Solid Waste. All trash, rubbish, and/or solid waste shall be completely contained within a City approved container (i.e. a polycart or approved garbage can), and no trash, rubbish, and/or solid waste -- *bagged or otherwise* -- shall be placed on the ground.
- (f) Signage. No external signage shall be installed or constructed on the property indicating or advertising the property as a *Short-Term Rental*. In addition, the property shall maintain compliance with [Chapter 32, Signs, of the Municipal Code of Ordinances](#).
- (g) Life Safety. The *Short-Term Rental* shall comply with the following *Life Safety* requirements:
- (1) A standard five (5) pound fire extinguisher (i.e. 2A:10B:C) shall be properly mounted within 75-feet of all portions of the *Short-Term Rental* on each floor.
 - (2) Operable smoke and carbon monoxide detectors shall be installed and conform to all applicable city codes.
 - (3) All bedrooms/sleeping areas shall have at least one (1) operable emergency point of ingress/egress for rescue and escape (i.e. windows and/or doors) in accordance with the City's adopted codes, regulations, and ordinances.
- (h) Conduct On-Premises.
- (1) The property owner and/or *Responsible Party* shall be responsible for informing all occupants of all relevant City of Rockwall codes and the occupants' liability for violating the City's codes.
 - (2) Excessive noise or other disturbance outside of the *Short-Term Rental* that are in violation of [Article IV, Noise, of Chapter 16, Environment, of the Municipal Code of Ordinances](#) shall be prohibited.
 - (3) No overnight sleeping outdoors or outdoor sleeping spaces shall be provided as part of the *Short-Term Rental*.
- (i) Tenant Notification. At a minimum, the property owner and/or responsible party shall post in a visible and obvious location of the *Short-Term Rental* the following information:
- (1) The property owner and/or responsible party's contact information and telephone number.
 - (2) Pertinent information -- *conforming to the general standards of this Article* -- including, but not limited to, the location of the required off-street parking or other available parking; the schedule, location and requirements regarding trash/rubbish/solid waste; and information regarding the conduct of guests on-premise.
 - (3) Information to assist guests in the case of an emergency that poses a threat to personal safety or property. This information should include emergency and non-emergency telephone numbers for police, fire, and medical services.
 - (4) A notice that failure to conform to the above listed requirements is a violation of the City of Rockwall's Municipal Code of Ordinances and that an owner, occupant, or visitor can be cited for violations of these requirements.
- (j) Hotel Occupancy Tax. The property owner or *Responsible Party* shall remit all applicable state, county and local hotel occupancy taxes in a timely manner pursuant to all applicable laws and this *Article*.

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

SECTION 13-27. INSPECTIONS

To ensure compliance with the requirements of this *Article* a *Short-Term Rental* may be inspected under the following circumstances:

- (1) Initial Inspection. As part of the issuance of a new *Short-Term Rental Permit* -- and any *reapplication thereof* --, the City shall conduct inspections to verify compliance with the requirements of this *Article*.
- (2) Inspections Upon Complaint or Suspicion of a Violation. The City of Rockwall may perform inspections when a violation is reported or suspected in accordance with the established code enforcement procedures.
- (3) Inspections for Owner Occupied Short-Term Rentals. If only a portion of the premises is offered for rent, then that portion plus any shared amenities and points of access shall be inspected.
- (4) Violations Resulting from Inspections. If upon completion of an inspection, the premises are found to be in violation of one (1) or more provisions of the applicable City codes and ordinances, the City shall provide written notice of such violations and shall set up a subsequent inspection and date for the violation to be corrected prior to its occupancy.

SECTION 13-28. ENFORCEMENT OR PENALTY

- (a) Operation without a Short-Term Rental Permit. A person commits an offense under this *Article* if a person owns or operates a *Short-Term Rental* without a valid *Short-Term Rental Permit*.
- (b) Responsible Party. The property owner or operator of the *Short-Term Rental* shall designate a *Responsible Party* for each *Short-Term Rental*. The *Responsible Party* is a local representative that resides in Rockwall County and who is available at all times the rental is in use. Should a law enforcement or Neighborhood Improvement Services (NIS) representative respond to a suspected violation at a *Short-Term Rental* and issue a citation, the *Responsible Party* shall be contacted. If applicable, the *Responsible Party* shall contact the occupants within one (1) hour of the issuance of a citation to notify them of the citation and attempt to remedy the situation. Should multiple citations or violations be issued this could result in the revocation of a *Short-Term Rental Permit* in accordance with Section 13-29, *Revocation or Suspension of a Short-Term Rental Permit*, of this *Article*. Failure to update the *Responsible Party* information associated with a *Short-Term Rental Permit* shall be a violation of this *Article*.
- (c) Admission to Premises. The Building Official or their designee may enforce the provisions of this *Article* upon presentation of proper identification to the occupant in charge of the *Short-Term Rental* and may enter -- *with the occupant's permission* -- any *Short-Term Rental* between the hours of 8:00 AM and 6:00 PM; provided, however, that in cases of emergency where extreme hazards are known to exist, which may involve imminent injury to persons, loss of life, or severe property damage, the Building Official or their designee may enter the *Short-Term Rental* at any time and upon presentation of identification and the occupant's permission shall not apply. Whenever the Building Official is denied admission to inspect any *Short-Term Rental* under this provision, inspection shall be made only under the authority of a warrant issued by a magistrate authorizing the inspection.
- (d) Violations. Violation of the terms and conditions for *Short-Term Rentals* contained under this *Article* shall be punishable by a fine of not less than \$500.00, but not more than \$2,000.00 per offense. Penalties for other violations of the City of Rockwall's codes shall be as applicable. Each day a violation of this *Article* continues shall be considered a separate offense, and -- *upon conviction* -- shall be subject to a fine of \$500.00 to a maximum of \$2,000.00 per violation, per day. In addition, violations of any section of this article or any of the City of Rockwall's codes are deemed to be a

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

violation and may result in the revocation of a *Short-Term Rental Permit* in accordance with Section 13-29, *Revocation or Suspension of a Short-Term Rental Permit*, of this Article.

- (e) *Failure to Pay Hotel Occupancy Tax*. Failure to timely pay any applicable hotel occupancy tax is a violation of this Article. If arrearage is not paid within 90-days of the issuance of a delinquency notice the *Short-Term Rental Permit* shall be revoked in accordance with Section 13-29, *Revocation or Suspension of a Short-Term Rental Permit*, of this Article.

SECTION 13-29. REVOCATION OR SUSPENSION OF A SHORT-TERM RENTAL PERMIT

- (a) *Revocation or Suspension Due to Error or False Information*. The Director of Planning and Zoning and/or the Building Official is authorized to suspend or revoke a *Short-Term Rental Permit* issued under the provisions of this Article if it is found that the *Short-Term Rental Permit* was issued in error, the property owner fails to pay hotel occupancy tax, or if it is determined that the property owner or applicant of a *Short-Term Rental Permit* made a false statement of material fact on an application for the permit.
- (b) *Revocation Due to Violation*. The Director of Planning and Zoning and/or the Building Official is authorized to revoke a *Short-Term Rental Permit* after three (3) violations have occurred in any consecutive 12-month period or when a property owner fails to correct a violation within the specified time period. For the purposes of this section, a violation shall be defined as any violation of the requirements of this Article or Article XII, *Property Maintenance Code*, of the Municipal Code of Ordinance.
- (c) *Revocation Process*. Upon a determination to revoke a *Short-Term Rental Permit*, the Director of Planning and Zoning and/or the Building Official shall notify the property owner of the decision to revoke and the effective date of the revocation in writing within ten (10) days of the determination.
- (d) *Reapplication After Revocation*. If a *Short-Term Rental Permit* is revoked, the property owner may not submit a new application for a *Short-Term Rental Permit* for the same property for a period of 12-months from the date of revocation.
- (e) *Permanent Revocation*. A *Short-Term Rental Permit* holder may be subject to permanent revocation if their *Short-Term Rental Permit* is revoked two (2) time due to violations of this Article or other violations to the City's safety, health, and general welfare ordinances.

SECTION 13-30. APPEALS

If the Director of Planning and Zoning and/or the Building Official denies the issuance or renewal of a *Short-Term Rental Permit* or revokes or suspends an existing *Short-Term Rental Permit* issued under this Article, the property owner may appeal the decision to the Board of Adjustments (BOA) in accordance [Subsection 04.03\(A\)\(1\) of Article 02, Development Review Authority, of the Unified Development Code \(UDC\)](#).

SECTION 13-31. NONCONFORMING RIGHTS

Short-Term Rentals existing prior to **April 1, 2024** shall be considered vested or legally nonconforming (see the requirements of Subsection 06.05, *Non-Conforming Short-Term Rentals*, of Article 04, *Permissible Uses, of the Unified Development Code [UDC]*) if they register as such through the *Short-Term Rental Permit* process outlined in this Article by **June 30, 2024**. *Short-Term Rental Permits* and registration is not transferable to another property owner or operator, or address or location. Nonconforming rights also shall not transfer with change of ownership, and any *Short-Term Rental Permit* shall be void upon change of ownership. Notwithstanding the foregoing, the conveyance or

Exhibit 'A'
*Chapter 13, Rental Housing,
of the Municipal Code of Ordinances*

transfer of a unit or property ownership to a legal entity controlled by or providing equitable ownership of the prior owner shall not constitute a change in ownership, provided that the new property owner: [1] apply for a new *Short-Term Rental Permit* in accordance with the terms of this *Article*, and [2] provide evidence to satisfactorily prove that the ownership did not change. Under this circumstance the property owner may maintain the nonconforming rights.

DRAFT
ORDINANCE
03.18.2024

Exhibit 'B'
Article 04, Permissible Uses, of the
Unified Development Code (UDC)

See Next Page ...

DRAFT
ORDINANCE
03.18.2024



- (E) A Bed and Breakfast shall be subject to an annual inspection by the Fire Department.
- (F) All applicable hotel/motel taxes shall be paid.
- (G) The maximum length of a guests stay is shall be limited to 14 consecutive days in any 30-day period.
- (H) A Specific Use Permit (SUP) for a Bed and Breakfast shall be reviewed six (6) months after the adoption of the Specific Use Permit (SUP) and annually thereafter unless otherwise stipulated by the Specific Use Permit (SUP) ordinance.
- (3) Duplex.
- (A) Duplexes shall be limited to two (2) dwelling units (i.e. two [2] families) per lot or parcel of land.
- (B) See the standards for the Two-Family (2F) District [Subsection 07.01, Residential District Development Standards, of Article 05, District Development Standards.](#)
- (4) Attached Garage.
- (A) See [Subsection 07.04, Accessory Structure Development Standards, of Article 05, District Development Standards.](#)
- (5) Detached Garage.
- (A) See [Subsection 07.04, Accessory Structure Development Standards, of Article 05, District Development Standards.](#)
- (6) Guest Quarters/Secondary Living Unit.
- (A) Guest Quarters or Secondary Living Units may be allowed on a property in a residential zoning district provided that it is ancillary to a single-family home.
- (B) The area of such quarters shall not exceed 30% of the area of the main structure.
- (C) No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the subdivision ordinance.
- (D) Guest Quarters or Secondary Living Units not meeting the requirements stated above shall require a Specific Use Permit (SUP).
- (7) Home Occupation.
- (A) The Home Occupation use must clearly be incidental and secondary to the primary use of the property as a residence.
- (B) No person outside the family may be employed in the Home Occupation use.
- (C) There shall be no exterior display, signage, exterior storage of materials, and/or other exterior indication of the Home Occupation use or variation from the residential character of the principal building.
- (D) No traffic shall be generated by such Home Occupation than would normally be expected in the neighborhood.
- (E) No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated.
- (F) A Home Occupation may not be interpreted to include facilities for the repair of motor vehicles, repair of small motors, or a daycare center.
- (8) Full-Service Hotel.
- (A) The minimum room count for a Full-Service Hotel shall be 250-rooms.
- (B) Each guestroom shall have a minimum square footage of 380 SF.
- (C) A Full-Service Hotel shall have a full-service restaurant and kitchen that provides service to the general public.
- (D) A Full-Service Hotel shall have staff that is present 24-hours a day, seven (7) days a week.
- (E) A Full-Service Hotel shall have the following minimum amenities: [1] a minimum 10,000 SF meeting or conference room, and [2] a swimming pool with a minimum area of 1,000 SF.
- (9) Multi-Family Structure or Development.
- (A) See [Subsection 07.02, Multi-Family District Development Standards, of Article 05, District Development Standards.](#)
- (10) Portable Building.
- (A) See [Subsection 07.04, Accessory Structure Development Standards, of Article 05, District Development Standards.](#)
- (11) Residential Infill in or Adjacent to an Established Subdivision.
- (A) For the purposes of this Article, an Established Subdivision shall be defined as a subdivision that consists of five (5) or more lots, that is 90% or more developed, and that has been in existence for more than ten (10) years.
- (B) All proposed residential infill housing that is located within an Established Subdivision or a lot or tract of land that is located with 500-feet of an Established Subdivision shall be required to apply for a Specific Use Permit (SUP).
- (C) As part of the Specific Use Permit (SUP) request the applicant shall be required to submit a residential plot plan or site plan, landscape plans, and building elevations of the proposed home.
- (D) In reviewing the proposed Specific Use Permit (SUP), the Planning and Zoning Commission and City Council shall consider the proposed size, location, and architecture of the home compared to the existing housing in the Established Subdivision.
- (E) All housing proposed under this section shall be constructed to be architecturally and visually similar or complimentary to the existing housing in the Established Subdivision.
- (12) Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex).
- (A) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (e.g. *Banquet Facility/Event Hall* which



includes meeting halls and wedding venues) as stipulated by the *Permissible Use Charts* contained within this Article.

- (B) In order to establish and operate a *Short-Term Rental (Owner Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, Short-Term Rentals, of Chapter 13, Rental Housing, of the Municipal Code of Ordinances.

(13) Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex).

- (A) *Short-Term Rentals* that are *Non-Owner-Occupied* shall not be located within 1,000-feet of another *Short-Term Rental* that is *Non-Owner Occupied*; however, *Short-Term Rentals* that were in existence prior to **April 1, 2024** that [1] meet the criteria established in Subsection 06.05, Non-Conforming Short-Term Rentals, of this Article, and [2] received a valid permit and registration -- in accordance with Article 2, Short-Term Rentals, of Chapter 13, Rental Housing, of the Municipal Code of Ordinances -- prior to **June 30, 2024** shall be exempted from the proximity requirements.

- (B) *Short-Term Rentals* that are *Non-Owner-Occupied* that do not meet proximity requirements may be considered on a *case-by-case* basis by the Planning and Zoning Commission and City Council through a Specific Use Permit (SUP). In considering a Specific Use Permit (SUP) for a *Short-Term Rental* that is *Non-Owner-Occupied* the Planning and Zoning Commission and City Council shall consider the size, location, and impact of the proposed and existing *Short-Term Rentals* on the adjacent residential properties and their occupants.

- (C) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (e.g. *Banquet Facility/Event Hall which includes meeting halls and wedding venues*) as stipulated by the *Permissible Use Charts* contained within this Article.

- (D) In order to establish and operate a *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, Short-Term Rentals, of Chapter 13, Rental Housing, of the Municipal Code of Ordinances.

(14) Short-Term Rental (Apartment or Condominium).

- (A) The number of *Short-Term Rentals* permitted within an *Apartment Complex, Condominium Building, or any other multi-family structure* -- as defined by this land use in Article 13, Definitions, of this Unified Development Code (UDC) -- shall be limited to a total of five (5) percent of the total units situated on a single parcel of land. For example, if a *Condominium Building* consisted of 100-units on a single parcel of land, a total of five (5) of the units could be established as *Short-Term Rentals*. In

cases where there is a remainder in the number of units, the number of units shall round up (e.g. $25\text{-Units} \times 5.00\% = 1.25\text{-Units}$ or 2-Units).

- (B) In order to establish and operate a *Short-Term Rental (Apartment or Condominium)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, Short-Term Rentals, of Chapter 13, Rental Housing, of the Municipal Code of Ordinances.

~~(12)~~(15) Single-Family Attached Structure.

- (A) See Section 03, Residential Districts, of Article 05, District Development Standards.

- (B) See Subsection 07.01, Residential District Development Standards, of Article 05, District Development Standards.

~~(13)~~(16) Single-Family Detached Structure.

- (A) See Section 03, Residential Districts, of Article 05, District Development Standards.

- (B) See Subsection 07.01, Residential District Development Standards, of Article 05, District Development Standards.

~~(14)~~(17) Single-Family Zero Lot Line Structure.

- (A) A five (5) foot maintenance easement is required on the non-zero-lot-line side of the structure.

- (B) See Section 03, Residential Districts, of Article 05, District Development Standards.

- (C) See Subsection 07.01, Residential District Development Standards, of Article 05, District Development Standards.

~~(15)~~(18) Townhouse.

- (A) See Section 03, Residential Districts, of Article 05, District Development Standards.

- (B) See the standards for the Two-Family (2F) District Subsection 07.01, Residential District Development Standards, of Article 05, District Development Standards.

~~(16)~~(19) Urban Residential.

- (A) Urban Residential includes residential development that at least partly face streets, public sidewalks, or common open space, and/or which are located above retail, office or service uses.

- (B) Ground floor urban residential should have direct access to a sidewalk via a stoop or landing, and a majority of parking should be located in a structure.

(C) Institutional and Community Service Land Uses.

(1) Assisted Living Facility.

- (A) These facilities shall include establishments that accommodate seven (7) or more residents. For facilities with six (6) or fewer residents see Group or Community Home in Subsection 02.03(C)(5).

(2) Church/House of Worship.



designated use of any development, structure, or part thereof, where official approval and the required building permits were granted before the enactment of this Unified Development Code (UDC), or any amendment thereto, where construction, conforming with the plans, shall have been started prior to the effective date of the ordinance from which this Unified Development Code is derived or such amendment, and where such construction shall have been completed in a normal manner within the subsequent 12-month period, with no interruption, except for reasons beyond the builder's control.

- (D) Damage Due to Acts of God. Any non-conforming structure which is damaged more than 75% of its then appraised tax value above the foundation, by fire, flood, explosion, wind, earthquake, war, riot or other calamity or act of God, shall not be restored or reconstructed and used as it was before the damaging event. If such structure is damaged less than 75% of its then appraised tax value above the foundation, it may be restored, reconstructed, or used as before, provided that the restoration or reconstruction is completed within 12 months of the damaging event. The 12-month period does not include any necessary litigation.
- (E) Repair of Unsafe Buildings, Structures and Sites. Nothing in this Unified Development Code (UDC) shall be construed to prohibit the strengthening or repair of any part of any building or structure declared unsafe by proper authority, unless such repairs exceed 50% of the replacement cost of the building. If the repairs exceed 50%, the building shall be brought into conformity with all requirements of the zoning district in which it is located.
- (F) General Repairs and Maintenance.
- (1) On any non-conforming structure or portion of a structure containing a non-conforming use, no work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-load-bearing walls, fixture, wiring, or plumbing to an extent exceeding ten (10) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be.
 - (2) If 50% or more of a non-conforming structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
- (G) Moving of a Non-conforming Building or Structure. No non-conforming building or structure shall be moved in whole or in part to any other location on the lot, or on any other lot, unless every portion of the building or structure is made to conform to all the regulations of the district.
- (H) Non-conforming Lot Sizes. All lots used for storage that do not require a building and the use of such lot is made non-conforming by this Unified Development Code (UDC) or amendments thereto shall cease to be used for such storage within six months of the date

of adoption of the ordinance from which this Unified Development Code (UDC) is derived, or amendments [thereto].

SUBSECTION 06.05: NON-CONFORMING SHORT-TERM RENTALS

Short-Term Rentals, as defined in Article 13, Definitions, of this Unified Development Code (UDC), shall be considered to be legally in existence for the purpose of establishing vested or non-conforming rights regarding the zoning requirements if all of the following criteria is met by the owner of a Short-Term Rental:

- (A) The owner of a property provides a property deed or proof of ownership showing that the property was purchased prior to **April 1, 2024**.
- (B) The owner of the property can provide proof that the property was used as a Short-Term Rental (i.e. a listing, proof of rental, etc.) OR proof of payment of hotel occupancy tax to the City of Rockwall.

LAND USE SCHEDULE

LEGEND:

	Land Use <i>NOT</i> Permitted
P	Land Use Permitted <i>By-Right</i>
P	Land Use Permitted with Conditions
S	Land Use Permitted Specific Use Permit (SUP)
X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

LAND USES	LAND USE DEFINITION REFERENCE [Reference Article 13, Definitions]	CONDITIONAL USE REFERENCE Reference [Article 04, Permissible Uses]	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS				OVERLAY DISTRICTS			
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
Residential Garage	(7)	(4) & (5)	A	A	A	A	A	A	A	A	A	A	A	A	A										
Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit	(8)	(6)	A	A	A	A	A	A	A	S	S	S	S	P											
Home Occupation	(9)	(7)	P	P	P	P	P	P	P	P	P	P	P	P	P										
Limited-Service Hotel	(10)														S		S	S		S					
Full-Service Hotel	(11)	(8)													S		S	S		S					
Residence Hotel	(12)														S		S	S		S					
Motel	(13)														S		S	S		S					
Multi-Family Development or Structure	(14)	(9)													P										
Portable Building	(15)	(10)		P	P	P	P	P	P	P	P	P	P	P											
Residential Infill in an Established Subdivision	(16)	(11)	S	S	S	S	S	S	S	S	S	S	S	S	S	S									
Short-Term Rental (Owner-Occupied, Single-Family Home, Townhome, or Duplex)	(17)	(12)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Short-Term Rental (Non-Owner-Occupied, Single-Family Home, Townhome, or Duplex)	(17)	(13)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Short-Term Rental (Apartment or Condominium)	(17)	(14)		P	P	P	P	P	P	P	P	P	P	P	S	S									
Single-Family Attached Structure	(1718)	(1215)													P	P	P								
Single-Family Detached Structure	(1819)	(1316)	P	P	P	P	P	P	P	P	P	P	P						P						
Single-Family Zero Lot Line Structure	(1920)	(1417)													P	P	P			P					
Private Swimming Pool	(2021)		A	A	A	A	A	A	A	A	A	A	A	A	A	A									
Private Tennis Court	(2422)		A	S	S	S	S	S	S	S	S	S	S	S					S						
Townhouse	(2223)	(1518)													P					P					
Urban Residential	(2324)	(1619)													S	S									
INSTITUTIONAL AND COMMUNITY SERVICE LAND USES																									
Assisted Living Facility	(1)	(1)													P	S	S	S	S	S	S		S		
Blood Plasma Donor Center	(2)																			P	P	P	P	P	
Cemetery/Mausoleum	(3)		S																P	P	P	P	P	P	

Exhibit 'C'
Article 13, Definitions, of the
Unified Development Code (UDC)

See Next Page ...



vehicles are kept for remuneration, hire, or sale and where a retail service station may be maintained as a secondary use.

- (7) Residential Garage. A residential accessory building used for the storage motor vehicles. These structures are typically attached to the primary structure; however, they may also be a detached structure.
- (8) Guest Quarters/Secondary Living Unit. An accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration and is not rented or otherwise used as a separate domicile.
- (9) Home Occupation. A commercial use customarily carried on in the home by members of the occupant family without structural alterations in the principal building or any of its rooms, without offering any commodity or service for sale on premises, without the installations of machinery or additional equipment other than that customary to normal household operations, without the employment of additional persons, without the use of a sign to advertise the occupations, and which does not cause the generation of other than normal noise, and pedestrian and vehicular traffic.
- (10) Limited-Service Hotel. A building or group of buildings used as a temporary dwelling place for individuals in exchange of financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Hotel room units are accessed through doorways into an internal hallway, courtyard, or lobby. Financial consideration for hotel room units is generally calculated on a nightly basis.
- (11) Full-Service Hotel. A building or group of buildings designed for and occupied as a temporary dwelling place. Access to guestrooms shall be restricted exclusively to interior corridors, that shall be accessed via the main lobby of the building or entryways individually equipped with some form of security-controlled access system. Customary hotel services such as linen, maid service, telephone, and other guest amenities are provided and may also contain various personal service shops.
- (12) Residence Hotel. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Residence hotel room units are designed to be suitable for long-term occupancy with financial consideration being calculated on a nightly, weekly, and/or monthly basis. Typical residence hotel attributes include, but are not limited to, kitchen facilities, two-story design, and external doorways into room units.
- (13) Motel. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Each motel room unit has direct access to the outside. Financial consideration for motel room units is generally calculated on a nightly basis.
- (14) Multi-Family Structure or Development. A development consisting of at least three (3) single-family dwelling units grouped into a single building or multiple buildings on an individual parcel of land. Examples of a *Multi-Family*

Development include Triplexes, Quad or Fourplexes, apartments, condominiums, and etcetera.

- (15) Portable Building. A temporary building that may or may not have a foundation and is transportable.
- (16) Residential Infill in or Adjacent to an Established Subdivision. The new development of a single-family home or duplex on an existing vacant or undeveloped parcel of land or the redevelopment of a developed parcel of land for a new single-family home or duplex within an established subdivision that is mostly or entirely built-out.
- (17) Short-Term Rental. A *Short-Term Rental* is a residential dwelling unit, apartment, condominium, or *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* in which the entire structure or a portion thereof is offered for rent for a period exceeding 12-hours, but less than 30 consecutive days, to a particular occupant. In practice, a *Short-Term Rental* is considered to be a residential land use, and is *not* considered to be a *Limited-Service Hotel, Full-Service Hotel, Residence Hotel, Motel, or Bed and Breakfast* as defined in this Unified Development Code (UDC). *Short-Term Rentals* can be further defined based on the following three (3) categories:
 - (a) Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex). A single-family home, townhome, or duplex -- or portion thereof -- in which the property owner or operator, as reflected in a valid lease agreement, is a resident (*i.e. occupies the primary structure*) and is present during the rental. This includes when a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* is detached from the primary structure and either the primary or secondary structure is rented, but the owner or operator resides on the property.
 - (b) Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex). A single-family home, townhome, or duplex -- or portion thereof -- in which the property owner or operator does *not* occupy the dwelling unit during the rental, or that the owner or property owner does *not* occupy another dwelling unit -- or portion thereof -- on the same property (*i.e. the property owner or operator is not on-site as an occupant during the rental of the property*).
 - (c) Short-Term Rental (Apartment or Condominium). An *Apartment or Condominium (or similar multi-family structure, excluding duplexes, but including triplexes or quadplexes, as defined in this Unified Development Code [UDC])* -- or a portion thereof -- in which the property owner or operator may or may not be an occupant of the dwelling unit during the rental.
- ~~(17)~~(18) Single-Family Attached Structure. A single-family residential structure that is occupied by one (1) family and shares a common wall or walls with another single-family residential structure, but that is on an individual lot and can be conveyed individually (*i.e. one [1] dwelling unit per lot*).
- ~~(18)~~(19) Single-Family Detached Structure. A single-family residential structure that is occupied by one (1) family, is situated on a single parcel of land, does not share a common



City of Rockwall
The New Horizon

MEMORANDUM

TO: Mayor and Councilmembers

FROM: Mary Smith, City Manager

DATE: March 15, 2024

SUBJECT: Annual Comprehensive Financial Report

The City of Rockwall's charter requires that the city undergo an annual audit of its financial records. The charter further requires that the audit firm performing the annual audit be changed every four years. Fiscal year 2023 marks the first year in the rotation for the firm of Pattillo, Brown and Hill, L.L.P. At the completion of this year's audit, the Annual Comprehensive Financial Report was produced.

The city management staff appreciates the auditor's assistance in preparation of the Annual Comprehensive Financial Report and the knowledge shared during the field work period. Staff is pleased to work with this firm as they conducted the audit. A representative of the firm will attend Monday's Council meeting to make a short presentation and answer any questions Council may have at that time.