



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: August 7, 2023
SUBJECT: *Text Amendment to Article 05, District Development Standards, of the UDC to Allow Homeowner's Associations (HOA's) the Ability to Lease the Lake Ray Hubbard Takeline*

On January 4, 2020, the City Council adopted changes to the *Lake Ray Hubbard Takeline Overlay (TL OV) District* [Case No. Z2020-041] for the purpose of [1] providing clearer requirements with regard to the land uses, building materials, and construction standards permitted within the takeline, [2] providing a process that incentivizes property owners to construct erosion control measures (*i.e. seawalls*) by allowing additional land uses when such measures are provided, and [3] providing for a process to try and facilitate more property owners to pursue takeline leases. Prior to the adoption of these changes, staff met with several citizens who owned property that backed up to areas of the takeline that were not leasable. These citizens were interested in creating a process that would allow Homeowner's Associations (HOA's) the ability to lease these areas of the takeline; however, this was ultimately not pursued in the changes that were brought forward to the City Council in January 2020. More recently, several residents of the Lakeside Village Subdivision have met with staff to express concern about erosion that is occurring along the banks of the takeline adjacent to this subdivision. Specifically, these residents were inquiring about constructing seawalls to correct the erosion issues. The problem that City staff encounter in considering this, is tied to the issue of allowing private property owners to make improvements on public land, and the fact that these improvements -- *after construction* -- would become the City's responsibility to maintain (*i.e. since these areas of the takeline were not leasable there is no way to tie the improvements in the takeline to the private property owner's property after construction*). To facilitate a solution to this issue, staff is proposing to amend the *Lake Ray Hubbard Takeline Overlay (TL OV) District* to allow Homeowner's Associations (HOA's) the ability to lease non-leasable areas adjacent to their jurisdictional boundaries. This would allow these property owners the ability to work with the Homeowner's Associations (HOA's) to make the necessary erosion control improvements without subjugating the City to the maintenance of these structures moving forward.

In researching this proposal, staff identified four (4) Homeowner's Associations (HOA's) that could be eligible to lease areas of the takeline that are currently unleaseable. These include: [1] the Chandler's Landing Subdivision (*i.e. adjacent to Blocks B & C, Chandler's Landing, Phase 17*), [2] the Signal Ridge Subdivision (*i.e. adjacent to Signal Ridge, Phase 4*), [3] the Water's Edge Subdivision at Lake Ray Hubbard (*aka Villas De Portofino*), and [4] the Lakeside Village Subdivision. If approved, the amendment prepared by staff -- *contained in the attached packet* -- would create the following requirements for the lease of the takeline for these Homeowner's Associations (HOA's):

- (1) A site plan would be required to be approved by the Planning and Zoning Commission that will be incorporated into the *Sublease Agreement*. This site plan will show all proposed improvements within the leased takeline area -- *which are required to be located within Activity Areas* -- and the required seawalls necessary to make these improvements.
- (2) All *Activity Areas* are permitted to be a maximum of 50-feet by 50-feet in size and be spaced a minimum of 200-feet apart.
- (3) Seawalls are required to be installed a minimum of 100-feet on either side of an *Activity Area*.
- (4) *Fixed Piers* and *Dock Decks* are required to be spaced a minimum of 200-feet apart along the leased area.
- (5) *Boathouses* are prohibited to be constructed in the takeline in these leased areas.
- (6) The Homeowner's Association (HOA) would be required to assume the responsibility for any existing improvements in the leased area.
- (7) Fees for a new lease, annual renewal of a lease, and reinstatement of an expired lease are the same as the fees established for a standard takeline sublease agreement.

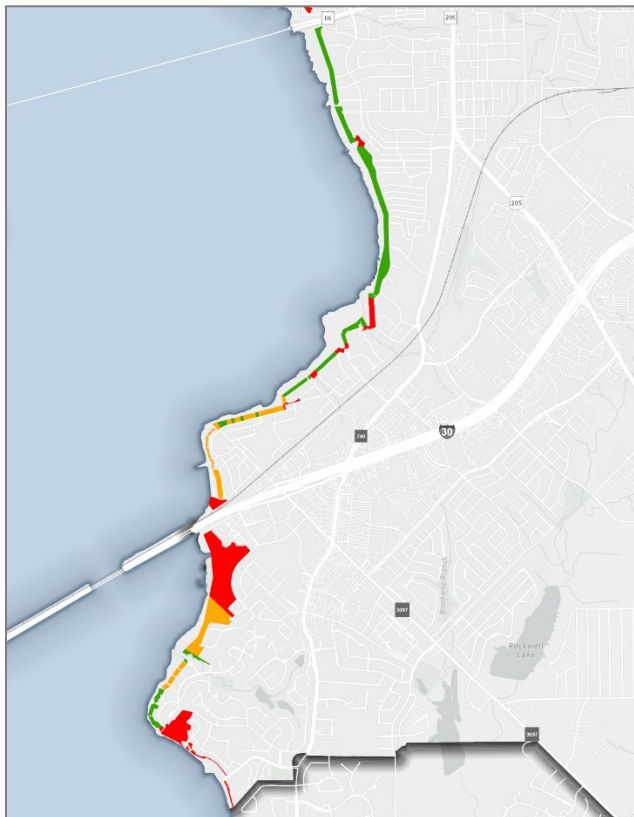
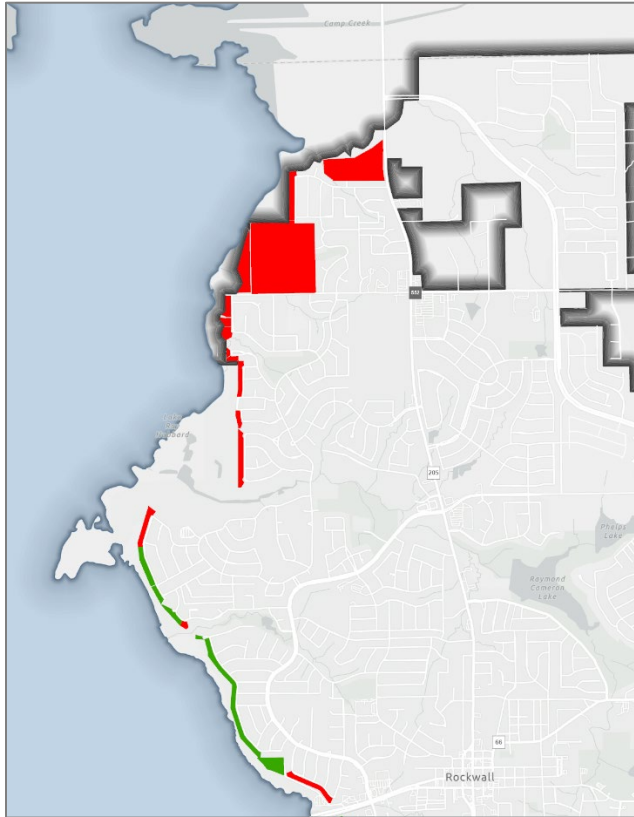
In addition to the proposed amendment, staff has included an updated *Sublease Agreement* that allows Homeowner's Associations (HOA's) to sublease the takeline area. Staff should note that the City Attorney has reviewed the proposed text amendment and *Sublease Agreement*, and has provided staff with comments that have been incorporated into these documents. Should the City Council choose to direct staff to proceed with this text amendment, the proposed amendment would be subject to the following schedule:

Planning and Zoning Commission Work Session: August 29, 2023
Planning and Zoning Commission Public Hearing: September 12, 2023
City Council Public Hearing/First Reading: September 18, 2023
City Council Second Reading: October 2, 2023

Should the City Council have any questions concerning the proposed text amendment, staff will be available at the meeting on August 7, 2023.



FIGURE 32: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT MAP

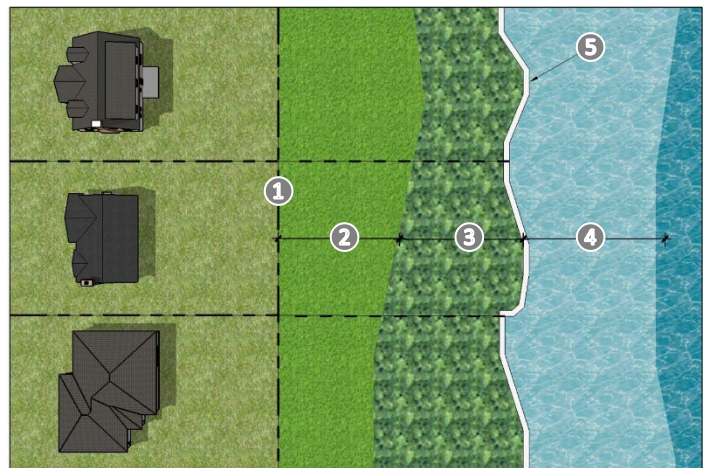


RED: NON-LEASEABLE PROPERTY
GREEN: LEASABLE PROPERTY
ORANGE: HOA LEASABLE AREA

SUBSECTION 06.16: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT

- (A) **Purpose.** The purpose of the *Lake Ray Hubbard Takeline Overlay (TL OV) District* is to permit the development of property along the shoreline of Lake Ray Hubbard under certain regulatory conditions governing permitted uses and development standards, setting forth the procedures for the development of said property, and establishing an appeal process for the development standards of the district. This zoning district has its basis in and is intended to serve as an implementation tool for the Lake Ray Hubbard Master Plan (adopted by the City of Dallas), the Lake Ray Hubbard Interlocal Agreement as approved by those municipalities comprising the *Lake Cities Coalition* (i.e. Garland, Rockwall, and Rowlett) and the City of Dallas, and the OURHometown Vision 2040 Comprehensive Plan. The adoption of this zoning district is intended to provide a means for the protection of water quality.
- (B) **Boundaries.** The Lake Ray Hubbard Takeline (TL OV) District includes all property that is located between the City of Dallas Takeline as shown on the boundary map for Lake Ray Hubbard (i.e. File 612D-1 on file in the City of Dallas Records Vault and depicted below in Figure 2632, *Lake Ray Hubbard Takeline [TL OV] District Map*) and the meandering of the contour line 435.5-foot sea level elevation. In addition, *Figure 2733: Elevation Contours*, shows the elevation zones used to delineate where certain land uses are permitted.

FIGURE 33: ELEVATION CONTOUR ZONES



1: REAR PROPERTY LINE/TAKE LINE; 2: 438.0 ELEVATION ZONE; 3: 435.5 ELEVATION ZONE; 4: 425.5 ELEVATION ZONE; 5: SEAWALL;

- (C) **Applicability.**
 - (1) **Applicable Lots.** The standards set forth within Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, shall apply only to those lots within the takeline that are zoned and used for detached, single-family residential land uses, and that either have a minimum lot width of 45-feet when measured at the front building line or a minimum width of 35-feet at the front building line when located on a curved street or cul-de-sac or Homeowner's Association (HOA) that are eligible to lease. The properties and Homeowner's Associations (HOA's) that are eligible to lease the takeline area are depicted in *Figure*



2632: *Lake Ray Hubbard Takeline Overlay (TL OV) District Map* above.

(2) Exceptions for Lots Not Meeting the Applicability Standards.

The City Council shall have the authority to consider special exceptions to the eligibility standards set forth within this section that apply to those lots within the Lake Ray Hubbard Takeline Overlay (TL OV) District that are zoned and used for detached, attached, or zero-lot-line single-family residential land uses and meet the minimum lot width requirements as prescribed in Subsection 06.15(C)(1) above.

(D) Definitions. The terms used in this section shall be as defined in this Unified Development Code (UDC), the Lake Ray Hubbard Interlocal Agreement, and the sublease agreements prepared by the City of Rockwall. For specific land use definitions refer to Subsection (JK), Specifications for Permitted Land Uses. In addition, the following terms shall be defined as follows:

- (1) Catwalk. The narrow walkway of a dock providing people access to moored watercraft.
- (2) Centerline. An established line that is equidistant from the surface or sides of something (e.g. *parcel boundaries*).
- (3) Cleat. A metal fitting with two (2) projecting pieces used to wrap a rope around to secure a watercraft in position.
- (4) Dredging. The process of deepening a waterway for the safe and efficient movement of watercraft by the removal of dirt either by digging or by suction.
- (5) Habitable Structure. A structure fit for human habitation usually containing amenities (e.g. *fireplace, furniture, plumbing, bathing facilities, and cooking facilities*). Structures allowed by this section shall not be habitable structures and may not contain such amenities.
- (6) Lake. Refers to Lake Ray Hubbard.
- (7) Lake Area. The City of Dallas property, known as Lake Ray Hubbard, that is normally submerged by the lake at a normal lake pool elevation (i.e. *property at or below an elevation of 435.5-foot mean sea level*).
- (8) Leased Area. Means the take area that is within the corporate limits of the City of Rockwall, or where the takeline is directly adjacent to the corporate limits of the City of Rockwall.
- (9) Lift. A temporary means of elevating a watercraft out of the water by use of a hoist.
- (10) Locker Box. A secured chest fixed onto a dock used for storage of watercraft equipment.
- (11) Moor. Securing a watercraft to a fixed object such as a fixed cleat on a seawall while the watercraft is still in the water.
- (12) Mooring. A place where a watercraft can be tied up and secured while in the water (e.g. *a slip*) for not more than 156-consecutive hours.
- (13) Power Source Station. Used as a power supply for lighting a dock just below watercraft level.

(14) Shoreline. Refers to the line along the shore of the lake, established by the normal lake pool elevations (i.e. *435.5-foot mean sea level*).

(15) Slip. A watercraft's berth between two (2) piers or between finger piers.

(16) Take or Takeline Area. Refers to the land owned by Dallas between the takeline and the normal lake pool elevations (i.e. *435.5-foot mean sea level*).

(17) Treated Wood. Wood treated by the impregnation or application of chemical solutions or chemical mixtures for the purpose of retarding or preventing deterioration or destruction cause by insects, fungi, bacteria, or other wood destroying organisms.

(18) View Clear Zone. The area within the view preservation angle where no new structures or plantings shall exceed six (6) feet above the existing grade to maintain neighboring views.

(19) View Corridor. A sight passage recognized as holding an intangible asset for a property owner and for a community due to the unique visual qualities of distant terrain, woodlands, wetlands, grasslands, skylines, and manmade lakes expressed through a view preservation angle from either a generally recognized center point or various center points along a road corridor or public view area (see Figure 28: Visual Measurements for View Corridors of Subsection (E)).

(20) View Preservation Angle. The angle determined as the line extending from the center point -- or 30-foot point depending on lot size -- along the quarter distance line of the leased area extending back toward the opposite corner where the takeline area crosses the lease area's side yard (see Figure 28: Visual Measurements for View Corridors).

(21) Watercraft (or Boat). A craft for water transport. Examples of watercrafts are as follows:

- (a) Motorized Boat. A boat propelled by an internal combustion engine.
- (b) Sail Boat. A boat with a mast and sail propelled by the wind.

(E) Visual Measurements for View Corridors.

(1) View Corridors. View clear zones are established to protect a property owner's views of the lake and to maintain the aesthetic value of the lake's shoreline. The view clear zones for the takeline areas are established by the shoreline frontage of the takeline lease area. This measurement is determined by projecting the lease areas side yards to the normal pool elevation (i.e. *435.5-foot mean sea level*), and connecting these two (2) points in a straight line (see Figure 2834: Visual Measurements for View Corridors). Based on this linear measurement, the view clear zones are determined by the following:

- (a) Lots That Have Less Than 100-Feet of Shoreline Frontage. The view corridor for lots that have less than 100-feet of shoreline frontage is defined by the view preservation angle determined as the quarter distance (i.e. 25%) center point from the shoreline frontage line

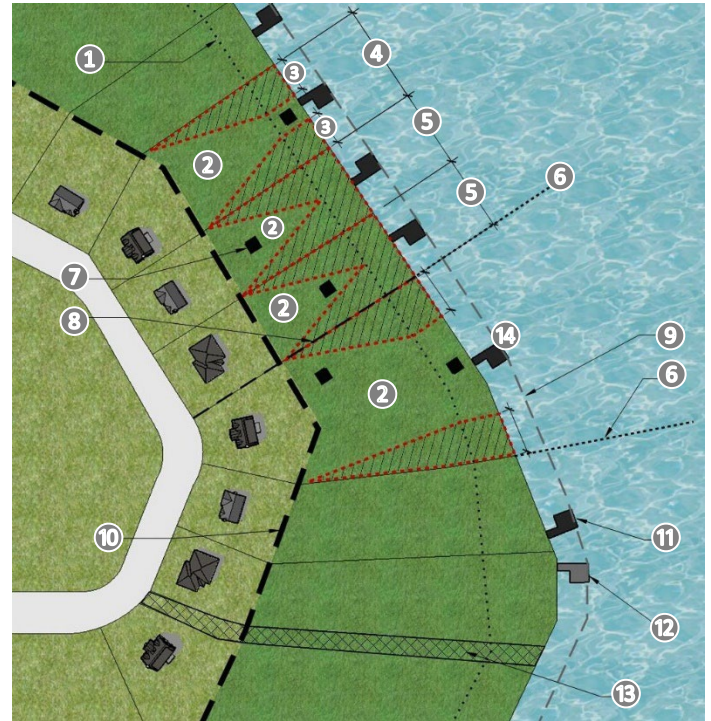


along the centerline of the leasing property owner's side yard with the angle running from the quarter distance center point to the opposite corners where the takeline area crosses the lease area's side yard. Those areas that fall inside of the view clear zones will be restricted from any type of new improvements or plantings exceeding six (6) feet in height with the exception of boat-related uses, which will be allowed by an administrative exception in accordance with [Subsection \(F\)\(2\)\(d\)](#).

- (b) Lots That Have More 100-Foot or More Shoreline Frontage. The view corridor for lots that have 100-foot or more shoreline frontage are defined by the view preservation angle determined as the quarter distance (i.e. 25%) line projected from the shoreline frontage line extending from the leasing property owner's side yard 30-feet along the quarter distance line and running from this point to the opposite corners where the takeline area crosses the lease area's side yard, and in a straight line from the 30-foot point on the quarter distance line to the shoreline frontage line. Those areas that fall inside of the view clear zones will be restricted from any type of new improvements or plantings exceeding six (6) feet in height with the exception of boat-related uses, which will be allowed by an administrative exception in accordance with [Subsection \(F\)\(2\)\(d\)](#).

QUARTER DISTANCE LINE; 16: 25% OF THE TAKELINE AREA; 17: QUARTER DISTANCE LINE.

FIGURE 35 EXAMPLES OF VISUAL MEASUREMENTS FOR VIEW CORRIDORS AND STRUCTURE PLACEMENT

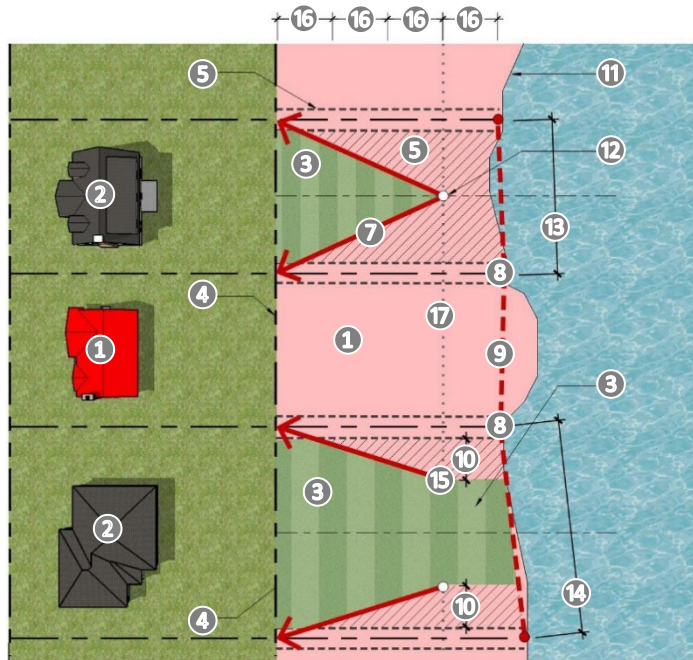


- 1: QUARTER DISTANCE LINE; 2: BUILDABLE AREA; 3: 30-FOOT; 4: A LOT WITH A SHORELINE FRONTAGE LINE 100-FOET OR MORE; 5: A LOT WITH A SHORELINE FRONTAGE LINE LESS THAN 100-FOET; 6: LEASE AREA'S PROJECTED SIDE YARD; 7: STRUCTURE BUILT IN THE 438.0 ELEVATION ZONE; 8: LEASE AREA'S SIDE YARD; 9: 40-FOOT BUILDING LINE; 10: REAR PROPERTY LINE/TAKELINE; 11: EXISTING BOATHOUSE; 12: BOATHOUSE LOCATION APPROVED ADMINISTRATIVELY BECAUSE OF DRAINAGE EASEMENT AND CLUSTERED WITH AN EXISTING BOATHOUSE; 13: DRAINAGE EASEMENT; 14: BOATHOUSE AND STRUCTURE IN THE 435.5 ELEVATION ZONE GENERALLY CENTERED IN THE LEASE AREA BEHIND THE PRIMARY STRUCTURE.

(F) General Requirements. The following general requirements shall apply for all property in the takeline area.

- (1) Number of Permitted Structures. The following is the maximum number of structures that shall be permitted in each elevation zone (*NOTE: in this case a structure is defined as any of the permitted uses specified in [Subsection \(JK\)](#), [Specifications for Permitted Land Uses](#) that exceeds six [6] feet in height*):
 - (a) 438.0 Elevation Zone: Two (2) structures shall be permitted in the 438.0 Elevation Zone.
 - (b) 435.5 Elevation Zone. One (1) structure shall be permitted in the 435.5 Elevation Zone.
- (2) General Location of Permitted Structures. The following requirements relate to where structures should be generally located in each elevation zone (*NOTE: in this case a structure is defined as any of the permitted uses specified in [Subsection \(JK\)](#), [Specifications for Permitted Land Uses](#) that exceeds six [6] feet in height*):

FIGURE 34: VISUAL MEASUREMENTS FOR VIEW CORRIDORS



- 1: SUBJECT PROPERTY'S AND ITS VIEW CORRIDOR (PINK AREA); 2: NEIGHBORING PROPERTY; 3: NEIGHBORING PROPERTY'S BUILDABLE AREA (GREEN LINED AREA); 4: REAR PROPERTY LINE/TAKELINE; 5: VIEW CLEAR ZONE (LINED AREA); 6: LEASE AREA SIDE YARD SETBACK; 7: VIEW PRESERVATION ANGLE; 8: THE INTERSECTION OF THE 435.5 ELEVATION LINE AND THE LEASE AREA'S SIDE YARD; 9: SHORELINE FRONTAGE LINE (ESTABLISHED BY CONNECTING THE TWO [2] 3 POINTS IN A STRAIGHT LINE); 10: 30-FOOT; 11: SHORELINE; 12: CENTER POINT AT THE QUARTER DISTANCE LINE; 13: A LOT WITH A SHORELINE FRONTAGE LESS THAN 100-FOET; 14: A LOT WITH A SHORELINE FRONTAGE 100-FOET OR MORE; 15: 30-FOOT POINT ON THE



- (a) 438.0 Elevation Zone: Structures in the *438.0 Elevation Zone* should be located outside of the view clear zones unless specifically permitted to be in the view clear zone by [Subsection \(JK\), Specifications for Permitted Land Uses](#).
 - (b) 435.5 Elevation Zone: Structures in the *435.5 Elevation Zone* should be generally centered in the lease area -- equal distance from both leased side yard boundary lines -- behind the primary structure on the leasing property and outside of the view clear zones unless specifically permitted to be in the view clear zone by [Subsection \(JK\), Specifications for Permitted Land Uses](#).
 - (c) 425.5 Elevation Zone: Structures located in the *425.5 Elevation Zone* should be generally centered along the shoreline -- equal distance from both the leased side yard boundary lines -- behind the primary structure of the leasing property.
 - (d) Administrative Exception for the 435.5 & 425.5 Elevation Zone. In cases where it is [1] not feasible to construct a structure in the center of the lease area or along the shoreline, [2] will increase the view corridor or benefit the surrounding properties by not centering a structure in the lease area, or [3] where centering the structure will create an undue hardship to the property owner leasing the lease area, the Director of Planning and Zoning or his/her designee may approve an administrative exception to allow an alternate location that is not generally centered in the lease area as long as the location for the proposed structure is outside of the view clear zone. In approving these requests, the Director of Planning and Zoning or his/her designee shall consider the impact of the proposed structure on the adjacent property owners.
- (3) Building Materials. The permitted building materials shall be as stipulated in [Subsection \(JK\), Specifications for Permitted Land Uses](#), and as permitted by the City Council through a Specific Use Permit (SUP); however, the use of canvas, cloth, or like materials shall be prohibited within the takeline area. In addition, loose ground materials (e.g. sand, fill, pea gravel) that could be used for trails, paths, play areas, active sports activities, or as exposed landscape bedding material are prohibited.
- (4) Trees. In order to plant or remove a tree in the takeline area, a *Treescape Plan* showing the exact location, size (i.e. trunk diameter and height), and common name of the tree to be planted or removed will be required to be submitted to the Parks and Recreation Department. A permit to plant or remove a tree may be approved administratively by the Director of Parks and Recreation or his/her designee, or forwarded to the Parks and Recreation Board for approval. In reviewing a request to plant or remove a tree, the following criteria shall apply:
- (a) Planting Trees. Trees are permitted to be planted within the *438.0 Elevation Zone* pending they are [1] not a variety specifically listed in the prohibited tree list contained in [Section 03, Tree Planting Guidelines and Requirements, of Appendix C, Landscaping Guidelines](#)

and Requirements, and [2] they are not located within the view clear zone outlined [Subsection \(E\), Visual Measurements](#). The Director of Parks and Recreation or his/her designee may grant an exception to allow a tree to be planted in the view clear zone where it is determined that the tree will not decrease the visibility of the lake or shoreline for the adjacent properties. In making this determination, the Director of Parks and Recreation shall consider the size of the proposed tree at maturity.

- (b) Removing Trees. Trees are permitted to be removed only if they are determined to be damaged or diseased, or if they create a hazardous or dangerous condition that could endanger the public health, safety or welfare of the general public.
- (5) Temporary Structures on Lease Property in the Takeline Area. Temporary structures (e.g. portable residential barbecue grills and ranges, trampolines, etc.) are permitted to be brought out into the takeline area providing that they are not allowed to remain in any part of the takeline area for more than 72 consecutive hours unless completely enclosed within a fenced area constructed in accordance with [Subsection 06.15\(JK\)\(6\)](#). For temporary structures on unleased property in the takeline area see [Article III, Offenses Regarding the Use of the Lake Ray Hubbard Takeline, of Chapter 22, Miscellaneous Offenses of the Municipal Code of Ordinances](#).
- (G) Residential Sublease Agreement. A *Residential Sublease Agreement* is an agreement between a property owner and the City of Rockwall that grants the property owner certain rights to the exclusive use of the takeline area. A *Residential Sublease Agreement* shall be required to build certain structures within the takeline area. **The area to be leased by a single-family property owner shall be directly contiguous to the boundaries of the property and are only permitted in the areas depicted in GREEN on Figure 32, Lake Ray Hubbard Takeline (TL OV) District Map.** It shall be a violation of the zoning code to build or maintain a structure in the takeline area without a valid *Residential Sublease Agreement*. An owner in violation of this section shall be subject to the requirements of [Section 01, Penalties, of Article 12, Enforcement, of the Unified Development Code \(UDC\)](#). The following shall be the costs associated with a *Residential Sublease Agreement*:

Lease	Fees
New Lease (i.e. New Never Leased by Current Owner) ²	\$200.00
Annual Renewal of a Lease	\$100.00
Change of Ownership of a Valid Lease	\$50.00
Reinstatement of an Expired Lease (i.e. Same Property Owner) ³	\$500.00

NOTES:

- ¹: To be subject to these new fees, a lease entered into after *January 1, 2021* will be required (i.e. the effective date of the amendment adopting these fees).
- ²: A lease is considered to be new under the following circumstances: [1] the property has never had a valid lease agreement, or [2] the property had a valid lease under different ownership but that lease agreement expired prior to the current owner taking possession of the property.



3: A lease is considered to be a reinstatement when it lapses or expires under the current ownership, and then the same owner requests a new lease.

(H) Homeowner's Association (HOA) Sublease Agreement. A Homeowner's Association (HOA) Sublease Agreement is an agreement between a Homeowner's Association (HOA) and the City of Rockwall that grants the HOA certain rights to the exclusive use of the takeline area for their members. The area to be leased by the Homeowner's Association (HOA) shall be directly contiguous to the boundaries of the HOA and are only permitted in the areas depicted in ORANGE on Figure 32, Lake Ray Hubbard Takeline [TL OV] District Map. It shall be a violation of the zoning code to build or maintain a structure in the takeline area without a valid Homeowner's Association (HOA) Sublease Agreement. A Homeowner's Association (HOA) in violation of this section shall be subject to the requirements of Section 01, Penalties, of Article 12, Enforcement, of the Unified Development Code (UDC). The requirements for a Homeowner's Association (HOA) Sublease Agreement are as follows:

(1) Site Plan. Prior to the execution of a Homeowner's Association (HOA) Sublease Agreement, the Homeowner's Association (HOA) shall submit a Site Plan to the Director of Planning and Zoning in accordance with the procedures outlined in Subsection 01.02, Submission of an Application, of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC). The Site Plan shall show all of the Activity Areas [see Subsection (H)(2) below], the proposed improvements for these areas, the required seawalls, fixed piers and/or dock decks, private walkways, and any landscaping for the leased area. The Planning and Zoning Commission shall review the Site Plan in accordance with the procedures contained in Section 03, Site Plans, of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC). Upon approval of a Site Plan, the approved Site Plan shall be incorporated into the Homeowner's Association (HOA) Sublease Agreement. Should the Homeowner's Association (HOA) choose to amend the Site Plan, the Site Plan shall be amended in accordance with the procedures of Subsection 03.06, Amended Site Plan, of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC). Upon approval of an amendment to the Site Plan, a new Homeowner's Association (HOA) Sublease Agreement shall be drafted containing the Amended Site Plan and superseding the original Homeowner's Association (HOA) Sublease Agreement.

(2) Activity Areas. In lieu of the requirements of Subsections (F)(1), Number of Permitted Structures, and (F)(2), General Location of Permitted Structures, -- and as part of the required Site Plan outlined in Subsection (H)(1) above -- the Homeowner's Association (HOA) shall identify Activity Areas where improvements can/will be made within the leased area. Improvements outside of the Activity Areas -- with the exception of landscaping and private walkways -- shall be prohibited for the purpose of preserving the view corridors of the existing residential properties. The Activity Areas shall generally adhere to the following requirements:

- (a) Size. Activity Areas should not be larger than 50-feet by 50-feet, unless otherwise approved by the Planning and Zoning Commission. In reviewing the Activity Areas, the Planning and Zoning Commission shall consider how the proposed size affects the view corridors of the adjacent residential properties.
- (b) Location. Activity Areas shall be spaced so that they are a minimum of 200-feet apart, and be setback a minimum of 25-feet from the rear or side yard property line of any residential property. In addition, the Activity Areas shall be located in a manner that will create the least amount of impact to the adjacent property owners and their view corridors.
- (c) Seawalls. Prior to the construction of an Activity Area, a seawall, conforming to Subsection (K), Specifications for Permitted Land Uses, and extending 100-feet on either side of the Activity Area, shall be required to be constructed.
- (3) Fixed Piers and Dock Decks. Fixed piers and dock decks, conforming to Subsection (K), Specifications for Permitted Land Uses and spaced a minimum of 200-feet apart, are permitted along the leased area; however, a seawall, conforming to Subsection (K), Specifications for Permitted Land Uses and extending 100-feet on either side of the fixed pier or dock deck, shall be required with the proposed improvements.
- (4) Prohibited Land Uses. Boathouses, as defined in Subsection (K), Specifications for Permitted Land Uses, shall be prohibited in the leased area associated with any Homeowner's Association (HOA) Sublease Agreement; however, in the event a boathouse existed in the leased area prior to the execution of the Homeowner's Association (HOA) Sublease Agreement, the HOA shall assume responsibility for the existing improvement in accordance with Subsection (H)(5) below.
- (5) Existing Improvements. As part of the Homeowner's Association (HOA) Sublease Agreement, the HOA shall be required to assume responsibility for any existing improvements and the maintenance of these improvements in the leased area.
- (6) Fees. The following shall be the costs associated with a Homeowner's Association (HOA) Sublease Agreement:

Lease	Fees
New Lease (i.e. New Never Leased by HOA) ¹	\$200.00
Annual Renewal of a Lease	\$100.00
Reinstatement of an Expired Lease (i.e. Same HOA) ²	\$500.00

NOTES:

- ¹: A lease is considered to be new if the property has never had a valid lease agreement or if a site plan has been amended in accordance with the procedures of Subsection (H)(1).
- ²: A lease is considered to be a reinstatement when it lapses or expires, and then the Homeowner's Association (HOA) requests a new lease.

~~(H)(1)~~ Permitted Uses. All of the uses permitted within the Lake Ray Hubbard Takeline Overlay (TL OV) District shall adhere to all other



applicable codes and the permitting requirements of the City of Rockwall. For a list of permitted land uses see [Subsection \(JL\), Specifications for Permitted Land Uses](#), or [Subsection 07.05, Lake Ray Hubbard Takeline Overlay \(TL OV\) District Development Standards](#).

(H)(J) *Specific Use Permits (SUPs)*. A Specific Use Permit (SUP) may be requested for: [1] any use that is not listed in [Subsection \(JK\), Specifications for Permitted Land Uses](#) or [2] any structure that does not adhere to the requirements stipulated for that use or structure as required by [Subsection \(JK\), Specifications for Permitted Land Uses](#); however, a request for a Specific Use Permit (SUP) cannot be requested if a dimensional, material, size, or location standard stipulated in [Subsection \(JK\), Specifications for Permitted Land Uses](#), or [Subsection \(F\), General Requirements](#), is expressly prohibited. In addition, no requests can be made that violate the view corridor requirements stipulated in [Subsection \(E\), Visual Measurements](#). A Specific Use Permit (SUP) may be requested for water related land uses that are not specifically addressed in [Subsection \(JK\), Specifications for Permitted Land Uses](#), (e.g. jet ski lift) pending the applicant provides a letter of consent from the City of Dallas prior to making the application. In considering a Specific Use Permit (SUP) request, the City Council shall consider how the proposed request [1] impacts adjacent properties, and [2] adheres to the intent of the Lake Ray Hubbard Takeline Overlay (TL OV) District.

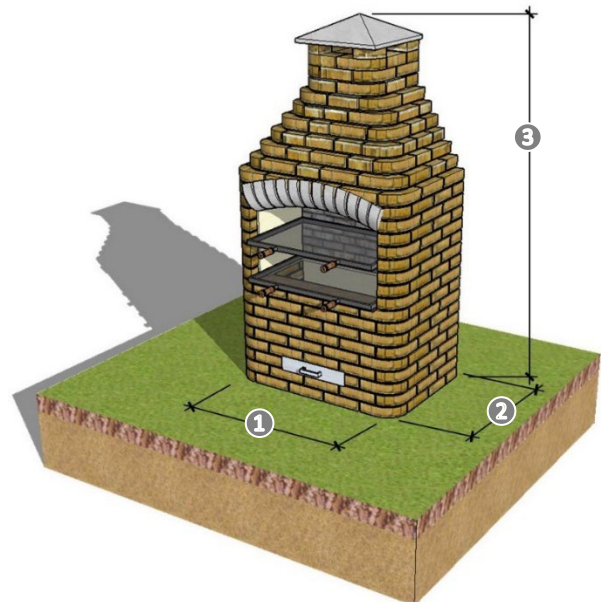
(H)(K) *Specifications for Permitted Land Uses*. See [Subsection 07.05, Lake Ray Hubbard Takeline Overlay \(TL OV\) District Development Standards](#), for a summary of the development standards for each of the following conditional uses.

(1) *Barbecue Pit*.

- (a) *Definition*. A *barbecue pit* is a permanent fireplace structure over which meat, poultry and other foods are roasted (for *Fire Pit* see [Subsection 06.15\(JK\)\(9\)](#)).
- (b) *Prerequisites*. A *barbecue pit* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.
- (c) *Elevation Zone*. A *barbecue pit* shall be allowed in the following zones:
 - (1) [438.0](#): Permitted.
 - (2) [435.5](#): Not Permitted.
 - (3) [425.5](#): Not Permitted.
- (d) *Conditional Use Standards*. A *barbecue pit* can only be fueled by charcoal and wood products, and shall not be fueled by any permanently buried gas products (i.e. natural gas or propane).
- (e) *Construction Standards*.
 - (1) *Building Materials*. A *barbecue pit* must be constructed utilizing a combination of natural stone, brick, concrete, and/or iron grating.
 - (2) *Height*. A *barbecue pit* shall not exceed a maximum of six (6) feet in height.
 - (3) *Size*. A *barbecue pit* shall not be smaller than a minimum size of three (3) feet in length by three (3)

feet in width; however, a *barbecue pit* should not exceed a maximum size of eight (8) feet in length by three (3) feet in width.

- (f) *Setback Requirements*. A *barbecue pit* must adhere to the following setbacks:
 - (1) *Takeline Setback*: 0-Feet
 - (2) *Leased Side Yard Setback*: 6-Feet
- (g) *Additional Requirements*.
 - (1) *Earth Work*. Earth work required for the construction of a *barbecue pit* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
 - (2) *Compliance with Applicable Codes*. A *barbecue pit* must comply with all other applicable City of Rockwall codes.
- (h) *Visual Representation*.



①: A MINIMUM AND MAXIMUM OF THREE (3) FEET IN LENGTH; ②: A MINIMUM OF THREE (3) FEET AND A MAXIMUM OF EIGHT (8) FEET IN WIDTH; ③: A MAXIMUM OF SIX (6) FEET;

(2) *Boathouse*.

- (a) *Definition*. A *boathouse* is a roofed structure affixed to the end of an adjoining *fixed pier*, with a main waterside opening, containing an operating boatlift, and which is built to house and protect a watercraft and boat related equipment.
- (b) *Prerequisites*. A *boathouse* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, has constructed a *seawall* along the entire length of the shoreline within the leased area, and has constructed a *fixed pier*.
- (c) *Conditional Use Standards*. *Boathouses* are used for storing boats that have a fuel efficiency rating greater than 95%; however, boathouses may also be used to store



sailboats. *Boathouses* will not be used for storing any other type of items except boats and boat-related equipment. In addition, *Boathouses* shall not be used as a habitable dwelling structure, or shelter for domestic or wild animals. All *boathouses* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a *boathouse* shall not be designed to prevent public access to an area of water. Accessories placed on the flat surface of a *boathouse* or catwalk must be placed in an orderly manner that allows for the safe movement of people.

(d) Elevation Zone. A *boathouse* shall be allowed in the following zones:

- (1) 438.0: Not Permitted.
- (2) 435.5: Not Permitted.
- (3) 425.5: Permitted.

(e) Construction Standards.

- (1) Building Materials. All *boathouse* constructed below the 437.0-foot mean sea level contour shall use only pilings and materials approved by the City of Rockwall and the City of Dallas. *Boathouses* shall be constructed utilizing composite materials (e.g. wood composite or synthetic wood where natural timber fibers are mixed with high-tech plastic materials) -- products equivalent to Trex brand are preferred -- for decking, galvanized metal/iron/steel or aluminum (with a minimum color rating of AAMA 2604) for the support posts, all aforementioned materials and cedar or iron wood for the roof beams, and standing seam metal for the roof with a pre-finished color. Support posts may be wrapped in composite material. Water repellent sealants shall not be used to treat any cedar or ironwood used for roof beams. All fasteners binding materials together must be made out of stainless steel.
- (2) Height. A *boathouse* shall be a minimum of 16-feet and a maximum of 21-feet in height as measured from the top of the fixed pier's catwalk to the vertex of the *boathouse's* cupola; however, in no case should a *boathouse* exceed one (1) story in height.
- (3) Size. The footprint of the exterior sides of a *boathouse* will measure a minimum of eight (8) feet in width by 30-feet in length and a maximum of 12-feet in width and 30-feet in length. *Boathouses* shall not extend more than 40-linear feet into the water as measured from the normal pool elevation of the shoreline (i.e. 435.5).
- (4) Roof. A *boathouse* will have a hip roof with either: [1] one (1) cupola with a hip roof centered at the top of the main hip roof, or [2] two (2) cupolas each with hip roofs at either end of the top of the main hip roof. Cupolas will be designed to allow updraft air and winds to vent outward, and shall measure three (3)

feet by four (4) feet. All *boathouse* roofs shall be built with a minimum of a 2:1 roof pitch and will not have an overhang greater than 18-inches. *Boathouses* shall not incorporate a deck or platform.

(5) Lighting. Interior lighting for a *boathouse* will be directed downward from the ceiling of the structure and at the stored watercraft. Exterior lighting for a *boathouse* will be directed downwards toward the fixed pier with light fixtures incorporated either into the roof's overhang or the structure's columns. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public.

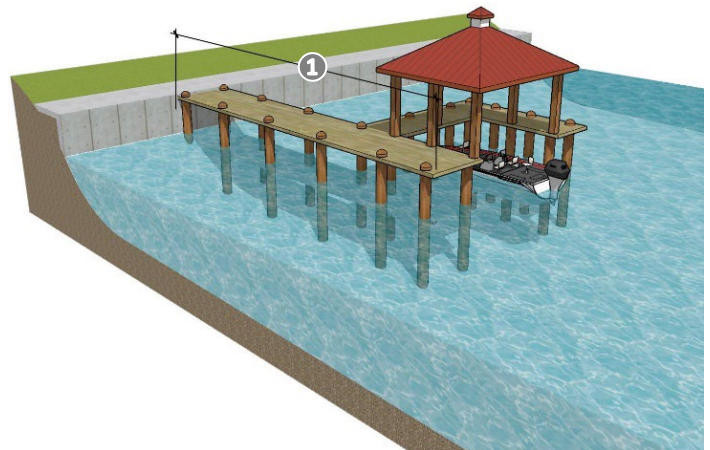
(6) Additional Construction Standards.

- (a) Deck Ladder. A deck ladder is permitted to be constructed inside a *boathouse*.
- (b) Storage Unit. A *boathouse* can incorporate one (1) storage unit measuring 72-inches in length by 20-inches in depth by 20-inches in height. Storage units shall be placed on the outer dockside, and shall only be used for storing boat-related equipment. The storage of fossil fuels and/or hazardous materials is prohibited.
- (c) Boat or Watercraft Lift(s). A *boathouse* must incorporate either one (1) regular boat lift or two (2) personal watercraft boat lifts. All boat or watercraft lifts must be able to hoist a watercraft above the 438.0-foot mean sea level contour, and be maintained in good operating condition. All watercrafts must be stored under the roof of the *boathouse*.
- (d) Pilings. The approved pilings used to support a *boathouse* must be built up to at least 17-inches above the normal pool elevation of 435.5-foot mean sea level. Vertical rub rails are required on all concrete piers and pilings.
- (e) Catwalks. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-foot mean sea level.
- (f) Safety Reflectors. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

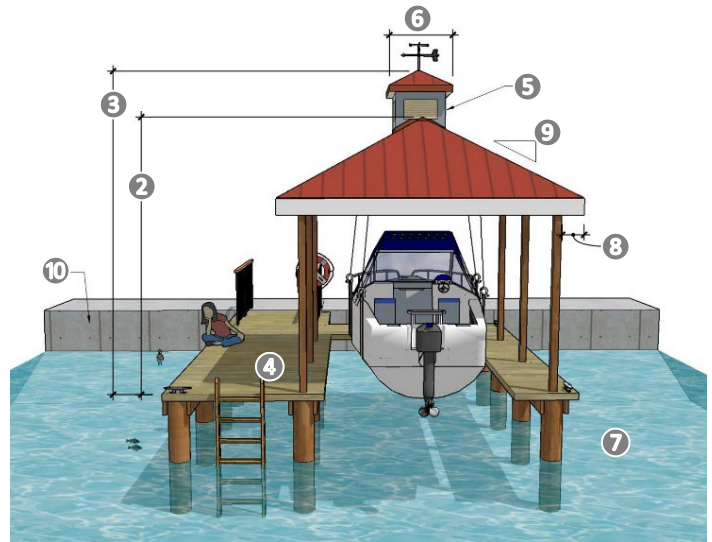


- (7) Location. All *boathouses* are required to be located in the water of the *Lake*. View corridor restrictions do not apply to *boathouses*; however, a boathouse should generally be located in line with the primary structure on the leasing property (*i.e. generally centered on the lot*). *Boathouses* shall not be designed to prevent or restrict public access to any portion of water within the *Lake*.
- (f) Setback Requirements. A *boathouse* must adhere to the following setbacks:
 - (1) Takeline Setback: 0-feet
 - (2) Leased Side Yard Setback: 10-feet
 - (3) Maximum Distance from Seawall: 40-feet
- (g) Additional Requirements.
 - (1) Dredging. Dredging of the lake area is allowed for the berthing of a motorized boat into a *boathouse* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-feet mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.
 - (2) Compliance with Applicable Codes. A *boathouse* must comply with all other applicable City of Rockwall codes.
 - (3) Address. All *boathouses* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.
 - (4) Easement Protection. No *boathouse* shall encroach into an existing or identified future easement, right-of-way, access road, or path.
- (h) Visual Representation.

Continued on Next Page ...



1: 40-FOOT MAXIMUM



1: 40-FOOT MAXIMUM; 2: 13-FOOT MINIMUM TO 18-FOOT MAXIMUM; 3: 16-FOOT MINIMUM TO 21-FOOT MAXIMUM; 4: CATWALK (UNDERSTRUCTURE TO BE ABOVE THE 437.0-FOOT ELEVATION); 5: CUPOLA; 6: THREE (3) FEET BY FOUR (4) FEET; 7: 435.5-FOOT NORMAL POOL ELEVATION; 8: 1.5-FOOT MAXIMUM OVERHANG; 9: 2:1 ROOF PITCH (HIP ROOF ONLY); 10: SEAWALL

(3) Covered Patio.

- (a) Definition. A *covered patio* is a standalone structure that provides shade and/or rain coverage for a patio or deck. Covered patios have a solid roof.
- (b) Prerequisites. A *covered patio* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.
- (c) Elevation Zone. A *covered patio* shall be allowed in the following zones:
 - (1) 438.0: Permitted.
 - (2) 435.5: Permitted (*if a Seawall has been constructed*).
 - (3) 425.5: Not Permitted.



(d) Conditional Use Standards. A covered patio shall not be used as a habitable dwelling structure, storage facility, or shelter for domestic or wild animals.

(e) Construction Standards.

(1) Building Materials. A covered patio must be constructed utilizing cedar, redwood, ironwood, composite materials (e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material), or metal. The roof of the structure should generally match the color of the roof on the primary structure, and be constructed using clay tiles, standing seam metal, slate shingles, concrete shingles, or ceramic shingles. Canvas, cloth, or mesh attachments to the structure shall be prohibited.

(2) Height. A covered patio shall not exceed a maximum height of 15-feet or one (1) story, and the roof shall not be used as a deck or lookout. The height shall be measured from grade to the mid-point of the pitched roof.

(3) Size. A covered patio shall not exceed a maximum size of 12-feet by 20-feet or 240 SF.

(4) Roof. A covered patio will have a hip or gable roof with either: [1] one (1) cupola with a hip roof centered at the top of the main hip roof, or [2] a clerestory built into the center of the main hip roof. Cupolas and clerestories will be designed to allow updraft air and winds to vent outward, and shall be proportional to the main roof. All covered patios should be built with a minimum of a 4:1 roof pitch. The roof shall not have an overhang greater than 18-inches.

(5) Location. A covered patio located within the 435.5 Elevation Zone shall generally be located in line with the primary structure on the leasing property. Covered patios shall not be placed in the view clear zone of a neighbor's view corridor.

(f) Setback Requirements. A covered patio must adhere to the following setbacks:

- (1) Takeline Setback: 6-Feet (from the Concrete Cap of the Seawall)
- (2) Leased Side Yard Setback: 20-Feet

(g) Additional Requirements.

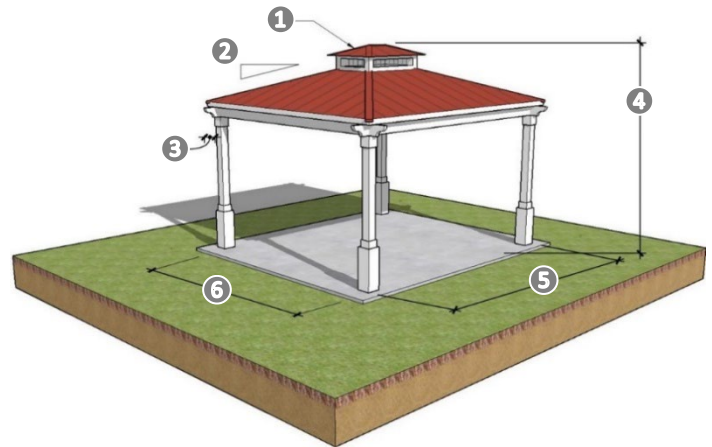
(1) Earth Work. Earth work required for the construction of a covered patio must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

(2) Compliance with Applicable Codes. A covered patio must comply with all other applicable City of Rockwall codes.

(3) Emergency Response. The covered patio shall not be located in an area where it would block public safety personnel and their vehicles from accessing

or responding to emergencies or clearing the shoreline.

(h) Visual Representation.



1: CUPOLA OR CLERESTORY; 2: 4:1 MINIMUM ROOF PITCH; 3: 18-INCHES MAXIMUM OVERHANG; 4: 15-FEET MAXIMUM HEIGHT; 5: 20-FEET MAXIMUM; 6: 12-FEET MAXIMUM;

(4) Deck.

(a) Definition. A deck is a roofless structure anchored to the ground that consists of planks running in a horizontal pattern and creating a flat surface area.

(b) Prerequisites. A deck may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- when constructing in the 435.5 Elevation Zone -- that has constructed a seawall along the entire length of the shoreline within the leased area.

(c) Elevation Zone. A deck shall be allowed in the following zones:

- (1) 438.0: Permitted.
- (2) 435.5: Permitted (if a Seawall has been constructed).
- (3) 425.5: Not Permitted (see Dock Deck in [Subsection 06.15\(JK\)\(5\)](#)).

(d) Conditional Use Standards. A deck shall not incorporate walls or other none transparent structures to function as handrails or counter space.

(e) Construction Standards.

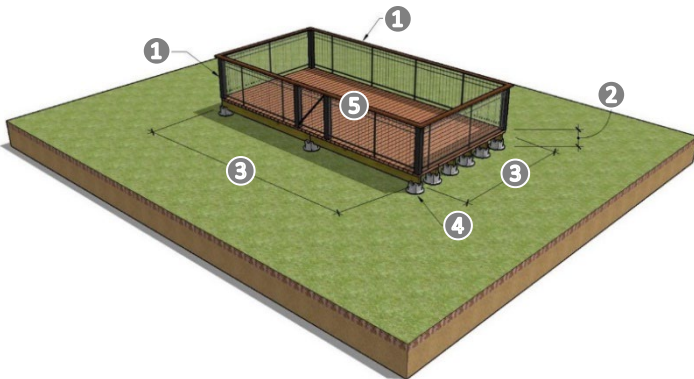
(1) Building Materials. A deck must be constructed of composite materials (e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material). Handrails incorporated into a deck in the 438.0 Elevation Zone shall be made of wrought iron or decorative metal. Handrails are not permitted in the 435.5 Elevation Zone.

(2) Height. A deck shall not exceed a maximum height of 24-inches above grade.

(3) Size. A deck shall not exceed a maximum area of 1,000 SF.



- (4) Location. A deck located within the 435.5 Elevation Zone shall generally be located in line with the primary structure on the leasing property. Decks shall not be placed in the view clear zone of a neighbor's view corridor.
- (5) Foundation. A deck shall be anchored into the ground using concrete posts and footings as a foundation appropriate for the load and size of the proposed deck.
- (f) Setback Requirements. A deck must adhere to the following setbacks:
 - (1) Takeline Setback: 0-Feet
 - (2) Leased Side Yard Setback: 20-Feet
- (g) Additional Requirements.
 - (1) Earth Work. Earth work required for the construction of a deck must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
 - (2) Compliance with Applicable Codes. A deck must comply with all other applicable City of Rockwall codes.
 - (3) Emergency Response. The deck shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.
- (h) Visual Representation.



1: WROUGHT IRON OR DECORATIVE METAL; 2: MAXIMUM OF 24-INCHES OR TWO (2) FEET ABOVE GRADE; 3: (L) X (W) SHALL NOT BE GREATER THAN 1,000 SF; 4: CONCRETE POSTS AND FOOTINGS FOR FOUNDATION; 5: COMPOSITE DECKING MATERIALS.

(5) Dock Deck.

- (a) Definition. A dock deck is a flat floor surface area built over the water adjoining the end of a fixed pier.
- (b) Prerequisites. A dock deck may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, has constructed a seawall along the entire length of the shoreline within the leased area, and has constructed fixed pier.
- (c) Elevation Zone. A dock deck shall be allowed in the following zones:

- (1) 438.0: Not Permitted.
- (2) 435.5: Not Permitted.
- (3) 425.5: Permitted.
- (d) Conditional Use Standards. Items that can be securely attached to the edge of a dock deck include the following: [1] a personal watercraft swing lift, [2] benches, [3] dock deck lighting that is either embedded in or on a pole, [4] locker box, and/or [5] power source station. A table may also be placed on the edge or in the center of a dock deck. A watercraft is only allowed to moor at any portion of a dock deck for no more than 156-consecutive hours during any given week. All dock decks shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers placed to a depth decided by a structural engineer; however, a dock deck shall not be designed to prevent public access to an area of water. Dock decks shall also be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation of the Lake. Accessories placed on the flat surface of a dock deck or catwalk must be placed in an orderly manner that allows for the safe movement of people.
- (e) Construction Standards.
 - (1) Building Materials. The catwalk and/or dock deck and any benches built on these structures shall utilize only composite materials (e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material). Any railings built on a dock deck shall be constructed of composite materials (e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material) or steel tubing railings. Dock decks above 437.0 feet mean sea level are required to be constructed of metal pilings, concrete pilings, or plastic PVC pilings. Dock decks constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas as specified in the City of Dallas' *Construction Permit Application Lake Structures Lake Ray Hubbard*. All pilings shall be engineered and approved to handle the pressures, stresses, and loads applicable to lakefront conditions. The exterior color of all dock decks shall be a neutral or earth tone color and be subject to approval by the Planning and Zoning Department at the time of building permit. All fasteners binding materials together must be made of stainless steel. Water repellant sealants shall not be used.
 - (2) Height. No pole structures incorporated into a dock deck shall be higher than eight (8) feet above the flat floor surface with no more than four (4) pole structures allowed.
 - (3) Size. The footprint of the exterior sides of a dock deck adjoining a fixed pier shall be a minimum of eight (8) feet by ten (10) feet (i.e. 80 SF) and a maximum of 12-feet by 30-feet (i.e. 360 SF). Dock



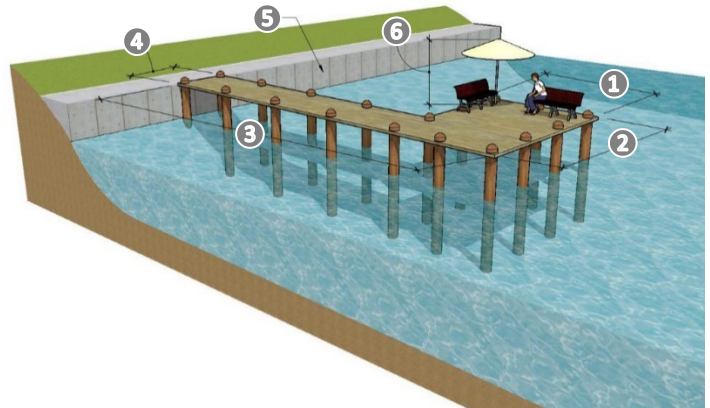
decks shall not extend more than 40-linear feet into the water as measured from the normal pool elevation of the shoreline (i.e. 435.5).

- (4) Lighting. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public. Safety lighting may be placed onto the interior edges of the flat floor surface of a dock deck at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches. Two (2) light post structures with a maximum height of eight (8) feet can be placed along the periphery of a dock deck.
- (5) Additional Construction Standards.
 - (a) Pilings. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-foot mean sea level. Vertical rub rails are required on all concrete piers and pilings.
 - (b) Catwalks. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-foot mean sea level.
 - (c) Safety Reflectors. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.
- (6) Location. View corridor restrictions do not apply to dock decks. Dock decks shall not be allowed on land.
- (f) Setback Requirements. A dock deck must adhere to the following setbacks:
 - (1) Takeline Setback: 0-feet
 - (2) Leased Side Yard Setback: 10-feet
 - (3) Maximum Distance from Seawall: 40-feet
- (g) Additional Requirements.
 - (1) Dredging. Dredging of the lake area is allowed for the berthing of a motorized boat into a dock deck provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-foot mean sea level and a width area

allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

- (2) Compliance with Applicable Codes. A dock deck must comply with all other applicable City of Rockwall codes.
- (3) Address. All dock decks shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the Lake to be recognizable for waterside public safety and emergency personnel.
- (4) Easement Protection. No dock deck shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) Visual Representation.



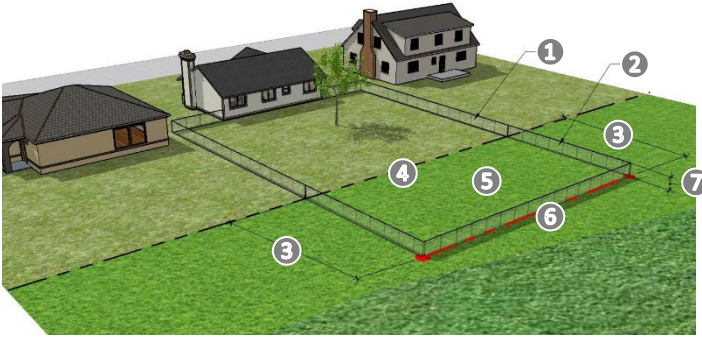
1: MINIMUM OF TEN (10) FEET AND A MAXIMUM OF 30- FEET; 2: MINIMUM OF EIGHT (8) FEET AND A MAXIMUM OF 12- FEET; 3: 40- FOOT MAXIMUM; 4: SIX (6) FOOT MAXIMUM; 5: SEAWALL; 6: EIGHT (8) FOOT MAXIMUM;

(6) Fence.

- (a) Definition. A fence is a barrier, railing, or other upright structure, enclosing a specific area to mark a boundary or control access.
- (b) Prerequisites. A fence may only be constructed on a property that has a valid Residential Sublease Agreement from the City of Rockwall.
- (c) Elevation Zone. A fence shall be allowed in the following zones:
 - (1) 438.0: Permitted.
 - (2) 435.5: Not Permitted.
 - (3) 425.5: Not Permitted.
- (d) Conditional Use Standards. A fence shall only be allowed to enclose an area beginning at the Takeline corners (i.e. the rear property line corners of the property leasing the



take area), extending 45-feet along the lease line, and connecting the two (2) points in a straight line (see example below).



1: EXISTING RESIDENTIAL FENCE ON THE LEASING PROPERTY; 2: WROUGHT IRON OR BLACK TUBULAR STEEL FENCE; 3: MAXIMUM OF 45-FOOT ALONG THE LEASE LINE OF THE TAKELINE; 4: REAR PROPERTY LINE/BEGINNING OF THE TAKELINE; 5: 438.0 ELEVATION ZONE; 6: THE STRAIGHT-LINE CONNECTION BETWEEN THE TWO (2), 45-FOOT POINTS; 7: MAXIMUM OF 48-INCHES OR FOUR (4) FEET.

(e) Construction Standards.

- (1) Building Materials. A fence shall *only* be constructed of wrought iron or black tubular steel.
- (2) Height. A fence shall not exceed a maximum height of 48-inches from grade.
- (3) Location. A fence shall not be placed in the view clear zone of a neighbor's view corridor.

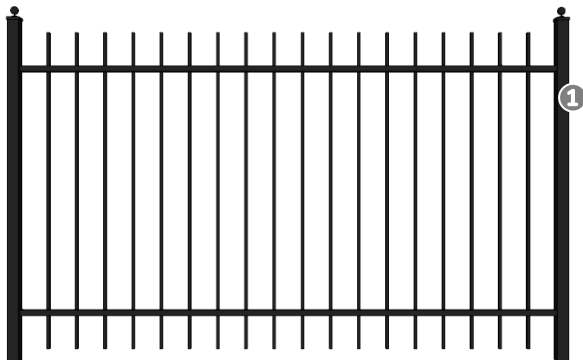
(f) Setback Requirements. A fence must adhere to the following setbacks:

- (1) Takeline Setback: 0-Feet
- (2) Leased Side Yard Setback: 0-Feet

(g) Additional Requirements.

- (1) Earth Work. Earth work required for the construction of a fence must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
- (2) Compliance with Applicable Codes. A fence must comply with all other applicable City of Rockwall codes.

(h) Visual Representation.



1: FOUR (4) FOOT WROUGHT IRON FENCE

(7) Flagpole.

- (a) Definition. A flagpole is an upright pole or staff, constructed at a 90-degree angle to the finished grade, which is used to raise a flag.
- (b) Prerequisites. A flagpole may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.

(c) Elevation Zone. A flagpole shall be allowed in the following zones:

- (1) 438.0: Permitted.
- (2) 435.5: Permitted (*if a Seawall has been constructed*).
- (3) 425.5: Not Permitted.

(d) Conditional Use Standards. A maximum of two (2) flagpoles, with one (1) flag on each pole shall be permitted within a lease area. The United States of America and State of Texas flags measuring a maximum of six (6) feet by four (4) feet will be the only flags permitted to be flown along the takeline. Lighting in association with a flagpole shall be prohibited.

(e) Construction Standards.

- (1) Building Materials. A flagpole shall *only* be constructed of either stainless steel or aluminum.
- (2) Height. A flagpole shall not exceed a maximum height of 20-feet from grade.
- (3) Size. At the ground base a flagpole shall measure a minimum size of five (5) inches and a maximum size of eight (8) inches.
- (4) Location. A flagpole located within the 435.5 Elevation Zone shall generally be located in line with the primary structure on the leasing property. Flagpoles shall not be placed in the view clear zone of a neighbor's view corridor.

(f) Setback Requirements. A flagpole must adhere to the following setbacks:

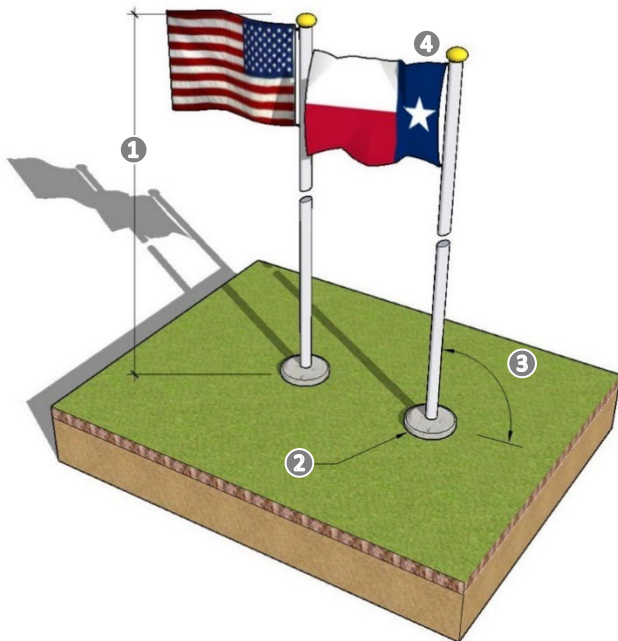
- (1) Takeline Setback: 0-Feet
- (2) Leased Side Yard Setback: 6-Feet

(g) Additional Requirements.

- (1) Earth Work. Earth work required for the construction of a flagpole must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
- (2) Compliance with Applicable Codes. A flagpole must comply with all other applicable City of Rockwall codes.
- (3) Emergency Response. The flagpole shall not be located in an area where it would block public safety

personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) Visual Representation.



① : MAXIMUM OF 20- FEET FROM GRADE; ② : AT THE BASE THE FLAGPOLE CAN BE A MINIMUM OF FIVE (5) INCHES AND A MAXIMUM OF EIGHT (8) INCHES; ③ : MAINTAINED TO BE 90-DEGREES FROM GRADE; ④ : FLAGPOLES ARE PERMITTED ONE (1) FLAG A MAXIMUM OF FOUR (4) FEET BY SIX (6) FEET;

(8) Fixed Pier.

- (a) Definition. A *fixed pier* is a structure with a catwalk that extends from the shoreline out into the body of water with the structure being used to moor and land watercraft.
- (b) Prerequisites. A *fixed pier* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall, and has constructed a *seawall* along the entire length of the shoreline within the leased area.
- (c) Elevation Zone. A *fixed pier* shall be allowed in the following zones:
 - (1) 438.0: Not Permitted.
 - (2) 435.5: Not Permitted.
 - (3) 425.5: Permitted.
- (d) Conditional Use Standards. Each eligible property adjacent to the takeline will be permitted one (1) fixed pier with an adjoining dock deck and/or boathouse. *Fixed piers* can be designed to be in an 'I', 'T', 'L' or 'U' shape (see [Subsection 06.15\(JK\)\(8\)\(h\)](#)). Items that can be securely attached to the edge of a *dock deck* include the following: [1] a personal watercraft swing lift, [2] benches, [3] cleats, [4] dock lighting, [5] locker box, and/or [6] power source station. A watercraft is only allowed to moor at any portion of a *fixed pier* for no more than 156-consecutive hours during any given week. All *fixed pier* shall be designed to discourage swimming, be durable, and have a base foundation construction of approved piling piers

placed to a depth decided by a structural engineer; however, a *fixed pier* shall not be designed to prevent public access to an area of water. *Fixed piers* shall also be designed to be clearly visible during all seasons of the year and fluctuations in pool elevation of the *Lake*. Accessories placed on the flat surface of a catwalk of a *fixed pier* must be placed in an orderly manner that allows for the safe movement of people.

(e) Construction Standards.

- (1) Building Materials. The catwalk and any benches built on these structures shall utilize only composite materials (e.g. *wood composite* or *synthetic wood* where natural timber fibers are mixed with a high-tech plastic material). Any railings built on a *fixed pier* shall be constructed of composite materials (e.g. *wood composite* or *synthetic wood* where natural timber fibers are mixed with a high-tech plastic material) or steel tubing railings. *Fixed piers* above 437.0 feet mean sea level are required to be constructed of metal pilings, concrete pilings, or plastic PVC pilings. *Fixed piers* constructed below 437.0 feet mean sea level must use only pilings and materials approved by the City of Dallas as specified in the City of Dallas' *Construction Permit Application Lake Structures Lake Ray Hubbard*. All pilings shall be engineered and approved to handle the pressures, stresses, and loads applicable to lakefront conditions. The exterior color of all *fixed piers* shall be a neutral or earth tone color and be subject to approval by the Planning and Zoning Department at the time of building permit. All fasteners binding materials together must be made of stainless steel. Water repellant sealants shall not be used.
- (2) Height. No pole structures incorporated into a *fixed pier* shall be higher than eight (8) feet above the flat floor surface with no more than two (2) pole structures allowed.
- (3) Size. The catwalk of a *fixed pier* will be a maximum of six (6) feet in width, as measured at a 90-degree angle to the main *fixed pier's* length, and will not enclose any portion of the water to allow the free movement of water underneath. *Fixed piers* shall not extend more than 40-linear feet into the water as measured from the normal pool elevation of the shoreline (i.e. 435.5).
- (4) Lighting. Lighting shall not hinder an adjacent property owner's lake views, negatively impact surrounding residents with unwanted brightness or glare, or interfere with the safety of the traveling public. Safety lighting may be placed onto the interior edges of the flat floor surface of the catwalk of a *fixed pier* at ten (10) foot increments, with the cover housing the lighting source no higher than six (6) inches. Two (2) light post structures with a



maximum height of eight (8) feet can be placed at the end of a *fixed pier*.

(5) Additional Construction Standards.

(a) Pilings. The approved pilings used to support a boathouse must be built up to at least 17-inches above the normal pool elevation of 435.5-foot mean sea level. Vertical rub rails are required on all concrete piers and pilings.

(b) Catwalks. The catwalk of a *fixed pier* will be allowed within nine (9) feet of the normal pool elevation of 435.5-foot mean sea level. The flat floor surface or catwalk for all structures must be no more and no less than 18-inches above the normal pool elevation of 435.5-foot mean sea level.

(c) Safety Reflectors. All structures shall be designed with safety reflectors to be clearly visible on three (3) sides on the main waterside end of the end of the structure. Safety reflectors are required on either side of the main waterside end and the two (2) sides at a minimum increment of ten (10) feet starting at the structure's main waterside end and working back to the shoreline. Safety reflectors will be white, blue, or red and no less than three (3) inches in diameter or square in size, kept clean, firmly attached to the structure, and maintained in good condition.

(6) Location. View corridor restrictions do not apply to *fixed piers*.

(f) Setback Requirements. A *fixed pier* must adhere to the following setbacks:

- (1) Takeline Setback: 0-feet
- (2) Leased Side Yard Setback: 10-feet
- (3) Maximum Distance from Seawall: 40-feet

(g) Additional Requirements.

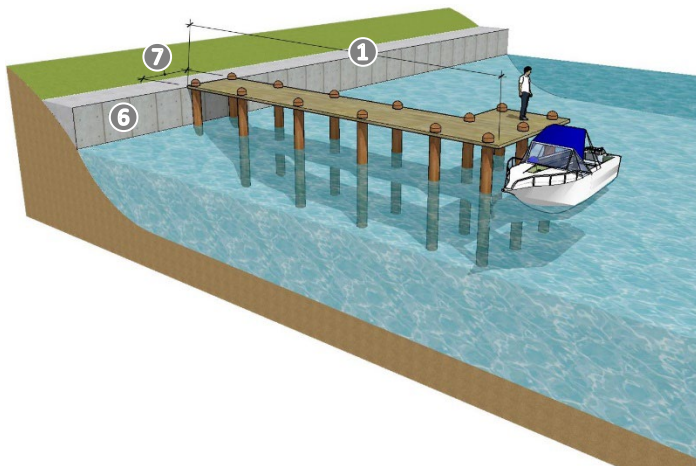
(1) Dredging. Dredging of the lake area is allowed for the berthing of a motorized boat into a *fixed pier* provided that the dredging does not exacerbate shoreline erosion, lake siltation, water quality degradation, wetlands instability, or the integrity of any built structure, and the dredged channel is maintained for boating maneuverability to a depth of 425.0-foot mean sea level and a width area allowable for safe boating maneuverability. Property authorization to dredge must be obtained from the City of Rockwall, City of Dallas, US Army Corps of Engineers, and the Texas Parks and Wildlife Department. Disposal of dredging materials must be handled by a licensed establishment, properly treated and disposed of at an offsite location or disposed onsite only as part of land reclamation working under the City of Dallas guidelines and supervision.

(2) Compliance with Applicable Codes. A *fixed pier* must comply with all other applicable City of Rockwall codes.

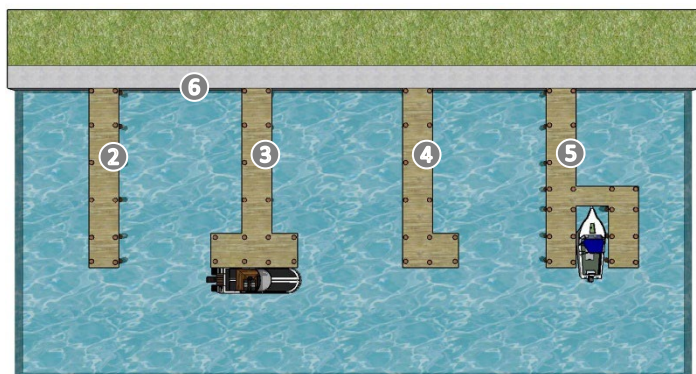
(3) Address. All *fixed pier* shall have a residential street address sign with six (6) inch black letters on a white background displayed outwards towards the main body of the *Lake* to be recognizable for waterside public safety and emergency personnel.

(4) Easement Protection. No *fixed pier* shall encroach into an existing or identified future easement, right-of-way, access road, or path.

(h) Visual Representation.



1 : 40-FOOT MAXIMUM; 2 : PIER IN AN 'I' SHAPE; 3 : PIER IN 'T' SHAPE; 4 : PIER IN A 'L' SHAPE; 5 : PIER IN A 'U' SHAPE; 6 : SEAWALL; 7 : SIX (6) FOOT MAXIMUM



(9) Fire Pit.

(a) Definition. A *fire pit* is a permanent fireplace that is dug into the ground or is in a freestanding structure in which a contained fire is made.

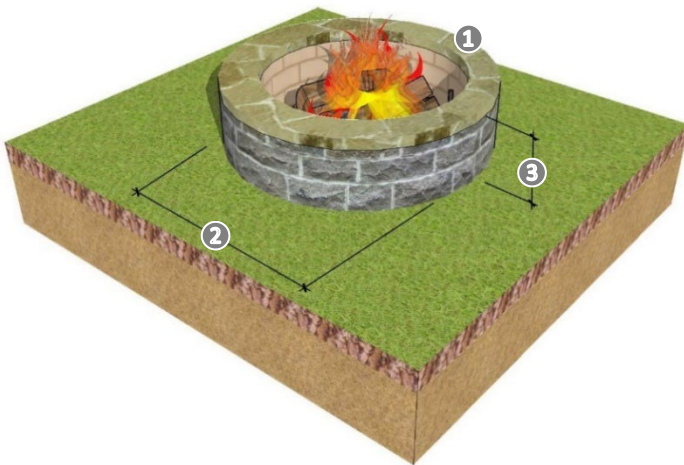
(b) Prerequisites. A *fire pit* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) Elevation Zone. A *fire pit* shall be allowed in the following zones:

- (1) 438.0: Permitted.
- (2) 435.5: Permitted (if a Seawall has been constructed).
- (3) 425.5: Not Permitted.



- (d) Conditional Use Standards. A fire pit can only be fueled by charcoal and wood products, and shall not be fueled by any permanently buried gas products (i.e. natural gas or propane).
- (e) Construction Standards.
- (1) Building Materials. The surround (i.e. the area used to contain the fire) for a fire pit must be constructed utilizing a combination of natural stone, brick, and/or concrete.
 - (2) Height. A fire pit shall not exceed a maximum of 36-inches in height.
 - (3) Size. A fire pit shall not be smaller than a minimum size of three (3) feet in length by three (3) feet in width; however, a fire pit should not exceed a maximum size of five (5) feet in length by five (5) feet in width.
- (f) Setback Requirements. A fire pit must adhere to the following setbacks:
- (1) Takeline Setback: 0-Feet
 - (2) Leased Side Yard Setback: 6-Feet
- (g) Additional Requirements.
- (1) Earth Work. Earth work required for the construction of a fire pit must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
 - (2) Compliance with Applicable Codes. A fire pit must comply with all other applicable City of Rockwall codes.
- (h) Visual Representation.



① : NATURAL STONE, BRICK, AND/OR CONCRETE; ② : MINIMUM SIZE OF THREE (3) FEET BY THREE (3) FEET AND A MAXIMUM SIZE OF FIVE (5) FEET BY FIVE (5) FEET; ③ : MAXIMUM HIEGHT OF 36-INCHES OR THREE (3) FEET.

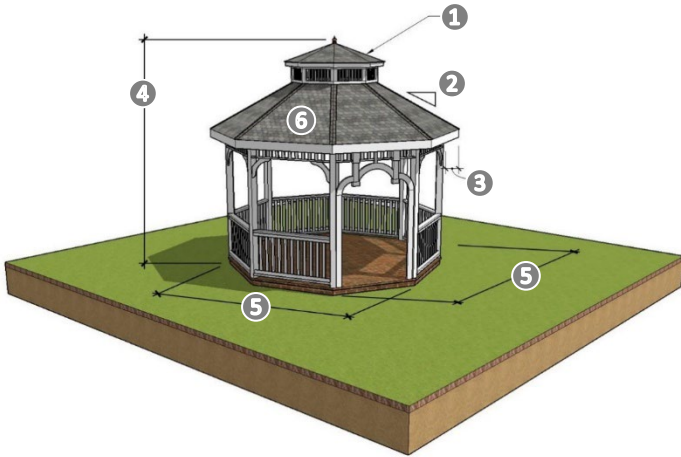
(10) Gazebo.

- (a) Definition. A gazebo is a permanent stand-alone structure with a roof and trellis structure open on all sides with places for sitting.

- (b) Prerequisites. A gazebo may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- when constructing in the 435.5 Elevation Zone -- that has constructed a seawall along the entire length of the shoreline within the leased area.
- (c) Elevation Zone. A gazebo shall be allowed in the following zones:
- (1) 438.0: Permitted.
 - (2) 435.5: Permitted (if a Seawall has been constructed).
 - (3) 425.5: Not Permitted.
- (d) Conditional Use Standards. A gazebo shall not be used as a habitable dwelling structure, storage facility, deck, or shelter for domestic or wild animals.
- (e) Construction Standards.
- (1) Building Materials. A gazebo built in the 438.0 Elevation Zone must be constructed utilizing cedar, redwood, ironwood, composite materials (e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material), or metal. The side trellis of the gazebo may be built using wood; however, canvas, cloth, or mesh attachments to the structure shall be prohibited. A gazebo built in the 435.5 Elevation Zone shall only be built out of composite materials (e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material), or metal. A gazebo will be constructed using steel reinforced concrete piers.
 - (2) Height. A gazebo shall not exceed a maximum height of 15-feet without a clerestory and 18-feet with a clerestory/cupola. The height of the gazebo shall be measured from grade to the vertex of the gazebo's main roof or clerestory/cupola roof. In either case a gazebo shall not be larger than one (1) story or incorporate a balcony.
 - (3) Size. A gazebo shall not exceed a maximum size of 12-feet by 12-feet or 144 SF.
 - (4) Roof. The roof of the gazebo shall be a hipped roof, gable roof, or hip and/or gable roof with or without a clerestory/cupola, and have a slope of 2:1. The roof shall not have an overhang greater than 18-inches. In addition, the roof of the gazebo can match the roof of the primary structure on the leasing property; otherwise, the roof shall be built out of a prefinished standing seam galvanized metal roof. If a clerestory/cupola is incorporated it shall be centered at the top of the main hip roof.
 - (5) Location. A gazebo located within the 435.5 Elevation Zone shall generally be located in line with the primary structure on the leasing property. Gazebos shall not be placed in the view clear zone of a neighbor's view corridor.



- (f) Setback Requirements. A gazebo must adhere to the following setbacks:
 - (1) Takeline Setback: 0-Feet
 - (2) Leased Side Yard Setback: 20-Feet
- (g) Additional Requirements.
 - (1) Earth Work. Earth work required for the construction of a gazebo must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
 - (2) Compliance with Applicable Codes. A gazebo must comply with all other applicable City of Rockwall codes.
 - (3) Emergency Response. The gazebo shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.
- (h) Visual Representation.



1: CUPOLA OR CLERESTORY; 2: 2:1 MINIMUM ROOF PITCH; 3: 1.5-FOOT MAXIMUM OVERHANG; 4: 18-FEET MAXIMUM HEIGHT WITH A CUPOLA OR CLERESTORY AND 15-FEET WITHOUT A CUPOLA OR CLERESTORY; 5: 12-FEET MAXIMUM; 6: ROOF CAN MATCH THE PRIMARY STRUCTURE OTHERWISE THE ROOF SHALL BE STANDING SEAM METAL.

(11) Landing and Stairs.

- (a) Definition. A *landing* is the area of a floor near the top or bottom step of a stair. A *stair* is a set of steps leading from one floor of an area to another.
- (b) Prerequisites. A *landing and stairs* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- when constructing in the 435.5 or 425.5 Elevation Zones -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.
- (c) Elevation Zone. A *landing and stairs* shall be allowed in the following zones:
 - (1) 438.0: Permitted.
 - (2) 435.5: Permitted (if a Seawall has been constructed).
 - (3) 425.5: Permitted (if a Seawall has been constructed).

NOTE: A *landing and stairs* located in the 425.5 Elevation Zone is permitted beside the lake but not upon or over the lake.

- (d) Conditional Use Standards. A *landing and stairs* shall be allowed to be constructed in conjunction with a retaining wall if the retaining wall exceeds three (3) feet in height measured from the adjacent grade to the top of the wall.
- (e) Construction Standards.
 - (1) Building Materials. A *landing and stairs* shall be constructed of wrought iron or black tubular steel, natural stone, brick, and/or concrete.
 - (2) Height. A *landing and stairs* shall not exceed the height of the adjacent retaining wall.
 - (3) Size. A *landing and stairs* shall be limited to eight (8) feet by eight (8) feet measured at the top of the adjacent retaining wall and the staircase shall be parallel to the retaining wall with a maximum width of a six (6) foot projection from the wall.
 - (4) Location. A *landing and stairs* shall not be placed in the view clear zone of a neighbor's view corridor.
- (f) Setback Requirements. A *landing and stairs* must adhere to the following setbacks:
 - (1) Takeline Setback: 0-Feet
 - (2) Leased Side Yard Setback: 5-Feet
- (g) Additional Requirements.
 - (1) Earth Work. Earth work required for the construction of a *landing and stairs* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
 - (2) Compliance with Applicable Codes. A *landing and stairs* must comply with all other applicable City of Rockwall codes.
- (h) Visual Representation.

PERSPECTIVE VIEW.





TOP VIEW.



①: MINIMUM OF EIGHT (8) FOOT BY EIGHT (8) FOOT LANDING; ②: VARIABLE LENGTH STAIRCASE; ③: WROUGHT IRON OR BLACK TUBULAR STEEL; ④: NATURAL STONE, BRICK, OR CONCRETE MATCHING THE RETAINING WALL; ⑤: VARIABLE HEIGHT BUT A MINIMUM OF THREE (3) FEET; ⑥: MAXIMUM OF SIX (6) FEET.

(12) Landscaping and Retaining Walls.

- (a) Definition. *Landscaping* is the minor modification or altering of the surrounding takeline area terrain and shoreline with trees, shrubs, ground cover, and native stone or interlocking retaining walls.
- (b) Prerequisites. *Landscaping and retaining walls* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.
- (c) Elevation Zone. *Landscaping and retaining walls* shall be allowed in the following zones:
 - (1) 438.0: Permitted.
 - (2) 435.5: Permitted.
 - (3) 425.5: Not Permitted.

NOTE: Remedial *landscaping* in the 425.5 Zone is permitted when the intent is to maintain the integrity of the shoreline. This will require the approval of the Director of Parks and Recreation.

- (d) Conditional Use Standards. *Landscaping and retaining walls* shall compliment and be integrated into the existing woodlands, wetlands, and general aesthetic of the takeline area. *Landscaping* shall not consist of hedge or shrub rows, or any plantings that may restrict views or lead to the siltation and/or erosion of the shoreline. The use of pesticides, herbicides, fungicides, or preservatives is *strictly prohibited*. All landscaping must comply with the requirements of [Article 08, Landscaping and Fence Standards, of the Unified Development Code \(UDC\)](#). For information regarding planting or removing trees see [Subsection \(F\)\(4\)](#) above.
- (e) Construction Standards.
 - (1) Building Materials. *Retaining walls* shall be finished in native stone and will only be allowed in the 438.0 Elevation Zone and the 435.5 Elevation Zone. The use of mulch is prohibited in all zones with the exception of the 438.0 Elevation Zone. The use of

railroad ties, treated wood, pea gravel -- with the exception of using it as a base --, and brick shall be prohibited.

- (2) Height. *Retaining walls* as part of landscaping will be limited to less than three (3) feet.
 - (3) Location. *Landscaping and retaining walls* shall not hinder the view clear zone of an adjacent neighbor's view corridor. *Landscaping* shall not exceed six (6) feet in height in the view clear zone.
- (f) Setback Requirements. *Retaining walls* must adhere to the following setbacks:
- (1) Takeline Setback: 0-Feet
 - (2) Leased Side Yard Setback: 6-Feet
- (g) Additional Requirements.
- (1) Earth Work. Earth work required for the construction of *landscaping and retaining walls* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
 - (2) Compliance with Applicable Codes. *Landscaping and retaining walls* must comply with all other applicable City of Rockwall codes.
 - (3) Emergency Response. *Landscaping and retaining walls* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(13) Municipal Utilities.

- (a) Definition. *Municipal utilities* represent all local utilities that consist of cable lines, pipelines, and wiring already existing and planned running through the take area used by both the local community and the region's communities to facilitate the distribution and collection of communications, water, electricity, natural gas, and waste byproducts.
- (b) Elevation Zone. *Municipal utilities* shall be allowed in the following zones:
 - (1) 438.0: Permitted.
 - (2) 435.5: Permitted.
 - (3) 425.5: Permitted.
- (c) Conditional Use Standards. All *municipal utilities'* infrastructure is permitted within the take area. *Municipal utilities* shall be placed underground.
- (d) Setback Requirements. *Municipal utilities* must adhere to the following setbacks:
 - (1) Takeline Setback: 0-Feet
 - (2) Leased Side Yard Setback: 0-Feet
- (e) Additional Requirements.
 - (1) Compliance with Applicable Codes. *Municipal utilities* must comply with all other applicable City of Rockwall codes.

(14) Outdoor Lighting.

- (a) Definition. Outdoor lighting is a structure or system of structures, fixtures, and/or devices used to provide artificial nighttime lighting over a defined broad area, on buildings and monuments, on docks for safety, and to emphasize landscaping but not directed to the detriment of the traveling public or surrounding residents in the light's path.
- (b) Prerequisites. Outdoor lighting may only be constructed on a property that has a valid Residential Sublease Agreement from the City of Rockwall.
- (c) Elevation Zone. Outdoor lighting shall be allowed in the following zones:
 - (1) 438.0: Permitted.
 - (2) 435.5: Not Permitted.
 - (3) 425.5: Not Permitted.

NOTE: Catwalk lighting in the 425.5 Elevation Zone is the only permitted outdoor lighting allowed below the 438.0 Elevation Zone.

- (d) Conditional Use Standards. Systems and structures associated with outdoor lighting include artificial landscape lighting, dock lighting, monument lighting, and flood lights. Cobra and florescent light fixtures are not allowed on poled structures. All lights are to have shields which deflect light downward. The operation of search or spot lighting shall be prohibited.
- (e) Photometric Plan. A photometric plan describing compliance with the provisions of [Article 07, Performance Standards, of the Unified Development Code \(UDC\)](#) shall be submitted to the Director of Planning and Zoning or his/her designee prior to the issuance of a building permit for outdoor lighting. This plan shall be prepared by an appropriate lighting professional (e.g. *lighting engineer, architect, or other qualified lighting designer*). Upon installation of the lighting, the lighting professional shall provide a letter certifying that the lighting is installed in accordance with the approved photometric plan. The Director of Planning and Zoning, or his/her designee, shall have the authority to interpret and determine compliance with the photometric plan and the Unified Development Code (UDC). The Planning and Zoning Commission may grant an exception to the provisions of the Unified Development Code (UDC) when strict compliance with the requirements of this section will result in substantial financial hardship or inequity, so long as such exception is without harm to the public. Decisions of the Planning and Zoning Commission may be appealed to the City Council in accordance with the procedures outline in [Section 09, Exceptions and Variances, of Article 11, Development Applications and Review Procedures, of the Unified Development Code \(UDC\)](#).
- (f) Construction Standards.

- (1) Building Materials. Outdoor lighting poles must be constructed of aluminum or steel. Wood and/or concrete poles are prohibited.
 - (2) Height. The height of outdoor lighting shall range from light fixtures embedded into a catwalk periphery to a 12-foot maximum for post structures on land for broader illumination. Poled outdoor light fixtures within the 438.0 Elevation Zone should be no taller than one-third (1/3) the distance to a neighboring property and should not exceed 12-feet.
 - (3) Location. Outdoor lighting fixtures shall not be placed in the view clear zone of a neighbor's view corridor; however, view corridor restrictions do not apply for outdoor lighting associated with boathouses, dock decks, or fixed piers except as described for each use due to brightness and glare to surrounding neighbors and the traveling public.
- (g) Setback Requirements. Outdoor lighting must adhere to the following setbacks:
 - (1) Takeline Setback: 0-Feet
 - (2) Leased Side Yard Setback: 20-Feet
 - (h) Additional Requirements.
 - (1) Earth Work. Earth work required for the construction of outdoor lighting must comply with the erosion control standards set forth in the Interlocal Lease Agreement.
 - (2) Compliance with Applicable Codes. Outdoor lighting must comply with all other applicable City of Rockwall codes.
 - (3) Municipal or Government Installed Lighting. Outdoor lighting installed by and/or for a governmental agency for a public benefit that is used for activities for the public benefit (e.g. *rights-of-way, ball fields, airports, and/or parks*) shall be exempted from the requirements of this section; however, parking lot lighting for these activities shall meet the requirements of the Unified Development Code (UDC).

(15) Patio.

- (a) Definition. A patio is a paved, tiled, or rocked outdoor area that is generally used for dining or recreation.
- (b) Prerequisites. A patio may only be constructed on a property that has a valid Residential Sublease Agreement from the City of Rockwall.
- (c) Elevation Zone. A patio shall be allowed in the following zones:
 - (1) 438.0: Permitted.
 - (2) 435.5: Permitted.
 - (3) 425.5: Not Permitted.
- (d) Conditional Use Standards. A patio shall not incorporate walls or other none transparent structures to function as handrails or counter space.



(e) Construction Standards.

- (1) Building Materials. A patio must be constructed with natural stone. Handrails incorporated into a patio in the 438.0 Elevation Zone shall be made of wrought iron or decorative metal. Handrails are not permitted in the 435.5 Elevation Zone.
- (2) Height. A patio shall not exceed a maximum height of 12-inches above grade.
- (3) Size. A patio shall not exceed a maximum area of 1,000 SF.
- (4) Location. Patios shall not be placed in the view clear zone of a neighbor's view corridor.

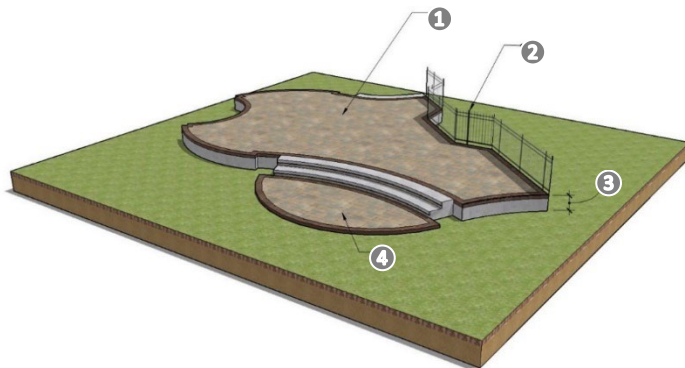
(f) Setback Requirements. A patio must adhere to the following setbacks:

- (1) Takeline Setback: 0-Feet
- (2) Leased Side Yard Setback: 20-Feet

(g) Additional Requirements.

- (1) Earth Work. Earth work required for the construction of a patio must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
- (2) Compliance with Applicable Codes. A patio must comply with all other applicable City of Rockwall codes.
- (3) Emergency Response. The patio shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) Visual Representation.



1: NATURAL STONE; 2: WROUGHT IRON OR BLACK TUBULAR STEEL; 3: MAXIMUM OF 12-INCHES OR ONE (1) FOOT; 4: PATIO AREA SHALL NOT BE GREATER THAN 1,000 SF

(16) Pergola.

- (a) Definition. A pergola is a stand along structure consisting of parallel columns supporting an open roof of girders and cross rafters.
- (b) Prerequisites. A pergola may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the*

435.5 Elevation Zone -- that has constructed a seawall along the entire length of the shoreline within the leased area.

(c) Elevation Zone. A pergola shall be allowed in the following zones:

- (1) 438.0: Permitted.
- (2) 435.5: Permitted (if a Seawall has been constructed).
- (3) 425.5: Not Permitted.

(d) Conditional Use Standards. A pergola shall not be used as a habitable dwelling structure, storage facility, or shelter for domestic or wild animals.

(e) Construction Standards.

- (1) Building Materials. A pergola constructed within the 438.0 Elevation Zone must be constructed utilizing cedar, redwood, ironwood, composite materials (e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material), or metal. A pergola constructed within the 435.5 Elevation Zone must be constructed using composite materials (e.g. wood composite or synthetic wood where natural timber fibers are mixed with a high-tech plastic material) or metal. Canvas, cloth, or mesh attachments to the structure shall be prohibited.

- (2) Height. A pergola shall not exceed a maximum height of 12-feet or one (1) story, and the roof shall not be used as a deck or lookout. The height shall be measured from grade to the highest point of the structure.

- (3) Size. A pergola shall not exceed a maximum size of 12-feet by 20-feet or 240 SF.

- (4) Roof. The roof of the pergola shall not have an overhang greater than 18-inches.

- (5) Location. A pergola located within the 435.5 Elevation Zone shall generally be located in line with the primary structure on the leasing property. Pergolas shall not be placed in the view clear zone of a neighbor's view corridor.

(f) Setback Requirements. A pergola must adhere to the following setbacks:

- (1) Takeline Setback: 0-Feet
- (2) Leased Side Yard Setback: 20-Feet

(g) Additional Requirements.

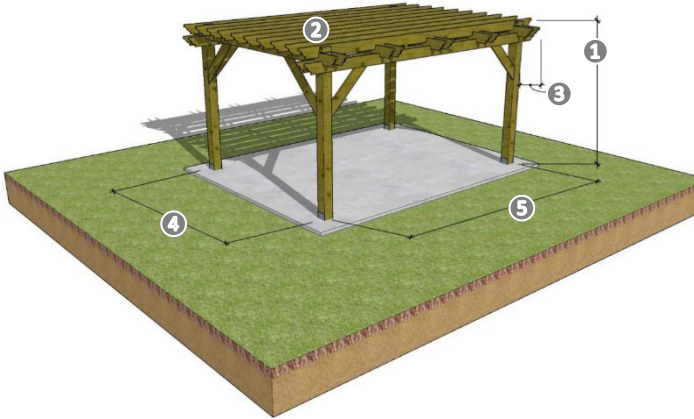
- (1) Earth Work. Earth work required for the construction of a pergola must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.

- (2) Compliance with Applicable Codes. A pergola must comply with all other applicable City of Rockwall codes.



- (3) Emergency Response. The *pergola* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) Visual Representation.



1: 12-FOOT MAXIMUM HEIGHT; 2: OPEN ROOF OF GIRDERS OR RAFTERS; 3: 1.5-FOOT MAXIMUM OVERHANG; 4: 12-FOOT MAXIMUM; 5: 20-FOOT MAXIMUM; 6: ROOF CAN MATCH THE PRIMARY STRUCTURE OTHERWISE THE ROOF SHALL BE STANDING SEAM METAL.

(17) Picnic Table.

- (a) Definition. A *picnic table* is a permanent outdoor structure used for outdoor dining.
- (b) Prerequisites. A *picnic table* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.
- (c) Elevation Zone. A *picnic table* shall be allowed in the following zones:
 - (1) 438.0: Permitted.
 - (2) 435.5: Permitted.
 - (3) 425.5: Not Permitted.
- (d) Conditional Use Standards. A *picnic table* must be a minimum of 12-feet from a *barbecue pit* or *fire pit*, and shall be open to the air (i.e. no roof covering) unless combined with a covered patio or pergola. A *picnic table* shall be built on level terrain.
- (e) Construction Standards.
 - (1) Building Materials. The surface area of the *picnic table* shall be constructed out of concrete, brick, or native stone. *Picnic tables* constructed with wood shall be prohibited.
 - (2) Height. A *picnic table* shall not exceed a maximum of 36-inches in height.
 - (3) Size. A *picnic table* shall not exceed a maximum size of ten (10) feet in length by eight (8) feet in width.
 - (4) Location. A *picnic table* located within the 435.5 *Elevation Zone* shall generally be located in line with the primary structure on the leasing property. *Picnic*

tables shall not be placed in the view clear zone of a neighbor's view corridor.

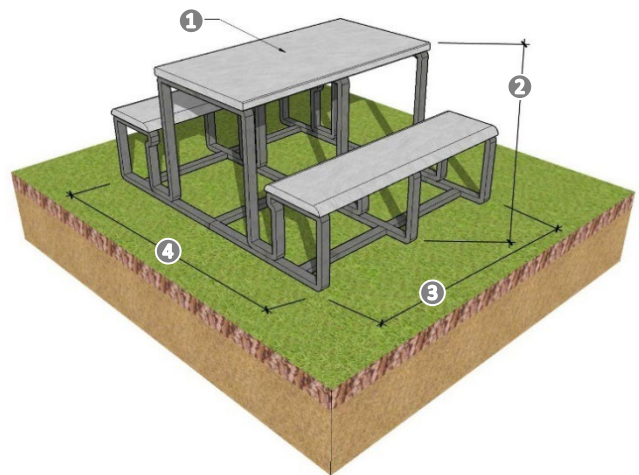
- (f) Setback Requirements. A *picnic table* must adhere to the following setbacks:

- (1) Takeline Setback: 0-Feet
- (2) Leased Side Yard Setback: 6-Feet

- (g) Additional Requirements.

- (1) Earth Work. Earth work required for the construction of a *picnic table* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
- (2) Compliance with Applicable Codes. A *picnic table* must comply with all other applicable City of Rockwall codes.
- (3) Emergency Response. The *picnic table* shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) Visual Representation.



1: SURFACE OF THE PICNIC TABLE SHALL BE CONCRETE, BRICK, OR NATIVE STONE; 2: NOT TO EXCEED 36-INCHES OR THREE (3) FEET; 3: EIGHT (8) FOOT MAXIMUM; 4: TEN (10) FOOT MAXIMUM.

(18) Private Play Structure.

- (a) Definition. A *private play structure* is a permanent outdoor structure used by children for play, which is installed by the private property owner.
- (b) Prerequisites. A *private play structure* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.
- (c) Elevation Zone. A *private play structure* shall be allowed in the following zones:
 - (1) 438.0: Permitted.
 - (2) 435.5: Not Permitted.
 - (3) 425.5: Not Permitted.
- (d) Conditional Use Standards. A *private play structure* can consist of arched ladders, vertical ladders, horizontal



ladders, clutter bridge, timber structures, slides, fort and slide playset, climbers, play walls, play climbers, play pods, moon houses, jungle gyms, see-saws, merry-go-rounds, domes, rocket riders, tire swings, buoy balls, monkey bars, drums, chin-up bars, trampoline and rock walls; however, sandboxes and/or sand play areas shall not be permitted.

(e) Construction Standards.

- (1) Building Materials. A private play structure shall be built out of aluminum, galvanized steel, rubber, and/or water-resistant wood; however, railroad ties and treated lumber are prohibited. The exterior color of a private play structure should blend and incorporate the same hues and tones of the surrounding landscaping.
- (2) Height. A private play structure shall not exceed a maximum of eight (8) feet in height.
- (3) Size. All private play structures will be situated in a collected area that is a maximum of 1,000 SF in area.
- (4) Location. Private play structures shall not be placed in the view clear zone of a neighbor's view corridor.

(f) Setback Requirements. A private play structures must adhere to the following setbacks:

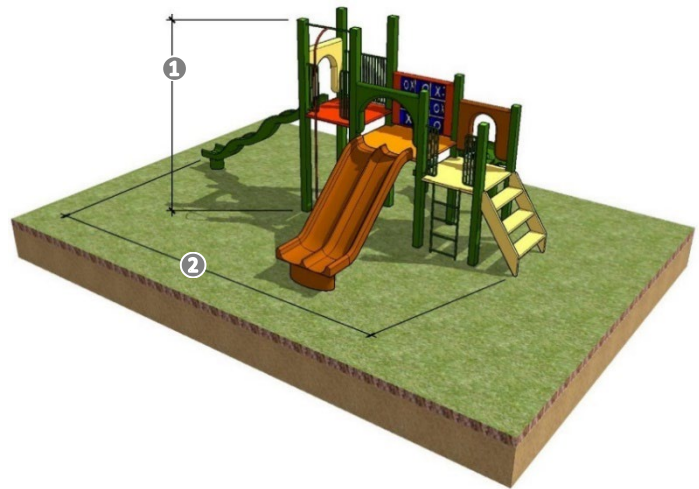
- (1) Takeline Setback: 0-Feet
- (2) Leased Side Yard Setback: 20-Feet

(g) Additional Requirements.

- (1) Earth Work. Earth work required for the construction of a private play structures must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
- (2) Compliance with Applicable Codes. A private play structure must comply with all other applicable City of Rockwall codes.
- (3) Emergency Response. The private play structure shall not be located in an area where it would block public safety personnel and their vehicles from accessing or responding to emergencies or clearing the shoreline.

(h) Visual Representation.

Continued on Next Page ...



①: MAXIMUM OF EIGHT (8) FEET IN HEIGHT; ②: TOTAL SQUARE FOOTAGE SHALL NOT EXCEED A MAXIMUM OF 1,000 SF; ③: EXTERIOR COLOR SHOULD BLEND WITH THE SURROUNDING LANDSCAPING.

(19) Private Utilities.

(a) Definition. Private utilities are a system of underground cable line, pipelines, and wiring installed by the leasing property owner to maintain and operate improvements in the take area.

(b) Prerequisites. Private utilities may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.

(c) Elevation Zone. Private utilities shall be allowed in the following zones:

- (1) 438.0: Permitted.
- (2) 435.5: Permitted.
- (3) 425.5: Not Permitted.

(d) Conditional Use Standards. Private utilities are required to be buried in accordance with Chapter 38, *Subdivisions*, of the City of Rockwall's Municipal Code of Ordinances. No overhead private utility lines are permitted in the lease area. Private utilities containing natural gas, propane, gasoline, oil, diesel, or similar types of compounds shall not be permitted within the lease area. No part of any *On-Site Sanitary Sewer System* (OSSF) or any other private wastewater system or appurtenances shall be permitted within the lease area.

(e) Construction Standards.

(1) Building Materials. Private utilities shall only be constructed out of materials permitted by the City's Engineering Department.

(2) Location. Private utilities within 20-feet of the normal pool elevation shoreline (*i.e.* 435.5) shall be built to handle load factors associated with emergency and service vehicles. Private utilities containing electricity and communication lines built into structures over the water shall not be allowed below the 436.5-foot mean sea level elevation.



(f) Setback Requirements. *Private utilities* must adhere to the following setbacks:

- (1) Takeline Setback: 0-Feet
- (2) Leased Side Yard Setback: 0-Feet

(g) Additional Requirements.

- (1) Earth Work. Earth work required for the construction of *private utilities* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
- (2) Compliance with Applicable Codes. A *private utility* must comply with all other applicable City of Rockwall codes.
- (3) Damage to the System. Any damage or destruction to any *private utility* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(20) Private Walkways.

- (a) Definition. *Private walkways* can be a single path or a network of paths installed by the leasing property owner in the takeline area.
- (b) Prerequisites. *Private walkways* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall and -- *when constructing in the 435.5 Elevation Zone* -- that has constructed a *seawall* along the entire length of the shoreline within the leased area.
- (c) Elevation Zone. *Private walkways* shall be allowed in the following zones:
 - (1) 438.0: Permitted.
 - (2) 435.5: Permitted (*if a Seawall has been constructed*).
 - (3) 425.5: Not Permitted.
- (d) Conditional Use Standards. *Private walkways* with steps are permitted (see *Landing and Stairs in Subsection 06.15(J)(11)*).
- (e) Construction Standards.
 - (1) Building Materials. *Private walkways* shall be constructed using native stone, brick, concrete and/or rectangle pavers; however, *private walks* shall not consist of loose stone, gravel, sand, or asphalt.
 - (2) Height. *Private walkways* shall be flush with the surrounding grade, or work within the gradient present of the surrounding grade.
 - (3) Size. *Private walkways* shall be no greater than 48-inches in width.
 - (4) Location. *Private walkways* may encroach into an existing easement or right-of-way, encroach into an identified future easement or right-of-way, or encroach into an identified or set aside access path, provided that the property owner or sublease is

responsible for repair and/or replacement of the walks in the event they are damaged or removed by the City or other public entity as a result of the necessary use of, or work within or around, said easements. An existing and future easement running through a lease property will be allowed to substitute for the 12-foot wide primary access right-of-way path provided it is 12-feet wide, suitable for access, and will connect to adjacent access paths.

(f) Setback Requirements. *Private walkways* must adhere to the following setbacks:

- (1) Takeline Setback: 0-Feet
- (2) Leased Side Yard Setback: 10-Feet

(g) Additional Requirements.

- (1) Earth Work. Earth work required for the construction of *private walkways* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
- (2) Compliance with Applicable Codes. A *private walkway* must comply with all other applicable City of Rockwall codes.
- (3) Damage to the System. Any damage or destruction to any *private walkway* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

(21) Seawall.

- (a) Definition. A *seawall* is an engineered concrete or steel structure at the water's edge that is typically designed to curb shoreline erosion where it is installed.
- (b) Prerequisites. A *seawall* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.
- (c) Elevation Zone. A *seawall* shall be allowed in the following zones:
 - (1) 438.0: Not Permitted.
 - (2) 435.5: Not Permitted.
 - (3) 425.5: Permitted.

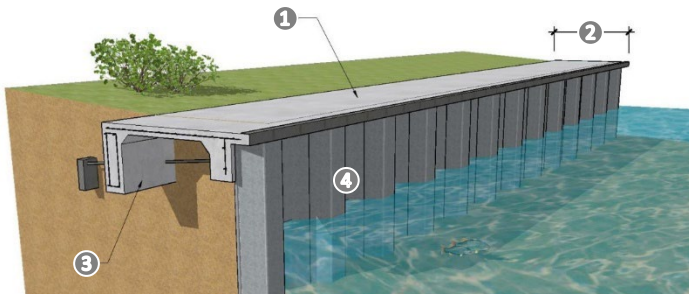
NOTE: Seawalls are only permitted along the shoreline.

(d) Construction Standards.

- (1) Concrete Cap. A six (6) foot wide concrete cap must be constructed along the entire length of the erosion control structure. In order to allow the backfill material to properly settle, the construction of the concrete cap may be delayed for several weeks/months after the construction of the erosion control structure; however, in no case should the construction of the concrete cap be delayed for a time period exceeding one (1) year from the date of construction of the erosion control structure.

(e) Additional Requirements.

- (1) Earth Work. Earth work required for the construction of a seawalls must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
- (2) Compliance with Applicable Codes. A seawall must comply with all other applicable City of Rockwall codes.

(f) Visual Representation.

① : CONCRETE WALKWAY; ② : SIX (6) FOOT MINIMUM; ③ : 24-INCH BY TEN (10) INCH BEAM WITH #3 REBAR ON 18-INCH CENTERS; ④ : RETAINING WALL.

(22) Sprinkler/Irrigation System.

- (a) Definition. A *sprinkler/irrigation system* is an underground irrigation network used to water and maintain trees, shrubs, grounds, and the foundations of improvements.
- (b) Prerequisites. A *sprinkler/irrigation system* may only be constructed on a property that has a valid *Residential Sublease Agreement* from the City of Rockwall.
- (c) Elevation Zone. A *sprinkler/irrigation system* shall be allowed in the following zones:
 - (1) 438.0: Permitted.
 - (2) 435.5: Permitted.
 - (3) 425.5: Not Permitted.

Note: The prohibition of sprinkler/irrigation systems in the 425.5 Elevation Zone does not include the pumps or lines necessary to pump raw water, when a property owner has been granted permission to do so from the City of Dallas.

- (d) Conditional Use Standards. A *sprinkler/irrigation system* must be connected to the leasing property owner's existing water supply source with approved backflow prevention devices.
- (e) Construction Standards.
 - (1) Building Materials. A *sprinkler/irrigation system* shall *only* be constructed utilizing *Schedule 40 PVC pipe*.
 - (2) Height. The heads of a *sprinkler/irrigation system* used for shrubs shall extend no higher than three (3) feet from the average base of the surrounding terrain within a three (3) foot radius of the head.
 - (3) Location. A *sprinkler/irrigation system* shall be allowed up to one (1) foot of the normal pool elevation shoreline (*i.e.* 435.5) provided no part of

the system could potentially result in lake siltation erosion.

- (f) Setback Requirements. A *sprinkler/irrigation system* must adhere to the following setbacks:

- (1) Takeline Setback: 0-Feet
- (2) Leased Side Yard Setback: 0-Feet

(g) Additional Requirements.

- (1) Earth Work. Earth work required for the construction of a *sprinkler/irrigation system* must comply with the erosion control standards set forth in the *Interlocal Lease Agreement*.
- (2) Compliance with Applicable Codes. A *sprinkler/irrigation system* must comply with all other applicable City of Rockwall codes.
- (3) Damage to the System. Any damage or destruction to any part of a *sprinkler/irrigation system* by public safety, utility, maintenance, or inspection personnel and/or their vehicles will be the responsibility of the leasing property owner.

SUBSECTION 06.16: VARIANCES TO THE GENERAL OVERLAY DISTRICT STANDARDS

See [Subsection 09.02, Variances to the General Overlay Districts Standards, of Article 11, Development Applications and Review Procedures.](#)

SECTION 07 | DISTRICT DEVELOPMENT STANDARDS

See next page.

THE STATE OF TEXAS §
CITY OF ROCKWALL §

HOMEOWNER'S ASSOCIATION (HOA) SUBLEASE AGREEMENT

This Sublease Agreement (hereinafter referred to as the "Sublease") is made and entered into this ___ day of _____ by and between the City of Rockwall, Texas, a political subdivision of the State of Texas herein called "Sublessor," and the _____ Homeowner's Association (HOA), herein called "Sublessee."

RECITALS

- (A) On or about the 16th day of January, 2001, Sublessor (as lessee) and the City of Dallas, Texas (as Lessor) entered into an Interlocal Agreement and Lease (hereinafter defined and described as the "Base Lease") covering the lease of the Lake Ray Hubbard take line area, which encompasses the Leased Area as hereinafter defined. Said Interlocal Agreement and Lease is incorporated herein by reference and said Lease shall expire on January 16, 2041.
- (B) Sublessor is a municipal corporation, which has leased from the City of Dallas the land adjacent to Lake Ray Hubbard, which encompasses the perimeter boundary of Dallas' property at the lake for the purposes as set out in the Base Lease.
- (C) Sublessor desires to sublease to Sublessee the leased area adjacent to Sublessee's jurisdictional boundary being depicted and described by the hereto attached *Exhibit 'A'* survey of the sublease property, during the term hereof, so as to permit use and enjoyment of same by said Sublessee.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are mutually acknowledged, the parties hereby agree as follows:

ARTICLE 1. DEFINITIONS

- (A) **"Interlocal Agreement"** means the Base Lease, or Master Lease, covering the lease of the Lake Ray Hubbard take line area by the City of Dallas to the City of Rockwall, dated January 16, 2001, which encompasses the Leased Area as defined herein.
- (B) **"Lake"** means Lake Ray Hubbard.
- (C) **"Take Line"** means the perimeter boundary of Dallas' property at the Lake.
- (D) **"Take Area"** means the land owned by Dallas between the Take Line and the normal Lake pool elevation (435.5 mean sea level).
- (E) **"Lake Area"** means the City of Dallas property, known as Lake Ray Hubbard, that is normally submerged by the Lake at normal Lake pool elevation (property at or below elevation 435.5 mean sea level).
- (F) **"Lake Ray Hubbard Overlay District Ordinance"** means Subsection 06.16 of the City of Rockwall Unified Development Code, known as the Lake Ray Hubbard Take line Overlay District.

- (G) **“Leased Area”** means the Take Area that is within the City Limits of Rockwall, or where the Take Line is directly adjacent to the City Limits of Rockwall.
- (H) **“Maintenance Responsibilities”** shall mean keeping the erosion control structure(s) in good condition throughout the term hereof so that such structures remain capable of proper protection against erosion.
- (I) **“Subleased Premises”** means the area hereby subleased and more particularly described in Article 3 herein.
- (J) **“HOA Area”** means the Leased Area where the Take Line is adjacent to the boundaries of the Homeowner’s Association (HOA) and where no commercial activity exists, or is proposed to exist, on Dallas property. If commercial activity occurs in a HOA Area, that portion of the Leased Area will be considered a Commercial Area.
- (K) **“Sublessee”** means a person or entity subleasing Dallas property in the Leased Area from City of Rockwall. Sublessee shall be an adjacent property owner.
- (L) **“Shoreline”** means the line along the shore of the Lake, established by the normal Lake pool elevation (435.5 mean sea level).
- (M) **“New Immediate Action Area”** means any section of the Leased Area where any of the following has occurred:
- (1) The shoreline is within 30 feet or less of the Take Line;
 - (2) A public hazard exists or can be expected to be created by erosion within a short period of time;
 - (3) Structures are at risk of structural damage due to erosion; or,
 - (4) Existing adjacent erosion protection is impeded if erosion is allowed to continue.
- (N) **“Critical Areas”** mean areas determined to be immediate action erosion control areas, as defined in the 1987 “Lake Ray Hubbard Erosion Control Study” by Bernard Johnson Incorporated (*the Bernard Johnson Report*), a copy of which is available for review at the City of Rockwall Parks and Recreation Department.

ARTICLE 2. PURPOSE AND INTENT

The purpose of this sublease agreement is to permit the use of property along the take area of Lake Ray Hubbard under certain regulatory conditions governing permitted uses and development standards, setting forth procedures for the development of said property and establishing an appeal process for the terms of Lake Ray Hubbard Overlay District Ordinance adopted by the City of Rockwall. The zoning overlay district has its basis in and is intended to serve as one implementation tool for the Lake Ray Hubbard Master Plan, adopted by the City of Dallas; the Lake Ray Hubbard Interlocal Agreement as approved by those municipalities comprising the Lake Cities Coalition (Garland, Rockwall, and Rowlett, Texas) and the City of Dallas, Texas; and the Comprehensive Plan for the City of Rockwall, adopted on December 17, 2001. The adoption of the zoning district is intended to provide a means for the protection of water quality, water supply, and the preservation of the natural environment and to enhance the quality of the Lake Ray Hubbard shoreline through regulation of manmade facilities. For those properties that take part in the City of Rockwall Residential Sublease Agreement the overlay zoning ordinance is to be used in conjunction and in addition to the erosion control and engineering standards as well as other development related ordinances, such as but not limited to, landscaping ordinance, tree preservation ordinance and outdoor lighting.

ARTICLE 3. SUBLEASED AREA

- (A) Sublessor, for and in consideration of the rents, covenants and promises herein contained to be kept, performed and observed by Sublessee has subleased to Sublessee, for and in consideration of the covenants and agreements herein does hereby accept from Sublessor, the Subleased Area as more specifically described by the hereto attached *Exhibit 'A'* (survey of the Take Area) and subsequent to the terms and conditions as hereafter described. Sublessee acknowledges that it has inspected the Subleased Area to their satisfaction and accepts the Subleased Area "As Is" and with all faults and defects, whether known or unknown to either Sublessor or Sublessee and without representation or warranty of any kind from Sublessor as to the status or condition thereof.
- (B) All structure and/or improvements that exist in the Take Area at the time this agreement is executed shall be the responsibility of the Sublessee, and shall be maintained in accordance with the requirements of the City of Rockwall.
- (C) All structures and/or improvements in the Take Area **shall require a building permit** issued by the City of Rockwall consistent with applicable ordinances and regulations of Takeline Area Overlay District allowed uses, and shall be constructed in accordance with the approved site plan depicted in *Exhibit 'B'* of this sublease agreement.
- (D) Sublessee acknowledges that the decision to lease the Subleased Area is based solely upon the Sublessee's comprehensive inspection of the Subleased Area and not upon any warranty or representation of Sublessor, or of Sublessor's employees, agents or representatives with regard thereto. Without limiting the foregoing, **THERE IS NO WARRANTY, EXPRESSED OR IMPLIED, OF SUITABILITY, MERCHANT ABILITY, HABITABILITY, OR FITNESS FOR ANY PARTICULAR PURPOSE GIVEN IN CONNECTION WITH THIS LEASE.**
- (E) **IT IS UNDERSTOOD BY BOTH THE CITY OF ROCKWALL AND SUBLESSEE THAT THE WATER LEVEL IN THE LAKE WILL NOT REMAIN CONSTANT AND THAT ALL LAND IN THE SUBLEASED PREMISES IS SUBJECT TO FLOODING. THE PARTIES AGREE THAT NEITHER THE CITY OF DALLAS NOR THE CITY OF ROCKWALL SHALL BE RESPONSIBLE FOR DAMAGES TO ANY STRUCTURES, FACILITIES, LANDSCAPING, OR OTHER PROPERTY DAMAGE ON THE SUBLEASED AREA DUE TO WIND, WATER, EROSION, FLUCTUATING WATER LEVELS, OR FLOATING DEBRIS.**

ARTICLE 4. SUBLEASE TERM

- (A) Subject to the terms and conditions of this Sublease, the demise set forth in Article 3 above shall be for the Sublease Term, which shall **expire on January 16, 2041**, unless otherwise terminated. HOA Area subleases cannot be further subleased.
- (B) This sublease shall terminate and become null and void no later than **January 16, 2041**, unless extended by the parties hereto in writing subject to the provisions of the Base Lease or the Master Lease by and between the City of Dallas and the City of Rockwall. Any holding over or use and occupancy by Sublessee after the termination of this Sublease shall not constitute a renewal hereof or give Sublessee any rights hereunder in or to the Subleased Area upon termination. Upon termination of this Sublease, all improvements to the Subleased Area (whether or not constructed by Sublessee) shall be and become the property of Sublessor or its successors in interest; provided, however, Sublessee shall be entitled to remove from the Subleased Area removable equipment, provided that such removal can be accomplished without unreasonable injury to the Subleased Area or the removing improvements on the Subleased Premises.

- (C) This Sublease shall be terminated or canceled by the City of Rockwall in the event that the Interlocal Agreement between the City of Rockwall and the City of Dallas is terminated or canceled by agreement or operation of law. Sublessee shall be entitled to no compensation of any kind from the City of Rockwall or the City of Dallas if this Agreement is so canceled or terminated.
- (D) The annual sublease payment shall not exceed the estimated annual expenses of the City of Rockwall in administering all subleases and sublease areas, pursuant to the base lease, divided by the number of properties within the boundaries of the City of Rockwall within the Takeline area, and subleases or legally available for sublease.
- (E) Sublessee shall have the right to terminate this sublease if, at any time during this sublease, a material and substantial change in circumstances existing at the time of this sublease should occur. For the purpose of this paragraph, a "material and substantial change in circumstances" shall include but not be limited to a collective increase in the sublease payment of more than 100% over any ten (10) year period or less, or the elimination by the City Council of an authorized use for which the sublessee has in place.
- (F) Sublessor shall have the right to terminate this sublease if, at any time during this sublease, Sublessee breaches any provision of the sublease and fails to remedy the breach in accordance with Article VI. Sublessor shall not terminate sublease if Sublessee cures such breach within the cure period in Article VI.

ARTICLE 5. SUBLEASE PAYMENT

- (A) In accordance with Section III (C) of the Base Lease, Sublessee shall pay an initial payment of **\$200.00** to Sublessor and an annual payment of **\$100.00** due annually based on contract date. Said payment may be adjusted annually by the City during the term of the Sublease by majority vote of the City Council of the City of Rockwall.
- (B) Failure of sublessee to pay the annual payment as provided for in Section A shall be considered as an event of default. If Sublessee fails to pay the annual payment within thirty (30) days of receipt of notice, Sublessor may terminate this lease and take possession of any improvements on the leased premises subject to *Article 6, Section N* herein.

ARTICLE 6. USE OF SUBLEASED AREA

- (A) Sublessee agrees to use and maintain the Subleased Area in accordance with all City codes and regulations established by Sublessor for the Take Line area. Any violation of such regulations shall be considered a breach by Sublessee of this Agreement, for which Sublessor shall be entitled to take appropriate action if such violation is not cured. Sublessee specifically recognizes that the City of Dallas, as a third-party beneficiary, has the right to enforce the terms of this Agreement in the event of the Sublessee' breach of any of the terms contained herein.
- (B) Structures or appurtenances that shall be **prohibited** within the Subleased Area, without prior approval by Sublessor and the City of Dallas are as follows but not limited to:
 - (1) Propane tanks.
 - (2) Storage of gasoline, oils, diesel, or similar types of compounds.
 - (3) Storage of pesticides, herbicides, fungicides, or preservatives.

- (4) Use of pesticides, herbicides, fungicides, or preservatives that are not approved by the Texas Commission on Environmental Quality or US Environmental Protection Agency for use around water supplies, and on a listing approved provided by Dallas.
- (5) Storage of any hazardous materials, regardless of its nature.
- (6) Septic tanks and lateral lines (with the exception of city utilities).
- (7) Toilets.
- (8) Habitable structures.
- (9) Diving boards and slides over and/or into the lake.
- (10) Pets living quarters, livestock, maintenance of livestock or any such structure that houses or shelters livestock and/or pets, including but not limited to cattle, horses, swine, poultry.
- (11) Water wells.
- (12) Chemically preserved wood (e.g. railroad ties and telephone poles) in the water.

(C) Prohibited activities on the lake and shore area:

- (1) Shoreline (bank of the lake) will not be tapered, cut, smoothed, or altered in any way without a permit.
- (2) Leased shore area will not be excavated, channeled, cut, bored, dug, filled, smoothed, or altered in any manner unless specifically permitted.
- (3) Wheeled vehicles and all other motorized equipment are prohibited from operating on the lake bottom unless specifically authorized.
- (4) The construction of sandy beaches on the lake bottom at the shoreline are prohibited.
- (5) Removal of vegetation from the lake bottom at the shoreline is prohibited unless specifically authorized.
- (6) Railroad ties on the shoreline and Take Area are prohibited.
- (7) No dumping on the shoreline (bank of the lake) and take area of brush, leaves, bricks, logs, concrete rubble, asphalt rubble, soil, sand, gravel, rock, or any other material.
- (8) Garbage cans and waste receptacles are prohibited anywhere in the leased area.
- (9) No signage in the leased area unless specifically authorized.
- (10) No business activity will be performed from within the leased area.
- (11) No storage of personal items on the Take Area and shoreline unless specifically authorized by the City of Rockwall. Personal items includes but is not limited to boats, jet skis, rafts, watercraft, boat trailers, vehicles, campers, RVs, wood piles, lawn equipment, appliances, storage facilities, construction material, and storage of miscellaneous materials.
- (12) Drawing lake water for personal usage such as for irrigation is prohibited without a permit issued by Dallas Water Utilities.

Additional Requirements:

- (1) All tree removals will comply with the City of Rockwall Tree Preservation Ordinance.
- (2) A permit is required for any and all types of lake dredging and lake bottom earthwork.

- (3) Sublessee will immediately remove personal items littering the lake, particularly after a storm.
 - (4) No permit is required for minor repair or general maintenance of an authorized existing erosion control structure unless the repair or general maintenance will include different material than what was originally approved. A permit is required for modifications and alterations to existing erosion control structures.
 - (5) All boats on the shoreline must comply with the mooring time limit as specified in the Rockwall Takeline Overlay District Zoning Ordinance.
 - (6) Boats will in no way pollute lake waters from, but not limited to; bilge discharges, septic waste, fueling, cleaning, maintenance, and painting.
 - (7) Sublessee must first install an approved method of erosion control before the construction of lake structures. Lake structures will not be permitted without the placement of erosion control the entire length of the subleased shoreline.
- (D) Sublessee agrees that he/she will not make nor allow to be made, any unlawful, improper or offensive use of the premises, which would be injurious to any person or property, or which would violate the laws of the United States or the State of Texas, or any ordinance(s) of the City of Rockwall or the City of Dallas that may pertain to the demised premises. In the event of a conflict between the respective ordinances and/or the provisions of the lease the most restrictive shall apply. Sublessee shall be subject to the terms and penalties associated with ordinance and regulations violations in addition to the provisions of this Sublease.
- (E) The City of Rockwall and the City of Dallas retain the right to make regular or special inspections of the Subleased Premises to ensure that it is being maintained and used in accordance with the terms of this Sublease and the Base Lease and that all terms of this Sublease and the Base Lease are being upheld. The City of Rockwall will provide written notice of a breach or violation, or noncompliance with the terms of this Sublease or the Base Lease to Sublessee. Sublessee will have ten (10) days to correct and/or abate all violations, unless otherwise agreed by the City of Rockwall. If Sublessee has commenced and is pursuing the cure of the same, then after first advising the City Council of Rockwall or its designated representatives of Sublessee's effort to cure, Sublessee may utilize an additional ten (10) days, if approved by the City of Rockwall. Failure to correct all violations in the allotted time constitutes a material breach of this Sublease.
- (F) In the event of the default after the expiration of the applicable notice and cure periods (except for the non-payment of agreed sublease), the City of Rockwall shall be entitled in addition to any other penalties or fines to assess and receive from Sublessee as liquidated damages the sum of \$500.00 per day for each day the breach remains uncured.
- (G) Failure by the City to provide the ten (10) day notice described above shall not constitute a waiver of any breach of this Sublease. Waiver of any breach of any provision of this Sublease shall not be considered as a waiver of any subsequent breach of the same or any other provision of the Sublease.
- (H) The City of Rockwall has adopted the Takeline Area Overlay District Zoning Ordinance and policies for the construction of structures and/or other improvements in the Subleased Premises. A detailed site plan for construction of structures in accordance with the Take Area Zoning Ordinance adopted June 21, 2004, must be approved by the City of Rockwall and the City of Dallas prior to construction. If improvements or structures have been constructed in the Takeline area or the shoreline prior to the execution of this Sublease, all existing noncompliance items or encroachments that are not approved must be abated prior to the execution of this sublease agreement. No structures or improvements that are in noncompliance or are encroaching will be grandfathered.

- (I) Sublessee recognizes and consents to the City of Rockwall and the City of Dallas having the right of ingress and egress to the Subleased premises for any operational or maintenance purposes upon twenty-four (24) hours advance notification to Sublessee; except that no advance notice will be required in case of an emergency or possible health and/or safety hazards.
- (J) Sublessee understands that pursuant to the Base Lease Dallas will make a reasonable effort to repair any damage resulting from Dallas accessing the Take Area for utility maintenance and/or public safety vehicles, and will restore the damaged property as nearly as possible to its condition prior to the damage created by the City of Dallas accessing the Take Area; however, if the damage is located within a dedicated easement the requirements of that easement shall govern and no additional obligations are assumed by the City of Rockwall or the City of Dallas as a result of the execution of this Sublease. Likewise, the City of Rockwall will make a reasonable effort to repair any damage resulting from the City of Rockwall accessing the Take Area for utility maintenance and/or public safety vehicles, and will restore the damaged property as nearly as possible to its condition prior to the damage created by the City of Rockwall accessing the Takeline Area however, if the damage is located within a dedicated easement the requirements of that easement shall govern and no additional obligations are assumed by the City of Rockwall or the City of Dallas as a result of the execution of this Sublease.
- (K) Sublessee recognizes that the City of Rockwall may require easements in the future in the Subleased Area. Sublessee hereby agrees to approve future easements with the understanding that the Sublessor will make all reasonable efforts to avoid damage to existing improvements. If damage results from the use of a future easement, Sublessor will restore the damaged property as nearly as possible to its condition prior to the damage created by the Sublessor.
- (L) Sublessee recognizes that Sublessor has established specific setbacks, reservation of future easements or other development requirements unique to this Sublease. Such specific requirements are set forth in the Take Area Zoning Ordinance adopted June 21, 2004. Sublessee agrees to abide by all requirements during the term of the Sublease.
- (M) Sublessee recognizes that prior to placement of any structures and/or personal items, improvements, including, but not limited to: landscaping, construction or subgrade alterations on the Subleased Premises a construction alteration permit must first be obtained from the City of Rockwall. Such construction alteration permit will be in addition to any other permit or approval required by the City of Dallas. Time limits for completion of construction will be established at the issuance of the construction alteration permit. No construction will be considered complete and/or approved until a final inspection is conducted by the City of Rockwall and/or the City of Dallas or their appointed representatives.
- (N) If this lease is terminated for any reason stated within this agreement any structures and/or any improvements must be removed within 30 days.

ARTICLE 7. EROSION PROTECTION

- (A) For all subleases, the City of Rockwall will require sublessee of HOA Areas to either completely install, or pay for the installation of, Shoreline erosion protection in accordance with Section VI of the Base Lease or Master Lease in Critical Areas, whenever such Critical Areas may arise (as defined in Section VI (A) Base Lease), before execution of the sublease. Erosion protection required under the sublease must be completed no later than twelve (12) months from the date of execution of the sublease, but prior to, or concurrent with, a sublessee's commencement of construction of any improvements. If a Critical Area arises after execution of the sublease, the City of Dallas or the City of Rockwall are not responsible for any erosion control measures required and the

sublessee shall not look to the City of Dallas or the City of Rockwall for action. If any part of the subleased area becomes a Critical Area after execution of the sublease, the sublessee of a residential area may, at sublessee's option, install erosion protection in accordance with this sublease agreement and Base Lease. Erosion protection required under the sublease must be completed prior to a sublessee's commencement of construction of any improvements of any kind on the leased area, subject to the City of Rockwall's permitting process.

- (B) In areas determined to be Critical Areas or New Immediate Action Areas, as defined above (collectively referred to as "Critical Areas"), the Sublessee will be responsible for installation and maintenance of erosion control. Such required erosion protection must be completed no later than twelve (12) months from the date of execution of this Sublease, but prior to, or concurrent with, the Sublessee's commencement of construction of any improvement. If the City of Dallas has installed or performed maintenance or erosion control in any Critical Area, the Sublessee will reimburse the City of Dallas for the cost of installation and maintenance from the date of execution of the Base Lease to the later of, the date of execution of the Sublessee's sublease with the City of Rockwall, or the date of installation of the erosion control. If Dallas installed or performed maintenance or erosion control in any area that is not a Critical Area, the Sublessee will reimburse Dallas for the cost of installation and maintenance from the date of execution of the Base Lease to the date of execution of the Sublessee's sublease with the City of Rockwall (*i.e.* there will be no retroactive reimbursement obligations of the Sublessee in a non-Critical Area; the full extent of the erosion reimbursement obligations of the Sublessee in a non-Critical Area will be known at the time of execution of the sublease). Reimbursements can be paid in a lump sum or over a term to be determined by Dallas. Term payments will include interest charges and the term will not exceed the life of the asset. Sublessee shall assume maintenance responsibility for existing or proposed erosion control.
- (C) Sublessee may install erosion control subject to the written approval of the City of Dallas and the City of Rockwall. Sublessee will be responsible for maintenance of the installed erosion control in the same manner as set out above.
- (D) The City of Dallas and the City of Rockwall will establish a listing of types of erosion control approved for use around the Lake, based on the Bernard Johnson Report or engineering data or criteria list. The list may be expanded jointly by Dallas and the City of Rockwall should new and approved technology become available for such erosion control. If the City of Dallas or the City of Rockwall installs erosion control, it can install any type listed in the Bernard Johnson Report, or on the updated/approved listing, as it deems economically and/or environmentally feasible.
- (E) The Sublessee may reclaim lost Shoreline with the approval of the City of Rockwall and prior written approval of the City of Dallas, as determined on a case-by-case basis. Any reclamation or cut and fill in the Lake or at the Shoreline shall not reduce the usable water storage capacity or flood storage capacity of the Lake, as determined by the City of Dallas. Sublessee, or the parties performing the reclamation, will be responsible for obtaining all related permits for the reclamation, such as the U.S. Army Corps of Engineer permits.
- (F) No activities will be allowed which will increase the erosion of the Shoreline property, including any alteration of vegetation or property, as determined by the City of Dallas as described by the Bernard Johnson report.
- (G) Erosion control installations must comply with all local, state, and federal laws, regulations and requirements and shall be designed by a licensed professional engineer and installed by a competent contractor with demonstrated experience in the installation of that system.
- (H) Sublessee agrees to allow abutting Sublessee(s) to connect to the erosion protection mechanism so installed, so as not to create gaps between abutting properties in said erosion protection.

ARTICLE 8. HOLD HARMLESS

Sublessee hereby agrees to defend, indemnify and hold the City of Dallas and City of Rockwall, their respective officers, agents and employees, fully harmless from any claims, lawsuits or expenses for personal injury (including death), property damage or other harm for which damages may be recovered under law, suffered by any person or persons (including but not limited to Sublessee), that may arise out of or be occasioned by Sublessee's fault or negligence in the use, occupancy, maintenance or operation of the Subleased Premises for any purpose, or that arises out of or is occasioned by erosion control improvements installed, used or maintained by Sublessee, or by Sublessee's failure to install erosion control devices as required under the Sublease, **REGARDLESS OF WHETHER OR NOT THE NEGLIGENCE OR FAULT OF THE CITY OF DALLAS OR THE CITY OF ROCKWALL IN OPERATING OR MAINTAINING THE LAKE AREA, OR ORIGINALLY INSTALLING OR MAINTAINING ANY EXISTING EROSION CONTROL IMPROVEMENTS ASSUMED BY SUBLESSEE, OR IN DETERMINING WHAT EROSION CONTROL IMPROVEMENTS WERE APPROPRIATE, CONTRIBUTED TO THE DAMAGE OR INJURY.**

ARTICLE 9. COVENANT RUNNING WITH THE LAND

- (A) This Sublessee cannot be further subleased by Sublessee. Sublessee agrees to notify in writing, Sublessor of any change in ownership of the property within five (5) days prior to closing but no later than ten (10) days of closing. This covenant shall be considered as a covenant running with the land and shall be filed for record in the deed records of Rockwall County, Texas.
- (B) It is the understanding of the parties that this Sublease contains the entire understanding of the Sublessor and Sublessee and that any change, alteration, or modification of this Sublease shall only be effective if in writing approved by both parties.
- (C) Sublessee further asserts that the Homeowner's Association (HOA) has received a summary of the Base Lease and the Takeline Area Overlay District Zoning Ordinance which is incorporated herein by reference and that he/she has read said Base Lease and understands its terms and provisions.
- (D) Sublessee will endeavor to provide Sublessor with a certificate that extends coverage under Sublessee's Homeowners Insurance Policy to the leased premises.

ARTICLE 10. SEVERABILITY

In case any one or more of the provisions contained in this Sublease shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Sublease shall be considered as if such invalid, illegal, unenforceable provision had never been contained in this Sublease.

ARTICLE 11. MISCELLANEOUS

- (A) This sublease, its exhibits, addenda, and riders are the entire agreement of the parties concerning the sublease of the Subleased Area by Sublessor to Sublessee. There are no representations, warranties, agreements, or promises pertaining to the Subleased Area or the sublease of the Subleased Area by Sublessor to Sublessee, and Sublessee is not relying on any statements or representations of any agent of the Sublessor, that are not in this Sublease and any exhibits, addenda, and riders. This Sublease may be amended only by an instrument in writing signed by Sublessor and Sublessee.
- (B) Alternative Dispute Resolution. The parties agree that, prior to instituting any lawsuit or other proceeding arising from a dispute under this agreement, the parties shall first attempt to resolve the dispute by taking the steps

described in this Section. First, the dissatisfied party shall deliver to the other party a written notice substantially describing the nature of the dispute, which notice shall request a written response to be delivered to the dissatisfied party not less than five (5) days after receipt of the notice of dispute. Second, if those persons cannot or do not resolve the dispute, then the parties shall each appoint a person within each respective party, who shall then promptly meet, in person, in an effort to resolve the dispute. Third, if the dispute is not resolved after such effort, the Sublessor and Sublessee agree to mediate in good faith before filing a suit for damages.

- (C) Governing Law; Venue. This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. The provisions and obligations of this Agreement are performable in Rockwall County, Texas such that exclusive venue for any action arising out of this Agreement shall be in Rockwall County, Texas.
- (D) Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.
- (E) Notices. Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if (i) delivered to the party at the address set forth below, (ii) deposited in the U.S. Mail, registered or certified, return receipt requested, to the address set forth below, or (iii) given to a recognized and reputable overnight delivery service, to the address set forth below:

IF TO SUBLESSEE:

City of Rockwall
City Manager
385 S. Goliad
Rockwall, TX 75987

WITH COPY TO:

City of Dallas
ATTN:
ADDRESS

IF TO SUBLESSEE

NAME OF HOA
ADDRESS

SUBLESSEE:

HOMEOWNER'S ASSOCIATION REPRESENTATIVE

HOMEOWNER'S ASSOCIATION

ADDRESS

PHONE NUMBER

EMAIL ADDRESS

SIGNATURE

ACKNOWLEDGMENT

THE STATE OF TEXAS §
COUNTY OF DALLAS/ROCKWALL §

BEFORE ME, the, undersigned, a Notary Public in and for said County and State, on this day personally appeared _____, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ___ day of _____, 202_.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

MY COMMISSION EXPIRES

EXHIBIT 'A': SURVEY OF SUBLEASED AREA

EXHIBIT 'B': APPROVED SITE PLAN