

Chapter 24

SUBDIVISION REGULATIONS*

Art. I. In General, §§ 24-1—24-40

Art. II. Park Land Dedication, §§ 24-41—24-51

ARTICLE I. IN GENERAL

Sec. 24-1. Authority.

This chapter is adopted under the authority of the constitution and laws of the state, including particularly article 974a, V.T.C.S., and the provisions of section 4 of the Municipal Annexation Act as heretofore or hereafter amended. (Ord. No. 78-20, § I, 8-7-78)

Sec. 24-2. Purpose.

The purpose of this chapter is to provide for the orderly, safe, and healthful development of the area within the city and within the area surrounding the city, and to promote the health, safety, morals and general welfare of the community. (Ord. No. 78-20, § II, 8-7-78)

Sec. 24-3. Jurisdiction.

All plats and subdivisions of land within the corporate limits of the city and all plats and subdivisions of land outside the corporate limits of the city and within the extraterritorial jurisdiction of the city, and all land outside the corporate limits of the city that the city council may be petitioned to include within the corporate limits of the city by an extension of such corporate limits, shall conform to the rules and regu-

*Cross references—Buildings and building regulations, Ch. 6; electricity, Ch. 9; fire prevention and protection, Ch. 10; flood hazard damage prevention and control, Ch. 11; parks and recreation, Ch. 19; planning, Ch. 20; streets, sidewalks and public places, Ch. 23.

State law reference—Authority to adopt subdivision regulations, V.A.C.S. art. 974a, § 4.

lations of this chapter. (Ord. No. 78-20, § III, 8-7-78; Ord. No. 79-20, § 1, 11-5-79)

Sec. 24-4. Definitions.

For the purpose of interpreting this article, certain terms, phrases and words used herein shall have the meaning hereinafter as follows:

Alley: A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular and utility service access to the back or sides of properties otherwise abutting on a street.

Building setback line: The line on a plat delineating the nearest point to which buildings may be located to a street line, alley line or building lot line.

City administrator: The city secretary, administrator or other administrative officer who may be designated by the city council to perform such functions.

Commission: The planning and zoning commission of the city.

Dead end street: A street, other than a cul-de-sac, with only one outlet.

Engineer: A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering, and when reference is made to city engineer, the designation means either an engineer directly employed by the city or the city's engineering consultants, as the case may be.

Inspector: A person duly authorized by the city administrator who may be employed by the city or by the city's engineering consultants, as the case may be, and designated to inspect any portion or all of the construction performed in the subdivision either on a part-time or full-time basis. His duties shall consist of inspecting all work during construction and/or after completion to determine compliance with

the plans, specifications and subdivision regulations, with authority to stop the work during construction for non-completion, if the work is defective.

Local residential or minor street: A public thoroughfare which is intended primarily to serve as access to residential property within a neighborhood interior or limited residential district and is not aligned or located to attract other than limited local traffic movements.

Lot: An undivided tract or parcel of land having frontage on a public street and which is, or in the future, may be offered for sale, conveyance, transfer or improvement as a building site; which is designated as a distinct and separate tract.

Major street: A principal traffic artery, more or less continuous across a major portion of the city, which is intended to connect remote parts of the city, or areas adjacent thereto, and which is designated on the major thoroughfare plan of the city as a major thoroughfare.

Plat: The map, drawings or chart on which a subdivider's plan is presented and which he submits for approval and intends to record in final form.

Replanning (resubdivision): Replanning is the rearranging of any part of a block, street, or alley of a previously platted subdivision.

Secondary street: A secondary street is one which is continuous through several districts and is intended as a connecting street between residential districts and a collector street providing access to major streets, business districts or places of employment.

Street width: Street width is the shortest distance between the lines which delineate the right-of-way of the street.

Subdivider: Any person or agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner, of the land sought to be subdivided.

Subdivision: A division of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction of the city, into two (2) or more parts for the purpose of laying out any subdivision of any tracts of land or any addition of any town or city, or for laying out suburban lots or building lots, or any lots, and streets, alleys or parts or other portions intended for public use or the use of purchasers or

owners of lots fronting thereon or adjacent thereto for the purpose, whether immediate or future, of creating building sites. Subdivision includes resubdivision, but it does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more which do not involve the creation of any new street, alley or easement of access.

Surveyor: A licensed state land surveyor or a registered public surveyor as authorized by the state statutes to practice the profession of surveying. (Ord. No. 78-20, § IV, 8-7-80)

Cross reference—Rules of construction and definitions generally, § 1-3.

Sec. 24-5. Policy.

(a) *Approval of commission required.* It shall be unlawful for any owner or agent of any owner of land to lay out, subdivide, plat or replat any land into lots, blocks and streets within the city, or within the extraterritorial jurisdiction of the city without the approval of the planning and zoning commission, and the city council. It shall be unlawful for any such owner or agent to offer for sale or sell property therein or thereby, which has not been laid out, subdivided, platted or replatted with the approval of the planning and zoning commission and the city council.

(b) *City improvements to be withheld until approval.* The city hereby defines its policy to be that the city will withhold all city improvements of whatever nature, including the maintenance of streets and furnishing of sewerage facilities and water service from all additions and subdivisions, the platting of which has not been approved by the planning and zoning commission and city council.

(c) *Street numbers and building permits to be withheld until approval.* No street number and no building permit shall be issued for the erection of any building in the city on any piece of property other than the original or resubdivided lot on a duly approved and recorded subdivision without the written approval of the planning and zoning commission and city council.

(d) *Statute.* The attention of each subdivider is directed to article 6626 of the Revised Civil Statutes of the state and amendments, which state, in part:

“That in cases of a subdivision or resubdivision of real property, no map, plat of any such subdivision or resubdivision shall be filed or recorded unless and until the same has been authorized by the commissioners court of the county in which the real estate is situated, by order duly entered in the minutes of said court, except in cases of the partition or other subdivision through a court of record; provided that where the real estate is situated within the corporate limits or within the specified extraterritorial jurisdiction of the corporate limits of any incorporated city or town, the governing body thereof or the city planning commission, as the case may be, as provided in Article 974a, Vernon’s Texas Civil Statutes, shall perform the duties hereinabove imposed upon the commissioners court.” (Ord. No. 78-20, § V, 8-7-78)

Sec. 24-6. Preapplication conference.

Prior to the filing of a preliminary plat, the subdivider shall meet with the city administrator and/or city’s engineer to acquaint himself with the requirements of the city and the relationship of the proposed subdivision to the comprehensive plan. At such meeting, the zoning requirements, street requirements, utility service, and general character of the development may be discussed. At the preapplication conference, the subdivider may be represented by his land planner, engineer or surveyor. (Ord. No. 78-20, § VI, 8-7-78)

Sec. 24-7. Concept plan.

(a) It may be determined at the preapplication conference that an area development concept plan will be required prior to consideration of a preliminary plat. An area development concept plan may be required if the development of the subject area will affect the development pattern of adjacent land or if the subject area will be platted in stages. The approved

area development concept plan shall be used as a guide in approving future subdivisions in the defined area.

(b) The area development concept plan, when required, shall be submitted along with a completed application/check list form. Eight (8) copies of the plan drawn at a scale of not less than four hundred (400) feet to the inch will be required. If more detailed contour information is not available, the USGS map contours may be used for concept planning purposes in most cases. The area development concept plan shall include all land under the control of or owned by the developer and all land determined to be affected by the development pattern of the subject area. The area development concept plan shall contain or have attached thereto:

- (1) Names and addresses of the subdividers, record owner, land planner, engineer and/or surveyor.
- (2) Proposed name of the subdivision.
- (3) Location in relation to rest of the city and boundaries of proposed subdivision.
- (4) A schematic layout of the entire tract and its relationship to adjacent property and existing adjoining development.
- (5) Proposed major categories of land use showing existing and proposed zoning.
- (6) Proposed number of dwelling units and population densities.
- (7) Proposed and existing arterials and collector streets to serve general area.
- (8) Location of sites for parks, schools and other public uses as shown in the comprehensive plan.
- (9) Significant natural drainage features including drainage courses and wooded areas, as delineated on USGS topographic maps or on any other topographic maps showing equivalent information.

- (10) Significant man-made features such as railroads, roads, buildings, utilities or other physical structures as shown on USGS topographic maps, utility company records and city records when such features affect the plan.
- (11) Location map.

(c) After the area development concept plan has been reviewed and has received the preliminary approval of the city engineer and/or city administrator, and after such concept plan has received the approval of the planning and zoning commission such concept plan shall be submitted to the city council for their approval.

(d) All affected property owners will be notified of the date set by the planning and zoning commission and city council so that they may comment on the proposed plan. The developer of the subject property should coordinate the preparation of the concept plan with these property owners in advance of submittal to avoid delay in the review and approval process. Approval of the concept plan by the city council does not constitute acceptance of the subdivision, but is an authorization to proceed with the preparation of the preliminary plat in accordance with the conditions of such approval. (Ord. No. 78-20, § VIA, 8-7-78; Ord. No. 80-31, § 1, 11-3-80)

Sec. 24-8. Preliminary plat.

(a) An application in writing for tentative approval of a preliminary plat along with eight (8) prints of the proposed subdivision shall be filed with the city administrator at least fourteen (14) days prior to the meeting of the planning and zoning commission at which time approval is asked. The preliminary plat shall be submitted on standard twenty-four (24) inch by thirty-six (36) inch paper at a scale of one inch equals one hundred (100) feet by the subdivider or his agent prior to the sale, offering for sale of any lots, tract or building site and prior to completion of final surveys of streets or lots prior to the grading or construction work on any streets and before any map of such subdivision is prepared in form for recording. The planning and zoning commission shall determine whether a

preliminary plat is in suitable form for review and shall not receive or consider such plat until it is submitted in accordance with and is accompanied by the following in accordance with the manual of standard design, manual of water distribution, and manual of street and drainage:

- (1) *Location map:* A vicinity sketch or key map at a scale of not more than four hundred (400) feet to the inch for all subdivisions exceeding five (5) acres in size or containing ten (10) or more lots. Such sketch or map shall show existing subdivisions, streets, property lines and the recorded names of the owners of the adjoining parcels. It shall also show how the streets and alleys of the proposed subdivision connect or relate to streets and alleys in neighboring subdivisions or undeveloped property and the relationship of the development to existing or proposed major and secondary thoroughfares.
- (2) *Names of owner, etc.:* The preliminary plat shall show the name or names of the owner and/or subdivider and the name of the engineer, land planner or surveyor responsible for the preparation of the plat.
- (3) *Identification:* The proposed name of the subdivision (which must not be so similar to that of an existing subdivision as to cause confusion) and names of adjacent subdivisions and landowners shall be shown on the plat.
- (4) *Boundary lines, etc.:* Location of boundary lines and width and location of platted streets and alleys within, or adjacent to, the property; physical features of the property, including location of any existing utilities with the size of sewer and water mains. The outlines of wooded areas or the location of important individual trees is required. For all plats, contours must be shown at the intervals of two (2) feet. All elevations shown shall be referred to sea-level datum. The acreage of the property is to be indicated.

- (5) *Location and width of proposed streets and other features:* The location and width of the proposed streets, roads, lots, alleys, easements, widening of existing thoroughfares, and other features, and their location in relation to platted streets, alleys and easements in adjacent subdivisions shall be shown. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighborhood areas. Whenever the proposed subdivision contains or is adjacent, or parallel to a railroad right-of-way or a major thoroughfare or freeway or expressway standards, provision shall be made for a street approximately parallel to and on each side of such right-of-way to provide reasonable use of the intervening land. Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.
- (6) *Plat contents:* The horizontal scale of the preliminary plat shall be not less than one hundred (100) feet to the inch and the plat shall also show:
- a. North point, scale and date;
 - b. The boundary line, accurate in scale, of the tract to be submitted;
 - c. The names of all proposed streets;
 - d. The layout, number and approximate dimension of all proposed lots or building tracts and the square feet of each;
 - e. All parcels of land intended to be dedicated to public use or reserved for the common use of owners of lots or sites in the subdivision, and the acreage;
 - f. Any and all arrangement of lots, building lines or streets proposed;
- (7) *Profiles and cross sections:* Profiles and cross sections sufficient to ascertain that the preliminary plat proposals will function in accordance with the standard of the city.

tentative approval to such preliminary plat with conditions to be met by the final plat and improvement of the subdivision. The tentative approval of the preliminary plat by the council does not constitute acceptance of the subdivision, but is an authorization to proceed with the preparation of the final plat in accordance with the conditions of such approval.

(d) The city administrator shall not accept a final plat and any accompanying engineering plans until such preliminary plat has been approved by the city council unless a statement is signed stating that the applicant is waiving rights to a thirty-day approval or denial of such plat as required by state law and stating that the applicant is aware that changes may be required on the final plat submission in order to comply with conditions of approval as required by the planning and zoning commission and city council.

(e) An approved planned development district development plan or approved site plan as required in the comprehensive zoning ordinance may be substituted for a preliminary plat provided that such plan shall contain all information required by this chapter for a preliminary plat. In some cases the city may require the submission of a site plan in conjunction with a preliminary plat if it is determined to be necessary to evaluate the proposed development. (Ord. No. 78-20, § VII, 8-7-78; Ord. No. 84-9, § 1, 2-6-84)

Sec. 24-9. Final plat.

(a) After the preliminary plat has been tentatively approved by the city council, a final plat, in the form of a record plat, shall be prepared in accordance with the conditions of approval and submitted to the city's engineer and city administrator for review and transmission to the city planning and zoning commission. Eight (8) prints of such plat and one mylar shall be filed in the office of the city administrator at least fourteen (14) days prior to the meeting at which time final approval is asked. The mylar plat shall be submitted on a scale of one hundred (100) feet to one inch and one reduced print shall be of a size which will fit

on an eighteen (18) inch by twenty-four (24) inch sheet for filing with the county. After the final plat has been approved by the planning and zoning commission, such plat shall be submitted to the city council for approval. The final plat shall show, or be accompanied by the following information.

- (1) The names of the owner and/or subdivider and of the licensed state land surveyor, or registered engineer responsible for the plat.
- (2) The name of the subdivision and adjacent subdivisions, the names of streets (to conform whenever possible to existing street names) and numbers of lots and blocks, in accordance with alphabetical block arrangement and numerical lot arrangement. In case of branching streets, the lines of departure shall be indicated. (See general requirements)
- (3) An accurate boundary survey and description of the property, with bearings and distances referenced to survey lines and established subdivisions, and showing the lines of adjacent lands and the lines of adjacent streets and alleys, with their width and names. Street, alley and lot lines in adjacent subdivisions shall be shown in dashed lines. North point, scale and date shall be shown.
- (4) Locations of proposed lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimal fractions of feet, with the length of radii and of arcs of all curves, all angles, and with all other engineering information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points. Contours, with a minimum of five (5) feet, shall be shown as light, dashed lines. All elevations shown shall be referred to sea level datum. All lots or building sites shall conform to the standards prescribed by the zoning ordinance for the district or districts in which the subdivision is located. All streets, alleys, drainage and public utilities shall conform to the specifications of the city.

- (5) The locations of building lines on front and side streets and the location of utility easements.
- (6) An instrument of dedication, signed and acknowledged by the owner or owners and by all other parties who have a mortgage of lien interest in the property, showing all restrictions, reservations, and/or easements, if any, to be imposed and reserved in connection with the addition. Such restrictions shall contain the following provisions, along with any other restrictions which may be imposed:

“No house, dwelling unit or other structure shall be constructed on any lot in this addition by the owner or any other person until:

1. Such time as the developer and/or owner has complied with all requirements of the Platting Ordinance of the City of Rockwall regarding improvements with respect to the entire block on the street and/or streets on which the property abuts (a corner lot shall be regarded as abutting on both intersection streets adjacent to such lot), including the actual installation of streets, water, sewer, drainage structures, and storm sewers and alleys, all according to the specifications of the City of Rockwall; or
2. Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the city be obligated to

make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or

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

These restrictions with respect to required improvements are made to insure the installation of such required improvements and to give notice to each owner and to each prospective owner of lots in the subdivision until said required improvements are actually made or provided for on the entire block on the street and/or streets on which the property abuts as described herein and in compliance with the City of Rockwall specifications.”

- (7) A certificate of dedication of all streets, public highways, alleys, parks and other land intended for public use, signed by the owner or owners and by all other parties who have mortgage or lien interest in the property and acknowledged before a notary public. All deed restrictions that are to be filed with the plat shall be shown or filed separately.
- (8) A waiver of claim for damages against the city occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision.
- (9) Certification by a registered engineer or a licensed state land surveyor, duly licensed by the state, to the effect that the plan represents a survey made by him, and that

all the necessary survey monuments are correctly shown thereon.

- (10) The following certificates shall be placed on the plat after it has been finally approved by the city council:

I hereby certify that the above and foregoing Plat of _____ Addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the _____ day of _____, 19 ____.

This approval shall be invalid unless the approved Plat for such Addition is recorded in the office of the County Clerk of Rockwall County, Texas, within one hundred twenty (120) days from said date of final approval.

Said Addition shall be subject to all the requirements of the Platting Ordinance of the City of Rockwall.

Witness my hand this _____ day of _____, 19____.

 City Secretary, City of Rockwall, Texas

- (11) The following certificates shall be placed on the plat, in a manner that will allow the filling in of the certificates by the proper party.

- a. Recommended for Final Approval:

 Chairman, Planning & Zoning Commission Date

- b. Approved:

 Mayor, City of Rockwall, Texas Date

- (12) Final plats shall be accompanied by plan-profile sheets, twenty-two (22) inches by thirty-six (36) inches, and platted to a scale of one hundred (100) feet to one inch horizontal and ten (10) feet to one inch vertical, for each proposed street in the subdivision. These plan-profiles shall show the existing ground and the proposed grade at five (5) points of cross section; that is,

at the center line, the back-of-curb lines, and the property lines. The plan portion shall show the size and location of all drainage structures, storm drains, curb inlets, etc., and the direction of flow of all storm water. Plans shall show all public utilities needed to service the subdivision and should accompany the final plat and be approved by the city zoning committee and be in compliance with the city standards.

- (13) Typical cross sections shall be shown of the type and width of paving proposed for the streets. Curbs and gutters, pavement types and drainage structure design standards of the city, in effect at the time of submission of the plat, shall be used, subject to the approval of the city's engineer and/or city administrator and city council.

(b) After approval of the plat, a copy of the original shall be furnished to the city, complete with all necessary signatures. All figures and letters shown must be plain, distinct, and of sufficient size to be easily read, and must be of sufficient density to make a lasting and permanent record.

(c) When more than one sheet is used for a plat, a key map showing the entire subdivision at smaller scale with block numbers and street names, shall be shown on one of the sheets or on a separate sheet of the same size.

(d) The engineer or surveyor responsible for the plat shall place permanent monuments at each corner of the boundary survey of the subdivision and at the center line intersection point of all streets. These monuments shall be a concrete post, six (6) inches in diameter and two (2) feet long, or other such type of monuments as shall be approved by the city's engineer and/or city administrator. The precise point of intersection is to be indented on the top of the monument. Block corners shall be in reference to these monuments and the bearing and distances of the reference lines filed in written form with the city's engineer and/or city administrator. Tops of monuments shall be set to pavement grade in permanent type pavement, two (2) inches below grade in non-permanent

type pavements and flush with existing ground level in non-pavement areas. Elevations and locations of monuments shall be shown on the final plat.

(e) An owner and/or developer can with justifiable reason obtain approval of a section of an addition for which tentative or conditional approval was obtained on a preliminary plat provided he meets all the requirements of this chapter with reference to such section in the same manner as is required for a complete addition. In the event a subdivision and the final plat thereof is approved by the city council in sections, each final plat of each section is to carry the name of the entire subdivision, but is to be distinguished from each other section by a distinguishing subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections. All costs which the city may incur because of this development may be recovered by the city from the developer with the approval of the city council. (Ord. No. 78-20, § VIII, 8-7-78; Ord. No. 85-33, § 1, 7-2-85)

Sec. 24-9.5. Procedure for short form subdivisions.

(a) Any subdivision or replat thereof which may be determined to fall within the following criteria may be termed a short form subdivision and may be approved following the abbreviated procedures set forth herein.

- (1) The land in question shall be bounded by legally dedicated streets, railroads, and alleys or by legally subdivided land and shall not exceed five (5) acres.
- (2) The subdivision or use of the land subdivided shall not necessitate any appreciable alteration of utility installations, streets, alleys, or building setback lines.
- (3) The tracts so subdivided shall conform in size and shape to the lots in the vicinity.

(b) All design, engineering, improvements, and drawing information standards provided in these regulations applicable to all subdivisions shall be applicable to the short form subdivisions.

(c) The short form subdivision shall be submitted for approval in accordance with the procedure established for a final plat approval. (Ord. No. 84-9, § 1, 2-6-84)

Editor's note—Ord. No. 84-9, § 1, adopted Feb. 6, 1984, amended the Code by adding provisions designated as § 24-10. Inasmuch as the Code already contained a § 24-10, the provisions of Ord. No. 84-9 were included as § 24-9.5 with the permission of the city.

Sec. 24-10. Miscellaneous requirements.

(a) *Water and sewer and other utilities.* The owner and/or developer of the subdivision or addition shall complete a written agreement with the city, covering the installation of necessary water and sewer facilities to properly serve the immediate development proposed in accordance with the existing water and sewer extension ordinance. No water and/or sewer connection shall be made by the city until the requirements as to the installation of water and sewer mains have been complied with in the block facing the street on which the property is situated and accepted by the city. "As built" plans will be required at the end of the job showing the actual location of all improvements. All power and telephone service shall be underground. No overhead service will be allowed without special permission being given by the city council.

(b) *Approach water main.* In a proposed subdivision where city water is not available but is accessible, the subdivider shall provide at his expense an approach water main of size sufficient to serve his subdivision or of a size shown in the water distribution plan, whichever is larger. The plans, specifications, and all constructions shall be subject to the approval of the city's engineer, and the entire distribution system shall be adequate for service when the city water supply is available.

(c) *Approach sewer line.* In a proposed subdivision where public sanitary sewers are not available but are accessible, the subdivider shall provide at his expense an approach sewer line of sufficient size to serve his subdivision including any necessary lift stations, or of the size shown in the sewer collection plan or required by the city engineer for future expansion, whichever is larger. If public sanitary sewers are not accessible, the subdi-

vider may be required to install the complete sanitary sewer system to conform with future plans for connection with the public sanitary sewer in which case he shall install the necessary sewage treatment facilities for use until such time when the connection is made with the city sanitary sewer system. Where the installation of sanitary sewers is not required, the size of the subdivided lots shall be of sufficient size for individual disposal facilities, including the necessary lateral lines and subdivider shall install individual disposal devices for each lot at the same time improvements are erected thereon. Any such individual sewage disposal system shall be constructed in accordance with the state health department specifications and subject to the approval of the city engineer and the city council.

(d) *Guarantee for construction or maintenance of streets.* Approval of the plat shall not impose any duty upon the city concerning the maintenance of improvements of any such dedicated parts until the proper authorities of the city shall have made acceptance by letter and maintenance bond provided to the city for one year with an option of two (2) years if the city feels the need to protect the city from undue hardship.

(e) *Replatting.* Any replatting of any existing subdivision or any part thereof shall meet the requirements provided for herein for a new subdivision.

(f) *Reserve strips controlling access to public ways or adjoining properties not permitted.* No subdivision or addition showing reserve strips of land controlling the access to public ways or adjoining properties will be approved.

(g) *Owner's duty to provide pro rata portion of boundary streets.* Where plats are presented for approval which adjoin unplatted property, the owner/or developer of the proposed subdivision shall provide his pro rata part of the boundary streets.

(h) *Recording required.* The final approval of a final plat of a subdivision shall be invalid unless such approved plat of such subdivision is recorded in the office of the county clerk within thirty (30) days after the date of its final approval by the city council.

(i) *Building permits, utility connections.* No building permit nor any water, sewer, plumbing or electrical connections shall be issued by the city to the owner or any other person with respect to any property in any subdivision covered by this chapter until:

- (1) Such time as the developer and/or owner has complied with the requirements of this chapter and the final plat regarding improvements with respect to the block facing the street and/or streets on which the property abuts, including the installation of streets with proper base and paving, curb and gutter, alleys, water and sewer services, and drain facilities where necessary, all according to the specifications of the city; or
- (2) Until the developer and/or owner files a corporate surety bond with the city in a sum equal to the cost of such improvements for the designated area guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city.

(j) *Lot markers.* Lot markers shall be a one-half (1/2) inch reinforcing bar, eighteen (18) inches long, or approved equal, and shall be placed at all corners flush with the ground, or countersunk if necessary to avoid being disturbed. (Ord. No. 78-20, § IX, 8-7-78; Ord. No. 85-3, §§ 1, 2, 1-7-85)

Sec. 24-11. Industrial or commercial subdivisions.

An industrial or commercial subdivision shall be processed for approval in the same manner as provided for a residential subdivision, except that no individual lots need to be shown on such plat and only streets, blocks, easements and minimum building lines need be indicated. The minimum right-of-way width of a minor street in an industrial or commercial subdivision shall be sixty (60) feet, and all other streets shall conform to the standards for major and secondary streets prescribed by the major thoroughfare plan. Overhead power and telephone service will be allowed in this type of subdivision. (Ord. No. 78-20, § X, 8-7-78)

Sec. 24-12. Adequate water for personal use and fire protection required.

(a) It shall be the policy of the city to ensure that all future subdivisions within the city shall be provided with water in sufficient volume and pressure for domestic use and fire protection.

(b) Prior to issuing permits for the construction of site improvements within a plat, the city engineer shall determine through appropriate engineering studies that the city's water system is adequate to provide sufficient water as may be required and reasonably foreseen for domestic use and fire protection for the entire plat.

(c) It shall be the policy of the city to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the city.

(d) The approval of a plat by the city does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefor issued, nor shall such approval constitute any representation, assurance or guarantee by the city of the adequacy and availability of water for personal use and fire protection within such plat. (Ord. No. 83-54, § 1, 11-7-83)

Sec. 24-13. Sewer availability charge.

(a) Prior to the issuance of any permit for the construction of on-site improvements in any development, there shall be paid by the developer a sewer availability charge for each family dwelling unit to be constructed on said tract of land to be developed.

(b) Prior to the issuance of any building permit, in any residential development, there shall be paid by the developer, or builder, a sewer availability charge for each family dwelling unit to be constructed.

(c) The amount of such charges shall be from time to time be established by resolution of the city council. (Ord. No. 82-48, §§ 1-3, 9-27-82)

Editor's note—Ord. No. 82-48, adopted Sept. 27, 1982, did not specifically amend this Code; hence inclusion of §§ 1-3 as § 24-13 was at the discretion of the editor.

Sec. 24-14. Water availability charge.

(a) Prior to the issuance of any permit for the construction of on-site improvements in any development, there shall be paid by the developer a water availability charge for each family dwelling unit to be constructed on said tract of land to be developed.

(b) The amount of such charges shall from time to time be established by resolution of the city council. (Ord. No. 83-27, §§ 1, 2, 5-17-83)

Editor's note—Ord. No. 83-27, adopted May 17, 1983, did not specifically amend this Code; hence inclusion of §§ 1 and 2 as § 24-14 was at the discretion of the editor.

Sec. 24-15. Right-of-way dedication.

In platting the subdivision, the developer shall provide additional right-of-way required for existing or future streets as shown in the Thoroughfare Plan or other plan approved by the city council. (Ord. No. 84-62, § 1, 12-17-84)

Sec. 24-16. Street improvements and oversizing.

(a) When a proposed subdivision of land abuts on both sides of an existing substandard road, or on one side of said road, being substandard according to the then existing current City of Rockwall Standard Specifications, the developer shall be required to improve the existing road, including sidewalks, to bring the same to City of Rockwall standards, or to replace it with a standard city street at no cost to the City of rockwall other than as set out in the cost sharing policy of the city in effect at the time of approval of the final plat. If the proposed subdivision is located along only one side of a substandard road, and when in the city council's judgment, it is not feasible to reconstruct said substandard road at the time of development of said subdivision, the city council may permit the developer to pay into escrow an amount equal to one hundred fifteen (115) per cent of the developer's share of the cost of said improvements as a condition of the approval of the final plat of the subdivision. If the proposed subdivision is located along a state road, as herein designated, which is considered substandard, the developer shall be required to escrow funds for the cost of improvements for curb and gutter, sidewalks and

storm drainage on nonresidential subdivisions. Developers of residential subdivisions along state roads shall be required to escrow funds for fifty (50) per cent of the estimated cost of the required road improvements applicable to that subdivision. State roads shall include SH-205, SH-276, SH-66, FM-549, FM-740, FM-552, FM-3097, FM-1141, and FM-1139. The amount of escrow shall be as determined by the city engineer or his designated representative and shall be payable prior to construction of the subdivision streets and utilities. When funds have been provided and placed in escrow with the City of Rockwall for the development of a substandard road, and the road is reconstructed by a party other than the escrowing developer and at no cost to the City of Rockwall, the escrowed funds and accrued interest, if any, shall be refunded to the developer after completion and acceptance of the improvements. In the event that appropriation of the cost is borne by the City, the difference between the developer's proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded to the developer after completion and acceptance of the improvements. Where in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, upon recommendation by the city planning and zoning commission, the city council may, in specific cases, at a regular meeting of the city council, and subject to appropriate conditions and safeguards, authorize special exceptions to these regulations in order to permit reasonable to these regulations in order to permit reasonable development and improvement of property where the literal enforcement of these regulations would result in an unnecessary hardship.

(b) All new roads within proposed subdivisions shall, at a minimum be built to a width and design which will adequately serve that subdivision. In addition, when required by the city in the interest of the community, the developer may be required to build larger streets to the width shown on the Thoroughfare Plan. If more than forty-eight (48) feet (back of curb to back of curb) is constructed the city will reimburse the developer for the excess width when funds become available, unless the additional width was required by the city engineer or traffic planner to

adequately serve the needs of that subdivision. Streets which dead-end at power lines, railroads, or similar right-of-way, which are intended for future extension across these rights-of-way, shall be constructed in right-of-way for half the distance across the rights-of-way. Where streets are adjacent to undeveloped land and the property line is normally the centerline of the street, the developer shall provide right-of-way of sufficient width and shall construct paving a minimum width of twenty-four (24) feet, if deemed necessary by the city engineer or traffic planner. If the city in the interest of the community, requires the subdivider to construct more than twenty-four (24) feet, the city will reimburse the cost of the excess width to the developer who installed the paving, at the actual cost of construction, with no reimbursement for additional right-of-way which required to construct the additional paving in excess of twenty-four (24) feet as funds are available. No reimbursement will be made, however, when the city engineer or traffic planner determines that the excess width is required to serve that subdivision. When, in the city council's judgment, it is not feasible to construct the street and/or railroad crossing at the time of development of the subdivision, escrow for the development of the subdivision, escrow for the developer's portion of the cost may be provided in accordance with this section. In the event the street and/or railroad crossing has been constructed or is being constructed by others, the developer shall pay his pro-rata share of the improvements. Escrow or pro-rata shall be payable prior to construction of streets and utilities.

(c) When reimbursing the developer for oversize development costs, the City of Rockwall shall pay for a maximum engineering fee of six (6) per cent of the construction reimbursement.

(d) If the improvements of said road or street do not occur within twenty (20) years from the date the money is so placed on deposit with the city, the money, including any earned interest thereon, shall be returned to the property owner of record at that time.

(e) Should the city establish an assessment program for street improvements on any road within the city, any funds already placed in escrow for road improvements to said street as required by this section shall be credited toward the property owner of

record at the time of assessment. (Ord. No. 84-62, § 2, 12-17-84; Ord. No. 86-45, § 1, 7-28-86)

Sec. 24-16.1. Off-site access roadways.

(a) Dependent upon the circumstances of a particular subdivision where access is not deemed adequate by the city council, the council may require the developer to provide and construct off-site access roadways which conform to the street layout standards as provided for in section 24-8(a)(5). If such access is provided, the developer and the city shall enter into a facilities agreement prior to final plat approval, for the construction of such access roadway. Such agreement shall contain engineering cost estimates, the number of square feet in the proposed roadway, any pro rata schedules plus any other matter deemed appropriate by the parties.

(b) For any subsequent subdivision utilizing such facilities, a facilities agreement shall be required between the city and any subsequent developer. Any costs due prior developers as determined by the city's engineer, consistent with the city's policies on thoroughfare improvements shall be prorated as the use by the new subdivision bears to the amount due. Such prorated amounts will be made a part of any subsequent facilities agreement, collected by the city, and repaid to the original developer making such improvements. All such reimbursements or prorations shall be based on the actual cost of the improvements at the time of their construction. The original developer shall provide the city with the acceptable documentation of actual construction cost from which calculation of reimburseable amounts will be made for inclusion in the facilities agreement. (Ord. No. 86-62, § 1, 7-21-86)

Editor's note—Ord. No. 86-62, § 1, adopted July 21, 1986, amended § 24-8 by the addition of § 24-8A; however, for purposes of classification and at the discretion of the editor, said provisions have been redesignated and included herein as § 24-16.1

Sec. 24-17. Sidewalk construction.

(a) Sidewalks shall be provided on all streets in areas zoned for one-or two-family residential development and on all streets designated on the adopted Master Thoroughfare Plan. The city may require sidewalks in other locations. All required sidewalks in

other locations. All required sidewalks shall be constructed by the builder at the time the lot is developed.

(b) If, at the time the property is developed, it is determined to be unfeasible to construct the sidewalks as required, the builder shall pay into escrow the estimated cost of said sidewalk. The amount of escrow shall be as determined by the city engineer or his designated representative, and shall be payable prior to construction of any buildings or other improvements. Where in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, upon recommendation by the city planning and zoning commission, the city council may, in specific cases, at a regular meeting of the city council, and subject to appropriate conditions and safeguards, authorize special exceptions to these regulations in order to permit reasonable development and improvement of property where the literal enforcement of these regulations would result in an unnecessary hardship. (Ord. No. 85-21, § 1, 4-1-85)

Sec. 24-18. Facilities agreement.

The subdivider shall be required to enter into an agreement with the city which will govern his subdivision if there are pro rata payments, city participation and cost, escrow deposits or other future considerations, variances granted to this section or other nonstandard development regulation. This agreement shall be based upon the requirements of this section and shall provide the city with specific authority to complete the improvements required in the agreement in the event of failure by the developer and to recover the full legal cost of such measures. The city may subordinate the facilities agreement to the prime lender if provided for in said agreement.

The facilities agreement shall be a legally binding agreement between the city and the developer specifying the individual and joint responsibilities of both the city and the developer. Unusual circumstances relating to the subdivision shall be considered in the facilities agreement such that the purpose of this section best served for each particular subdivision. Such facilities agreement may stipulate pro rata payments, city participation in unusual

facilities, escrow deposits or other payments for future facilities, variances granted to this section and other particular aspects of the development. The developer shall include in such agreement a hold harmless indemnity clause agreeing to hold the city harmless against any claim arising out of this developer's subdivision or any actions taken therein.

The developer shall have a continuing responsibility under this facilities agreement after the filing of the final plat and until all facilities and improvements required under this facilities agreement have been completed. When the construction of required improvements has proceeded to the point that certain parts of the subdivision are adequately served, the city manager may release specified portions of the subdivision prior to the completion of all improvements. This shall not be done if the release of such improvements would jeopardize or hinder the continued construction of required improvements, and the facilities agreement shall remain in force for all portions of the subdivision for which a release has not been executed. (Ord. No. 86-92, § 1, 11-17-86)

Sec. 24-19. Adoption of standards for design of development within subdivisions; enforcement.

(a) *Adoption.* There is hereby adopted by the City of Rockwall, Texas for the purpose of prescribing standards for development, the Standards for Design of Development Within Subdivisions, and it is hereby incorporated herein as if fully set out in length herein and from the date on which this section [Ordinance Number 86-89] shall take effect the provisions thereof shall be controlling within the corporate limits of the City of Rockwall. A copy of the said standards shall be kept on file in the office of the city secretary and is attached hereto and marked Exhibit A.

(b) *Enforcement.* The enforcement of this code shall be by the city manager of the City of Rockwall, Texas, or through any person whom he may designate provided that such person is employed as an employee or under a contract with the city. The city engineer shall have the authority to waive any of the technical provisions as contained in said standards, when literal enforcement of the provisions is determined to be not feasible or

reasonable, unless such authority has been expressly reserved by the city council. (Ord. No. 86-89, § 1, 2, 11-17-86)

Editor's note—Ord. No. 86-89, adopted Nov. 17, 1986, did not specifically amend this Code and at the discretion of the editor §§ 1, 2 have been included herein as § 24-19.

Secs. 24-20—24-40. Reserved.

ARTICLE II. PARK LAND DEDICATION*

Sec. 24-41. Purpose.

(a) This article [Ordinance Number 87-1] is adopted to provide recreational areas in the form of neighborhood parks as a function of subdivision development in the City of Rockwall, Texas. This article is enacted in accordance with the Home Rule powers of the City of Rockwall, granted under the Texas Constitution, in statutes of the State of Texas, including but not by way of limitation, articles 974a and 1175. It is hereby declared by the city council that recreation areas in the form of neighborhood parks are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such a requirement into the procedure for planning and developing property or subdivisions in the city, whether such development consists of new construction on vacant land or rebuilding structures on existing residential property.

(b) Neighborhood parks are those parks providing for a variety of outdoor recreational opportunities and within convenient distances for a majority of the residents to be served thereby. Park districts established by the parks and recreation department and the official park plan for the City of Rockwall, Texas, shall be prima facie proof that any park located there in is within such convenient distance from any residence located therein. Primary cost of neighborhood parks shall be borne by the ultimate resi-

**Editor's note*—Ord. No. 87-1, adopted Jan 5, 1987, did not specifically amend the Code and at the discretion of the editor the substantive sections of said ordinance have been included herein as Art. II, §§ 24-41—24-50.

Cross references—Parks and recreation, Ch. 19; planning, Ch. 20; streets, sidewalks and public places, Ch. 23.

dential property owners, who, by reason of the proximity of their property to such parks, shall be the primary beneficiary of such facilities. Therefore, the following requirements are adopted to effect the purposes stated. (Ord. No. 87-1, § I, 1-5-87)

Sec. 24-42. Definitions .

For the purposes of this article, the following definitions shall apply:

Develop (V): The act of subdividing a parcel or tract of land and installation of community facilities in accordance with and as defined by the City of Rockwalls Subdivision Ordinance.

Development (N): A parcel or tract of land proposed for subdivision in accordance with and as defined by the City of Rockwall's Subdivision Ordinance.

Park development: The development of a park site by construction of streets, drainage, and utilities to serve a neighborhood park districts.

Pro rata share of required dedication: The amount of land that must be dedicated (or the acreage figure used to calculate cash in lieu of land donation) as prescribed within this article. The pro rata share of required dedication in a neighborhood park district shall be calculated as follows: Pro rata share of required dedication equals the total number of residential units in a proposed development as a percentage of the total number of residential units which a neighborhood park district is projected to have when fully developed multiplied by the area determined in the Park Master Plan as being necessary to meet the ultimate neighborhood park district's neighborhood park needs.

The total number of residential units which a neighborhood park district is projected to have when fully developed shall be calculated as follows: The total residential population of a neighborhood park district when fully developed as projected by the Park Master Plan divided by the mean household size determined by the most recent demographic information prepared by the North Central Texas Council of Governments. (Ord. No. 87-1, § II, 1-5-87)

Sec. 24-43. General Requirement for SF-16, SF-10, SF-7, ZL-5, 2-F and MF-15, to be used for single-family, zero lot line, duplex, and/or apartment multi-family residential purposes.

(a) Whenever a final plat is filed of record with the county clerk of Rockwall County for development of a residential area in accordance with the planning and zoning ordinances of the City of Rockwall, such plat shall contain a clear fee simple dedication of an area of land to the City of Rockwall for park purposes, which area shall be equal to or greater than the property being subdivided's pro rata share of neighborhood park property required for the neighborhood park district in which the property being platted or subdivided is located as shown by the Park Master Plan. Any proposed plat submitted to the city for approval shall show the area proposed to be dedicated under this article. The requirement for dedication under this article may be met by a payment of money in lieu of land when permitted or required by the other provisions of this article.

(b) The city council declares the development of an area smaller than one acre for public park purposes to be impractical. Therefore, if less than one acre is calculated to be the pro rata share of a development plat filed for approval, the developer shall be required to pay the applicable cash in lieu of land amount provided for by section 24-45(c) of this article, rather than dedicate any land area. No plat showing a dedication of less than one acre shall be approved.

(c) In instances where an area of less than six (6) acres but more than one acre is calculated to be the pro rata share of a development the city council shall have the option of requiring land dedication or cash in lieu of land in accordance with section 24-45(c) of this article after consideration of the recommendation of the planning and zoning commission and the parks and recreation board. If the City determines that sufficient park area is already in the public domain in the area of the proposed development or the neighborhood park district, or if the recreation potential for that zone would be better served by expanding or improving an existing park, dedication may also be refused and cash in lieu of land may, likewise, be required.

(d) The dedication required by this article shall be made by filing of final plat or contemporaneously by separate instrument. If the actual number of completed dwelling units exceeds the figures upon which the original dedication is based, additional dedication shall be required and shall be made by payment in lieu of land amount described by section 24-45(c) of this article, or by the conveyance of an entire numbered lot to the city. (Ord. No. 87-1, § III, 1-5-87)

Sec. 24-44. Prior dedication; absence of prior dedication.

At the discretion of the city council, any former gift of land to the city may be credited on a per acre basis toward the eventual land dedication requirements imposed on the donor of such land. The city council shall consider recommendations of the planning and zoning commission and the parks and recreation board in exercising its discretion under this section. (Ord. No. 87-1, § IV, 1-5-87)

Sec. 24-45. Money in lieu of land.

(a) Subject to the veto of the city council and the terms of section 24-43 of this article, a land owner responsible for dedication under this article may elect to meet the requirements of section 24-43 in whole or in part by a cash payment in lieu of land, in an amount set forth in section 24-45(c). Such payment in lieu of land shall be made at or prior to final plat approval.

(b) The city may from time to time decide to purchase land for parks in or near the area of actual or potential development. If the city does purchase park land in a neighborhood park district and said land purchased is used to meet the need for a neighborhood park, subsequent land dedications for that district shall be in cash only and calculated on a pro rata share basis to reimburse the city's actual cost of acquisition and development of such land for parks. The cash amount shall be equal to the sum of (1) the average price per acre of such land, and (2) the actual cost of adjacent streets and site utilities, or an estimate of such actual costs provided by the city engineer. Once the city has been reimbursed entirely for all park land within a park zone, this section shall cease to apply and the other sections of this article shall be applicable.

(c) To the extent that section 24-45(b) is not applicable, the dedication requirements shall be met by a cash payment in lieu of land on the basis of a per acre price. Said per acre price shall be based upon an appraisal (prepared by an appraiser hired by the city) which appraisal shall have included the neighborhood park district in which such development is located. Cash payments may be used only for acquisition or improvement of neighborhood parks located within the same neighborhood park district as the development in accordance with the Park Master Plan. (Ord. No. 87-1, § V, 1-5-87)

Sec. 24-46. Dedication of more than the pro rata share of park land.

The developer of a residential subdivision which is subject to the terms of this article may dedicate more land than the pro rata share calculated for the development if approved by the city council. If the developer dedicates an amount equal to or greater than the total required park land area for the neighborhood park district in which his subdivision is located, the city and the developer shall execute a pro rata refunding agreement in accordance with the City of Rockwall Subdivision Regulations which shall recover the cost of land dedicated in excess of the developer's pro rata share after streets, drainage, and utilities are constructed on the dedicated property.

The developer shall install the streets, drainage, and utilities to serve the neighborhood park, and the cost of same shall be included in the pro rata refunding agreement. The pro rata refunding agreement shall provide that future developers in the same neighborhood park district shall pay their pro rata share of the actual cost of park development which shall be calculated based on the per acre cash in lieu of land cost in effect at the time of dedication, plus the costs of streets, drainage, and utilities installed to serve the dedicated neighborhood park. The cost of streets, drainage and utilities installed to serve the park shall be certified by the city engineer. In no case shall the developer receive pro rata payments after he has recovered an amount equal to the number of acres actually dedicated in excess of his pro rata share multiplied by the per acre cash in lieu of land figure in effect at the time of actual dedication, plus the costs of

streets, drainage, and utilities as certified by the city engineer necessary to serve the neighborhood park. In no case shall the term of any pro rata agreement provided by this article be for a period in excess of five (5) years from the date of dedication. (Ord. No. 87-1, § VI, 1-5-87)

Sec. 24-47. Special fund established; right to refund.

(a) There is hereby established a special fund for the deposit of all cash funds in lieu of land dedication under this article, which fund shall be known as the "Park Land Dedication Fund."

(b) The city shall account for all sums paid in lieu of land dedication under this article referenced to individual plats involved. Any funds paid for such purposes must be expended by the city within two (2) years from the date received by the city for acquisition and development of a neighborhood park as defined herein. Such funds shall be considered to be spent on a first/in first/out basis. If not so expended, the owners of the property on the last day of such period shall be entitled to a pro rata refund of such funds, calculated on a square footage basis. The owners of such property must request such refund within one year of entitlement; in writing, or such rights shall be barred. (Ord. No. 87-1, § VII, 1-5-87)

Sec. 24-48. Additional requirements and provisions.

(a) Any land dedicated to the city under this article suitable for park and recreation use. The following characteristics of a proposed area are generally unsuitable:

- (1) Any area located in the one hundred-year floodplain;
- (2) Any area of unusual topography or slope which renders same unusable for organized recreational activities.

The above characteristics of park land dedication area may be grounds for refusal of a plat.

(b) At least fifty (50) per cent of a development's pro rata share of land dedicated to the city under the terms of this article shall be land which is not located in the one hundred-year floodplain. If a portion of the required pro rata share of lands dedicated is in

the one hundred-year floodplain, that portion of the pro rata share located in said floodplain shall be credited toward meeting the development's share of a rate of one-half (½) its actual acreage.

(c) Drainage areas and floodplain may be accepted as part of the park if the channel is constructed in accordance with city engineering standards, and if no sufficient area of the park is cut off from access by such channel provided sufficient land is dedicated to ensure that the neighborhood park needs for the area are met. The city shall be the sole judge as to sufficiency of land dedicated to ensure that neighborhood park needs are met. Such areas if located in the one hundred-year floodplain shall be credited toward meeting the pro rata share in accordance with section 24-48(b) above.

(d) Each park must have ready access to a public street.

(e) Unless provided otherwise herein, action by the city shall be by the city council after consideration of the recommendations of the planning and zoning commission and the parks and recreation board. Any proposal considered by the planning and zoning commission under this article shall have been reviewed by the parks and recreation board and its recommendation given to the commission. The commission may make a decision contrary to such recommendation only by a vote of at least five (5) members. Should the commission be unable to get this vote, the matter shall then be referred to the city council for final decision.

(f) If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

(g) This article shall become effective upon adoption by the city council. (Ord. No. 87-1, § VIII, 1-5-87)

Sec. 24-49. Review and updating park master plan.

The City of Rockwall Parks and Recreation Department shall consider the need to update the Park Master Plan at least annually to insure that the plan remains current and provides an

equitable, effective framework from which to pursue the acquisition and development of neighborhood park services for each neighborhood park district (Ord. No. 87-1, § XI, 1-5-87)

Sec. 24-50. Waiver of mandatory neighborhood park land dedication in the case of private developments.

If a development is proposed to be a private development where no public streets are dedicated for use by the public the city shall:

- (1) Calculate the pro rata share of the proposed private development as if it were to be a development where public streets were to be dedicated.
- (2) Waive the requirement for mandatory dedication if the private amenities of the proposed development meet or exceed the calculated pro rata share as calculated under section 24-50(1) above.
- (3) Decrease the total acreage shown in the Park Master Plan as being required to meet the ultimate need for neighborhood parks in the applicable neighborhood park district by the acreage calculated under section 24-50(1) above (for the purpose of future calculations of pro rata shares for future developments). (Ord. No. 87-1, § IX, 1-5-87)

Sec. 24-51. Waiver of article requirements by city council.

The city council of the City of Rockwall, Texas may waive the requirements of this article upon a finding by the city council that said waiver is clearly in the best interest of the City of Rockwall. (Ord. No. 87-13, § I, 3-16-87)

Editor's note—Ord. No. 87-13, § I, adopted March 16, 1987, amended Ord. No. 87-1 by the addition of § XIII and at the discretion of the editor said provisions have been included herein as § 24-51.