

CAUSE NO. 1-25-1000

DMDS LAND COMPANY LLC and  
D.R. HORTON-TEXAS, LTD.,  
Plaintiffs,

v.

ROCKWALL COUNTY,  
Defendant.

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IN THE DISTRICT COURT

ROCKWALL COUNTY, TEXAS

382<sup>nd</sup> JUDICIAL DISTRICT

**COUNTY'S AMENDED PLEAS TO THE JURISDICTION AND AMENDED  
RESPONSE TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant, Rockwall County ("County"), files these amended pleas to the jurisdiction ("Pleas") and amended response ("Response") to the motion for partial summary judgment ("MSJ") filed by DMDS Land Company ("DMDS") and D.R. Horton-Texas, Ltd. ("Horton") (collectively "Plaintiffs"), and respectfully shows the Court:

**INTRODUCTION**

In recent years Rockwall County has seen explosive growth that threatens to severely damage the health, safety, and general welfare of its residents. In response, the County has attempted to address the problems created by this growth in the unincorporated areas of the County by imposing reasonable conditions that developers must meet when developing their properties. When developers add hundreds of homes to an unincorporated area, it severely strains a wide variety of existing public infrastructure. Since the developers are creating a need for more public infrastructure, the County has adopted requirements that developers must contribute their fair share of additional infrastructure.

Horton did not agree to provide the additional infrastructure and instead decided to file suit. Now it requests the Court to grant it summary judgment on some of its claims. As shown

below, Plaintiffs are not entitled to partial summary judgment because the Court lacks subject matter jurisdiction of Plaintiffs' claims due to ripeness, mootness, standing, governmental immunity, and justiciability. In addition, Plaintiffs are not entitled to partial summary judgment because the County's conditions do not violate Sections 232.003 and 232.110 of the Texas Local Government Code. Finally, Plaintiffs are not entitled to a declaration that they prevailed on their appeal of the Order entered by the County Commissioners Court on apportionments.

### **SUMMARY JUDGMENT EVIDENCE**

In support of the County's Pleas and Response to Plaintiffs' Motion for Partial Summary Judgment, the County relies on the Affidavit of Christopher D. Bowers, which is attached hereto and incorporated herein as Exhibit A.

Additionally, per Rule 58 of the Texas Rules of Civil Procedure, the County adopts by reference its answer in this case, which is on file with the Court, and incorporates that filing into the Pleas and Response for all purposes.

Furthermore, the County relies on and incorporates by reference Plaintiffs' Exhibits A-1, A-6, A-7, A-13, and A-16.

### **STANDARD OF REVIEW**

In a traditional motion for summary judgment, the movant has the burden to show there is no genuine issue of material fact and, therefore, the movant is entitled to judgment as a matter of law. *Painter v. Amerimex Drilling I, Ltd.*, 561 S.W.3d 125, 130 (Tex. 2018); Tex. R. Civ. P. 166a(c). When a plaintiff moves for summary judgment on its own cause of action, it must prove it is entitled to summary judgment by establishing each element of its claim as a matter of law. *MMP, Ltd. v. Jones*, 710 S.W.2d 59, 60 (Tex.1986); *Fry v. Comm 'n for Law. Discipline*, 979 S.W.2d 331, 334 (Tex. App.—Houston [14th Dist.] 1998, pet. denied). If the plaintiff does not

conclusively establish all the elements necessary to its cause of action, summary judgment is improper. *See, e.g., Wesson v. Jefferson S&L Ass'n*, 641 S.W.2d 903, 906 (Tex. 1982) (plaintiff did not prove it was defendant's duty to procure insurance, an essential element, and summary judgment was improper). The Court must view the evidence "in the light most favorable to the nonmovant, crediting evidence a reasonable jury could credit and disregarding contrary evidence and inferences unless a reasonable jury could not." *Painter*, 561 S.W.3d at 130.

### ARGUMENT AND AUTHORITIES

Plaintiffs seek summary judgment on their requests that the Court declare that (1) all of the conditions listed in Section 5.10 (except for roads) of the Rockwall County Subdivision and Land Development Regulations ("Subdivision Regulations")<sup>1</sup> violate Sections 232.003 and 232.110 of the Texas Local Government Code and are null and void on their face, and (2) the Order violates Section 232.110 of the Texas Local Government Code because none of the listed items constitute county infrastructure improvements and the County did not prove up proportionality.

Plaintiffs are not entitled to summary judgment because: (1) the Court lacks jurisdiction of these requests, (2) the County's conditions do not violate Sections 232.003 and 232.110 of the Local Government Code, and (3) the County proved up proportionality.

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<sup>1</sup> *See* Subdivision Regulations, which are available at <https://www.rockwallcountytexas.com/DocumentCenter/View/8333/Rockwall-County-Subdivision-and-Land-Development-Regulations> (last visited on Jan. 29, 2026). The County requests the Court to take judicial notice of the Subdivision Regulations under Rule 204 of the Texas Rules of Evidence. *See, e.g., Amarillo v. R.R. Comm'n of Tex.*, 511 S.W.3d 787, 794 (Tex. App.—El Paso 2016, no pet.); *Harris County v. McDougal*, No. 01-98-00812-CV, 2000 Tex. App. LEXIS 1122 at \*2 n.3 (Tex. App.—Houston [1<sup>st</sup> Dist.] Feb. 17, 2000, pet. denied). To help developers and other property owners, the County also published a Development Application Handbook. *See* <https://www.rockwallcountytexas.com/DocumentCenter/View/11604/Rockwall-County-Development-Application-Handbook> (last visited on Jan. 29, 2026.)

**A. The Court should grant Defendants’ pleas to the jurisdiction**

**1. Trial court procedure, standard of review, and applicable law**

A trial court must determine at its earliest opportunity whether it has the constitutional or statutory authority to decide the case before allowing the litigation to proceed. *Tex. Dep’t of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 226 (Tex. 2004); *see also State Bar of Tex. v. Gomez*, 891 S.W.2d 243, 245 (Tex. 1994) (“As a general proposition, before a court may address the merits of any case, the court must have jurisdiction over the party or the property subject to the suit, jurisdiction over the subject matter, jurisdiction to enter the particular judgment, and capacity to act as a court.”). Subject-matter jurisdiction cannot be presumed and cannot be waived. *Cont’l Coffee Prods. Co. v. Cazarez*, 937 S.W.2d 444, 448-49 n.2 (Tex. 1996). Lack of subject-matter jurisdiction can be raised at any time by the parties or the court, including for the first time on appeal. *See Rusk State Hosp. v. Black*, 392 S.W.3d 88, 94 (Tex. 2012); *Texas Ass’n of Bus. v. Texas Air Control Bd.*, 852 S.W.2d 440, 445 (Tex. 1993). Subject-matter jurisdiction cannot be ignored; in fact, the court has an obligation *sua sponte* to examine whether it has jurisdiction of the subject matter. *Mayhew v. Town of Sunnyvale*, 964 S.W.2d 922, 928 (Tex. 1998) *cert. denied*, 526 U.S. 1144 (1999). Because of the fundamental nature of subject-matter jurisdiction, the court must determine whether it has such jurisdiction once the issue is raised. *McClennahan v. First Gibraltar Bank*, 791 S.W.2d 607, 608 (Tex. App.—Dallas 1990, no writ).

A plea to the jurisdiction is a dilatory plea by which a party challenges the court’s authority to determine the subject matter of the action. *See, e.g., Harris Cnty. v. Sykes*, 136 S.W.3d 635, 638 (Tex. 2004); *Bland Indep. Sch. Dist. v. Blue*, 34 S.W.3d 547, 554 (Tex. 2000); *Tex. Dep’t of Transp. v. Jones*, 8 S.W.3d 636, 638 (Tex. 1999). Its purpose is “to defeat a cause of action without regard to whether the claims asserted have merit.” *Blue*, 34 S.W.3d at 554. The purpose of the plea

is not to force the plaintiff to preview their case on the merits, but to establish a reason why the merits of the plaintiff's claims should never be reached. *See County of Cameron v. Brown*, 80 S.W.3d 549, 555 (Tex. 2002); *Blue*, 34 S.W.3d at 554.

A plaintiff bears the burden of alleging facts affirmatively showing that the trial court has subject-matter jurisdiction. *Tex. Dep't of Criminal Justice v. Miller*, 51 S.W.3d 583, 587 (Tex. 2001); *Texas Ass'n of Bus.*, 852 S.W.2d at 446.

When a plea to the jurisdiction challenges the pleadings, the court determines if the pleader has alleged facts that affirmatively demonstrate the court's jurisdiction to hear the cause. *Id.* A trial court construes the pleadings liberally in favor of the plaintiffs and looks to the pleader's intent. *Id.*; *Heckman v. Williamson Cnty.*, 369 S.W.3d 137, 150 (Tex. 2012); *Miranda*, 133 S.W.3d at 226. If the pleadings do not contain sufficient facts to affirmatively demonstrate the trial court's jurisdiction but do not affirmatively demonstrate incurable defects in jurisdiction, the issue is one of pleading sufficiency and the plaintiffs should be afforded the opportunity to amend. *Miranda*, 133 S.W.3d at 226-27. If the pleadings affirmatively negate the existence of jurisdiction, then a plea to the jurisdiction may be granted without allowing the plaintiffs an opportunity to amend. *Heckman*, 369 S.W.3d at 150; *Miranda*, 133 S.W.3d at 226-27.

If a plea to the jurisdiction challenges the existence of jurisdictional facts, the trial court must consider relevant evidence submitted by the parties when necessary to resolve the jurisdictional issues raised. *State v. Holland*, 221 S.W.3d 639, 642 (Tex. 2007); *Miranda*, 133 S.W.3d at 227. In those cases, the court can consider evidence as necessary to resolve any dispute over those facts, even if that evidence “implicates both the subject-matter jurisdiction of the court and the merits of the case.” *Mission Consol. Indep. Sch. Dist. v. Garcia*, 372 S.W.3d 629, 635 (Tex. 2012) (quoting *Miranda*, 133 S.W.3d at 226). In those situations, a trial court's review of a

plea to the jurisdiction mirrors that of a traditional summary judgment motion. *Garcia*, 372 S.W.3d at 635; *Miranda*, 133 S.W.3d at 228; *see also* Tex. R. Civ. P. 166a(c). Initially, the defendant carries the burden to meet the summary judgment proof standard for its assertion that the trial court lacks jurisdiction. *Garcia*, 372 S.W.3d at 635; *Miranda*, 133 S.W.3d at 228. If it does, the plaintiff is then required to show that a disputed material fact exists regarding the jurisdictional issue. *Garcia*, 372 S.W.3d at 635; *Miranda*, 133 S.W.3d at 228. If a fact issue exists, the trial court should deny the plea. *Garcia*, 372 S.W.3d at 635; *Miranda*, 133 S.W.3d at 227-28. But if the relevant evidence is undisputed or the plaintiff fails to raise a fact question on the jurisdictional issue, the trial court must grant the plea. *Garcia*, 372 S.W.3d at 635; *Holland*, 221 S.W.3d at 643; *Miranda*, 133 S.W.3d at 227-28.

Whether a party has alleged facts that affirmatively demonstrate a trial court's subject matter jurisdiction is a question of law. *Miranda*, 133 S.W.3d at 226; *see also* *Tex. Natural Res. Conservation Comm'n v. IT-Davy*, 74 S.W.3d 849, 855 (Tex. 2002); *Mayhew*, 964 S.W.2d at 928.

**2. At least 14 of Horton's declaratory judgment claims are not ripe for adjudication**

**a. For a claim to be ripe, it must meet the below standards**

Ripeness is an element of subject-matter jurisdiction. *See Mayhew*, 964 S.W.2d at 928 (Tex. 1988); *Aetna Life Ins. Co. v. Haworth*, 300 U.S. 227, 240-41 (1937). Ripeness is a question of law subject to *de novo* review. *See Mayhew*, 964 S.W.2d at 928; *Tex. Ass'n of Bus.*, 852 S.W.2d at 444-45. Ripeness is also a question of timing. *See Anderson v. Green*, 513 U.S. 557, 558 (1995). It focuses on when a claim may be brought. *Waco Ind. Sch. Dist. v. Gibson*, 22 S.W.3d 849, 851 (Tex. 2000). Under the ripeness doctrine, the court determines "whether, *at the time a lawsuit is filed*, the facts are sufficiently developed 'so that an injury has occurred or is likely to occur, rather than being contingent or remote.'" *Id.* at 851-52 (quoting *Patterson v. Planned Parenthood of*

*Houston & Se. Tex., Inc.*, 971 S.W.2d 439, 442 (Tex. 1998) (emphasis in original). Therefore, ripeness analysis “focuses on whether the case involves ‘uncertain or contingent future events that may not occur as anticipated or may not occur at all.’” *Id.* at 852 (quoting *Patterson*, 971 S.W.2d at 442). A controversy “is not ripe when determining whether the plaintiff has a concrete injury depends on contingent or hypothetical facts, or upon events that have not come to pass.” *Id.* at 852.

The ripeness doctrine has both constitutional and prudential aspects. *Mayhew*, 964 S.W.2d at 928. The ripeness requirement emanates, in part, from Article II, Section 1 of the Texas Constitution, which provides for the separation of powers. Under the separation of powers, courts are without jurisdiction to issue advisory opinions because such is the function of the executive department, not the judiciary. *Id.*; *Gibson*, 22 S.W.3d at 851. In addition, the ripeness requirement ensures that judicial time and resources are only spent on real and current controversies and not abstract, hypothetical or remote controversies. *Mayhew*, 964 S.W. at 928.

Whether a regulatory claim is ripe depends partially on whether the claim is a facial challenge or an as-applied challenge. A facial challenge is a challenge that a regulation on its face constitutes a taking. *See e.g., Edwards Aquifer Auth. v. Day*, 369 S.W.3d 814, 837 (Tex. 2012). An as-applied challenge is a challenge that the regulation’s effect on a specific property constitutes a taking. *See e.g., Hallco Tex., Inc. v. McMullen Cty.*, 221 S.W.3d 50, 57–58 (Tex. 2006).

An as-applied challenge is not ripe until the government has reached a final decision regarding the application of the regulation to the property at issue. *See Mayhew*, 964 S.W.2d at 929. “A ‘final decision’ usually requires both a rejected development plan and the denial of a variance from the controlling regulations.” *Id.* Nonetheless, a property owner is not required to make futile variance requests or reapplications. *Id.* Furthermore, the variance request is applied

flexibly encompassing other types of available permits or actions that may provide relief. *Id.* at 930.

A facial challenge to a regulation is ripe when the restriction is imposed. *See Mayhew*, 964 S.W.2d at 930. Thus, a final decision is not required for a claim that is a facial challenge. *Id.*

**b. Plaintiffs’ declaratory relief claims on at least 14 of the 16 conditions do not involve a live controversy**

Courts do not have jurisdiction over hypothetical or premature disputes. Horton has several requests for declaratory relief under the Uniform Declaratory Judgments Act (“UDJA”), found in Chapter 37 of the Texas Civil Practice and Remedies Code. The following Horton requests for declaratory relief are not ripe for judicial review:

- Paragraph 24 of Plaintiffs’ First Amended Petition (“Petition”) requests a declaration that “*the County was not authorized under Texas statute or Constitution to impose an apportionment fee on developers to pay for the items listed in § 5.10.*”;
- Paragraph 25 of the Petition requests a declaration that “*all the exaction items listed in § 5.10 other than possibly roads do not constitute county infrastructure improvements*”;
- Paragraph 26 of the Petition requests a declaration that “*§ 5.10 cannot be applied to Phases 1A and 1B*”;
- Paragraph 27 of the Petition requests a declaration that “*all the exaction items in § 5.10 other than roads are null and void because they cannot be supported by a professional engineer’s report as required by § 232.110(c), (e), Tex. Loc. Gov’t Code and the Texas Declaratory Judgment Act.*”;

Plaintiffs correctly state in their MSJ that the County Commissioners Court passed an amendment to its subdivision ordinance on February 13, 2024 (“2024 Amendment”), which listed 16 conditions for plat applications. (MSJ at 3 (citing Pls.’ Ex. A-1).) County staff thereafter applied the 16 conditions to Horton’s plat applications. (MSJ at 3 (citing Pls.’ Ex. A-6).) Horton then appealed the staff’s determinations to the Commissioners Court. (MSJ at 3.) After hearing Horton’s appeal, the Commissioners Court did not apply 14 of the 16 conditions in the 2024

Amendment to any of Horton’s four applications for plats. (MSJ at 5 (citing Pls.’ Exs. A-13 & A-1).) In other words, the Commissioners Court’s Order dated May 13, 2025 (“County’s Order”) did not require Horton to pay any costs or provide any land for 14 of the 16 conditions listed in the 2024 Amendment. (MSJ at 5 (citing Pls.’ Exs. A-13 & A-1.) The Commissioners’ Order was the County’s “final decision” for purposes of ripeness analysis. Therefore, the County has not imposed a regulatory burden on Horton regarding these 14 conditions. Since the County’s Order did not apply these 14 conditions to Horton’s applications, there is no live controversy to adjudicate for those 14 conditions. Horton’s facial challenge never became ripe because, after Horton appealed the staff decision, the County Commissioners did not impose the conditions on Horton. Instead, Horton’s claims challenging the conditions is speculative and unripe unless and until the County applies them in a future action.

Horton notes that the County reserves the right to apply Section 5.10 to subsequent development permit applications by Plaintiffs. (MSJ at 6.) Horton cites no case in support of its position that a reservation of rights indicates a clear intent to impose a regulation in the future. Horton cannot point to any proof that the County intends at this time to impose these 14 conditions on Horton’s development in the future. Instead, Horton seeks an advisory ruling on a hypothetical dispute in the future.

A declaratory judgment is not available to resolve issues that are not yet mature and are subject to change. *See, e.g., City of Garland v. Louton*, 691 S.W.2d 603, 605 (Tex. 1985); *California Prods. v. Puretex Lemon Juice, Inc.*, 334 S.W.2d 780, 783 (Tex. 1960).

As a result, the Court lacks subject-matter jurisdiction over Plaintiffs’ requests for declaratory relief concerning these 14 conditions. In summary, because Plaintiffs’ claims regarding

the vast majority of the conditions are contingent and hypothetical, those claims are not ripe for adjudication. The Court should dismiss them accordingly for lack of jurisdiction.

**3. Alternatively, the Court should dismiss Horton’s declaratory judgment claims because they are now moot**

**a. Alternatively, the Court should dismiss Horton’s declaratory judgment claims for at least 14 of the 16 conditions because they are now moot**

The mootness doctrine implicates subject-matter jurisdiction. *City of Dallas v. Woodfield*, 305 S.W.3d 412, 416 (Tex. App.—Dallas 2010, no pet.). The mootness doctrine prevents courts from rendering advisory opinions, which are outside the jurisdiction conferred by article II, section 1 of the Texas Constitution. *See Valley Baptist Med. Ctr. v. Gonzalez*, 33 S.W.3d 821, 822 (Tex. 2000). A controversy must exist between the parties at every stage of the legal proceeding, including the appeal. *Bd. of Adjustment of City of San Antonio v. Wende*, 92 S.W.3d 424, 427 (Tex. 2002); *McClure v. JPMorgan Chase Bank*, 147 S.W.3d 648, 651 (Tex. App.—Fort Worth 2004, pet. denied). “The general rule is that a case becomes moot, and thus unreviewable, when it appears that a party seeks to obtain relief on some alleged controversy when in reality none exists.” *Schaban-Maurer v. Maurer-Schaban*, 238 S.W.3d 815, 822 (Tex. App.—Fort Worth 2007, no pet.) (citing *Williams v. Lara*, 52 S.W.3d 171, 184 (Tex. 2001)).

Courts have no jurisdiction over moot controversies. *See Valley Baptist Medical Center*, 33 S.W. 3d at 822. In particular, a request for declaratory judgment is moot if the claim presents no live controversy. *See Tex. A&M Univ.-Kingsville v. Yarbrough*, 347 S.W.3d 289, 290 (Tex. 2011). Furthermore, a case may become moot as to some claims or issues, but remain “live” as to others. *State v. Harper*, 562 S.W.3d 1, 6 (Tex. 2018); *see also In re Contract Freighters*, 646 S.W.3d 810, 813 (Tex. 2022) (citing *In re Kellogg Brown & Root, Inc.*, 166 S.W.3d 732, 737 (Tex. 2005)).

In response to the County’s arguments, Plaintiffs argue that there is an exception to mootness when a defendant voluntarily ceases the challenged conduct but the conduct might reasonably be expected to recur, and the defendant has not admitted that the conduct was unlawful. (MSJ at 9-10 (citing *Matthews on Behalf of M. M. v. Kountze Indep. Sch. Dist.*, 484 S.W.3d 416, 418 (Tex. 2016))). Plaintiffs are basically asserting that this Court should apply the “capable of repetition yet evading review” exception to mootness.

However, the Supreme Court of Texas has issued an opinion addressing this exception to mootness in the last year. See *Tex. Dep’t of Family and Protective Servs. v. Grassroots Leadership, Inc.*, 717 S.W.3d 854 (Tex. 2025). In that case, the Court said the issue was “whether Texas courts are constitutionally authorized to adjudicate moot cases that raise questions of considerable public importance.” *Id.* at 862. The Court emphatically held the answer is “No.” *Id.*

There, the Texas Department of Family and Protective Services adopted a rule that authorized state licenses for two residential facilities at which federal government detained mothers and children after their illegal entry into our country. *Id.* A nonprofit civil-rights organization and several mothers detained in facilities sued the Department, asserting the Department had no authority to adopt the rule. *Id.*

The trial court granted summary judgment to the plaintiffs, declared the rule invalid, and enjoined the Department from granting licenses under the rule. *Id.* at 864. During the Department’s appeal, the plaintiff mothers and their children were released from the facilities. *Id.* The court of appeals concluded case was moot, but invoked the “public-interest exception” to mootness, under which it could reach merits despite having no live dispute. *Id.*

The Supreme Court of Texas reversed the court of appeals, holding that “the ‘public-interest exception’ violates Texas Constitution’s justiciability limitations.” *Id.* at 887. The court

explained that Article 1, § 13 of the Texas Constitution “implicitly defines the bounds of potentially justiciable issues.” *Id.* at 873 (citing *Patterson v. Planned Parenthood of Houston & Se. Texas, Inc.*, 971 S.W.2d 439, 445 (Tex. 1998) (Gonzalez, J., concurring)). This constitutional provision states: “All courts shall be open, and every person for an injury done him . . . , shall have remedy by due course of law.” *Id.* at 872 (quoting Tex. Const. art. I, §13). However, by its very nature, the provision “contemplates access to the courts only for those litigants *suffering* an injury.” *Id.* at 872–73 (citing *Texas Ass’n of Bus. v. Texas Air Control Bd.*, 852 S.W.2d 440, 444 (Tex. 1993) (emphasis in original)). In turn, the court recognized that “[a]n injury that has not yet ripened, or that is not concrete or genuine, or that has ceased to be remediable, is not an injury that a litigant ‘is suffering.’” *Id.* at 873. Accordingly, it concluded that, although courts are tasked with remedying “actual injuries,” in light of the doctrine of justiciability, courts may “not address speculative or theoretical disputes or disputes that, while once live, no longer are.” *Id.*

The court further explained that the “justiciability doctrines” are necessary to ensure that courts refrain from issuing “advisory opinions—not because such opinions would be useless, but because issuing them would not resolve a live dispute between actually adverse parties and therefore would not constitute an exercise of the judicial power.” *Id.* at 873. In other words, a court only has the power to “resolve actual, non-collusive legal disputes brought by adverse parties who have a genuine legal interest and a live stake in the outcome, which can be reduced to an enforceable judgment.” *Id.* at 868.

Furthermore, the Court said “mootness is a constitutional limitation on judicial authority.” *Id.* at 866; *see also id.* at 874. Thus, “there are no exceptions to the fundamental constitutional requirement that courts may reach the merits of only live disputes.” *Id.* at 863.

The Court stated that it has recognized two generally available exceptions to mootness: (1) the “collateral consequences” exception and the “capable of repetition” exception. *Id.* at 883. But the Court noted that both exceptions were not truly exceptions because they involve cases “that seem[] moot but *actually remain[] live* for reasons that might not be readily apparent.” *Id.* (emphasis in original).

The collateral consequences exception does not apply in this case because it allows courts to decide cases “when vacating the underlying judgment will not cure the adverse consequences suffered by the party seeking to appeal that judgment.” *Id.* (citation omitted).

The other exception is the “capable of repetition” exception, which “applies only in rare circumstances.” *Id.* at 884. “To invoke it, a plaintiff must prove that ‘(1) the challenged action was too short in duration to be litigated fully before the action ceased or expired; and (2) a reasonable expectation exists that the *same complaining party* will be subjected to the same action again.’” *Id.* at (citing *Williams v. Lara*, 52 S.W.3d 171, 184 (Tex. 2001)) (emphasis in original). “In other words, the same dispute still divides the same parties despite the seeming termination of the dispute’s initial cause, thus generating a ‘reasonable expectation’ of that cause’s recurrence.” *Id.*

Examples of events that are too short in duration to fully adjudicate include: mental commitments after the complaining party has been released (*State v. Lodge*, 608 S.W.2d 910, 912 (Tex. 1980); *Ex parte Ullmann*, 616 S.W.2d 278, 280 (Tex. App.—San Antonio 1981, writ dism’d)); adjudications of juvenile delinquency (*Carrillo v. State*, 480 S.W.2d 612, 616 (Tex. 1972)); prior restraint on speech (*Iranian Muslim Org. v. City of San Antonio*, 615 S.W.2d 202, 209 (Tex. 1981)); and election matters (*Blum v. Lanier*, 997 S.W.2d 259, 264 (Tex. 1999); *Bejarano v. Hunter*, 899 S.W.2d 346, 351 (Tex. App.—El Paso 1995, orig. proceeding)).

In *Grassroots*, the Texas Supreme Court stated that it has “found federal doctrine instructive on justiciability’s minimum requirements.” *Id.* at 873. The U.S. Supreme Court has likewise applied the “capable of repetition” exception to cases where the duration of the injury is so short that it could not be fully litigated before the action ceased or expired. *See, e.g., Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 546-47 (1976) (prior restraint on speech); *Roe v. Wade*, 410 U.S. 113, 125 (1973) (pregnancy); *Southern Pacific Terminal Co. v. ICC*, 219 U.S. 498, 515 (1911) (expired short term cease-and-desist orders); *Moore v. Ogilvie*, 394 U.S. 814, 816 (1969) (certification of candidates for public office); *Sibron v. New York*, 392 U.S. 40, 52-53 (1968) ; (adjudications of juvenile delinquency); and *Carroll v. Princess Anne*, 393 U.S. 175, 178-179 (1968) (state restraining orders prohibiting public assemblies for the purpose of protesting).

Here, the Plaintiffs challenge two actions that were not too short in duration. Plaintiffs challenge Section 5.10 of the County’s Subdivision Ordinance, which is a law. Plaintiffs also challenge an order issued by the Commissioners Court after hearing their appeal. Both still exist, but the Commissioners Court ruled for Plaintiffs in 14 of their 16 challenges. Both the law and the order are not comparable to the actions that are short in duration described in the state and federal cases cited above.

Thus, the Court should decline jurisdiction over claims that are no longer live controversies. Even if Plaintiffs’ claims concerning 14 of the 16 conditions were once alive and ripe, they became moot once the County Commissioners ruled for Plaintiffs and declined to enforce 14 of the challenged conditions. As a result, Horton’s declaratory judgment claims in Paragraphs 24-27 of the Petition are moot for 14 of the 16 conditions. Once the County declined to apply those 14 conditions to Horton’s applications, there ceased to be any ongoing controversy over them.

Furthermore, there is no evidence that the County will impose these conditions on Plaintiffs in the future. Instead, the only evidence shows that when Horton filed an appeal to the County Commissioners, the Commissioners decided not to impose 14 of the 16 conditions on Plaintiffs. Accordingly, the Court lacks subject-matter jurisdiction over Plaintiffs' declaratory judgment claims concerning those 14 conditions.

**b. The Court should dismiss Horton's declaratory judgment claims for the condition concerning roads, drainage facilities, water service, and wastewater service because it will have no practical effect**

Additionally, an issue may become moot when a party seeks a ruling on some matter that, when rendered, would not have any practical legal effect on a then-existing controversy. *See ERCOT, Inc. v. Panda Power Generation Infrastructure Fund, LLC*, 619 S.W.3d 628, 639 (Tex. 2021); *In re H&R Block Fin. Advisors, Inc.*, 262 S.W.3d 896, 900 (Tex. App.—Houston [14th Dist.] 2008, orig. proceeding); *City of Farmers Branch v. Ramos*, 235 S.W.3d 462, 469 (Tex. App.—Dallas 2007, no pet.). In other words, will a favorable judgment actually affect the plaintiff or merely vindicate a favored legal position?

If the prospective relief that plaintiffs demand could not affect their interests in a non-speculative way, resolving the case would generate an advisory opinion. “[I]t is axiomatic that appellate courts do not decide cases in which no controversy exists between the parties.” *Camarena v. Tex. Emp. Comm’n*, 754 S.W.2d 149, 151 (Tex. 1988).

Here, Horton seeks a judicial declaration that Section 5.10 as adopted by the 2024 Amendment is invalid. (MSJ at 2, 7, 8, 11, 17, 20, 30, 34, 35.) If the Court were to grant such a declaration, the County's subdivision regulations in effect before the passage of the 2024 Amendment would resume being in effect. The County's subdivision regulations in effect before the passage of the 2024 were the subdivision regulations as amended on February 14, 2023. (See

Def.'s Ex. 1 at Ex. A.) The County Subdivision Regulations in effect before the passage of the 2024 Amendment required persons seeking to subdivide properties to provide an exaction for roads and drainage facilities that was roughly proportional to the nature and extent of the impacts created by the proposed development. (See Def.'s Ex. 1 at Ex. A at §§ 1.5.1.K, 1.5.4.A.3, 4.1.1., 5.2.2.D., 5.10.) In addition, the County Subdivision Regulations in effect before the passage of the 2024 Amendment also required persons seeking to subdivide properties to provide “will serve” letters from a water utility provider and a wastewater utility provider. (See Def.'s Ex. 1 at Ex. A at §§ 4.1.1., 5.10.)

Thus, even if the Court declares Section 5.10 as enacted by the 2024 Amendment invalid as requested by Horton, Horton will still be obligated to provide the County with the same exaction for roads and drainage facilities as well as provide “will serve” letters for water and wastewater utilities. Accordingly, granting the declaration requested by Horton would have no practical effect on those four conditions. If a court decision would have no real-world impact, it essentially amounts to an advisory opinion, which courts are prohibited from issuing. For this reason, the Court should dismiss Horton claims seeking a judicial declaration that Section 5.10 as adopted by the 2024 Amendment is invalid with respect to the condition for roads, drainage facilities, water service, and wastewater service because such a declaration would be moot.

**c. Moot claims must be dismissed**

“[W]hen a case becomes moot the only proper judgment is one dismissing the cause.” *Polk v. Davidson*, 196 S.W.2d 632, 633 (Tex. 1946); *see also Woodfield*, 305 S.W.3d at 416. The Court should therefore dismiss these claims for lack of jurisdiction.

**4. The Court should dismiss Plaintiffs’ inverse condemnation claim due to lack of standing**

Both Plaintiffs assert an inverse condemnation claim. (Pet. at ¶¶ 33-35.) “Inverse condemnation is ‘a cause of action against a governmental defendant to recover the value of property that has been taken in fact by the governmental defendant, even though no formal exercise of the power of eminent domain has been attempted by the taking agency.’” *Hearts Bluff Game Ranch Inc. v. State*, 381 S.W.3d 468, 476 (Tex. 2012) (quoting *United States v. Clark*, 445 U.S. 253, 257 (1980)). For an inverse condemnation claim, (1) a property owner must establish that (2) the government intentionally performed certain acts (3) that resulted in a taking, damaging or destroying of property (4) for public use (5) without the property owner’s consent. *Tex. Parks & Wildlife Dep’t v. Sawyer Tr.*, 354 S.W.3d 384, 390–91 (Tex. 2011). To recover for inverse condemnation, a party must establish ownership of a protected property interest that has been taken or damaged by the government’s actions. *Tex. Dep’t of Transp. v. A.P.I. Pipe & Supply, LLC*, 397 S.W.3d 162, 166 (Tex. 2013); *Tex. Dep’t of Transp. v. City of Sunset Valley*, 146 S.W.3d 637, 644 (Tex. 2004).

This Court lacks jurisdiction over an inverse condemnation claim brought by a plaintiff who does not own the property in question. To proceed with an inverse condemnation claim, a plaintiff must have a legally-recognized property interest at stake.

Here, Horton has asserted an inverse condemnation claim in Paragraphs 33-35 of the Petition. However, as Plaintiffs themselves acknowledge in Paragraph 8 of their Petition, DMDS owns the 1,867 acres of land at issue. Horton, the developer, does not hold legal title to the property and, therefore, cannot allege an actual injury sufficient to establish a taking. To establish a valid inverse condemnation claim, a plaintiff must demonstrate a property interest that has been directly affected by government action. Courts in Texas and under federal law have consistently required

that the claimant own or have a legally protectable interest in the property alleged to have been taken. Because Horton lacks such an interest, it cannot establish the necessary elements of an inverse condemnation claim. Accordingly, the Court lacks subject-matter jurisdiction over Horton's taking claim, and this claim should be dismissed. Alternatively, DMDS' claims are barred because it did not submit an application to develop its property and therefore the County has not deprived it of any rights.

**5. The Court should dismiss Plaintiffs' inverse condemnation claim due to the County's governmental immunity**

Governmental immunity protects political subdivisions such as counties from suit, unless a clear and valid waiver of immunity applies. *See Harris Cty. Flood Control Dist. v. Kerr*, 499 S.W.3d 793, 799 n.12 (Tex. 2016). Immunity from suit may only be waived by legislative consent or constitutional amendment. *Wichita Falls State Hosp. v. Taylor*, 106 S.W.3d 692, 695 (Tex. 2003). Where immunity has not been waived, the trial court lacks subject-matter jurisdiction. *Miranda*, 133 S.W.3d at 225–26.

Article 1, § 17 of the Texas Constitution waives sovereign immunity from suit for a proper inverse condemnation claim. *Gen. Servs. Comm'n v. Little-Tex Insulation Co.*, 39 S.W.3d 591, 598 (Tex. 2001). To establish a claim for inverse condemnation, a plaintiff must plead that: (1) an entity with eminent domain power intentionally performed certain acts (2) that resulted in taking, damaging, or destroying the property for, or applying it to, (3) public use. *See, e.g., Little-Tex Insulation Co.*, 39 S.W.3d at 598.

Here, Plaintiffs fail to allege or show what "public use" the County has made of the property, if any. This is a fundamental omission. They do not identify how the County has allegedly used the property or what public benefit has been achieved.

In addition, Plaintiffs' taking claims are barred, in whole or in part, because they consented to any taking of their property by making an offer to pay the County proportionate contribution costs of \$338,867.75 for the construction of road infrastructure and \$529,424 for the administration of the County Sheriff's office infrastructure. Article 1, Section 17 of the Texas Constitution provides: "No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, *unless by the consent of such person....*" Tex. Const. art. 1, § 17 (emphasis added). A property owner who consents to a governmental action cannot assert an inverse condemnation claim. *Kirby Lake Dev., Ltd. v. Clear Lake City Water Auth.*, 320 S.W.3d 829, 844 (Tex. 2010) (holding developers could not sue for inverse condemnation because they consented to taking by express terms of contract that permitted water authority to lease and use facilities free of charge until voters approved payment at bond election).

Governmental immunity is retained where a plaintiff fails to properly plead or establish an inverse condemnation claim. *See, e.g., Hearts Bluff*, 381 S.W.3d at 491; *Little-Tex*, 39 S.W.3d at 598–99. Under such circumstances, the case should be dismissed for lack of jurisdiction. *See e.g., Hearts Bluff*, 381 S.W.3d at 468 (inverse condemnation claim arising out of denial of application for federal mitigation banking permit dismissed for want of jurisdiction).

In summary, Plaintiffs did not allege a valid taking claim and the County's sovereign immunity was not waived. As the Court lacks jurisdiction over the taking claim, it should dismiss the claims for inverse condemnation.

**6. The Court should dismiss Horton's declaratory judgment claims because they are not justiciable**

This Court should reject Plaintiffs' attempt to use declaratory relief as an improper substitute for existing causes of action. Where a plaintiff has pleaded other claims and remedies, declaratory judgment is not appropriate.

“The Declaratory Judgments Act is ‘not available to settle disputes already pending before a court’” or an issue that is “already before the court as part of the plaintiff’s case.” *BHP Petroleum Co. v. Millard*, 800 S.W.2d 838, 841 (Tex. 1990) (quoting *Heritage Life v. Heritage Grp. Holding*, 751 S.W.2d 229, 235 (Tex. App.—Dallas 1988, writ denied) and citing *John Chezik Buick v. Friendly Chevrolet*, 749 S.W.2d 591, 594 (Tex. App.—Dallas 1988, writ denied)); *see also Kyle v. Strasburger*, 522 S.W.2d 461, 467 n. 10 (Tex. 2017).

Declaratory relief may not be urged solely as a vehicle to obtain attorney’s fees and defendants cannot create a right to fees merely by restating their defenses in the form of a declaratory judgment action. *See BHP Petroleum Co.*, 800 S.W.2d at 841; *see also SW Loan A, L.P. v. Duarte-Viera*, 487 S.W.3d 697, 707 (Tex. App.—San Antonio 2016, no pet.).

For example, the Dallas Court of Appeals held that claims were already pending and reversed the part of the trial court’s judgment awarding a party declaratory judgment relief and rendered judgment that the party take nothing on its attorney’s fee claim:

Here, the declaratory judgment claim added nothing and provided access to no remedy that was not otherwise available pursuant to Premier Pools’s other causes of action. Specifically, while the trial court granted declaratory relief to “declare the prior rights of the plaintiff in the use of the name and mark in the area found by the jury,” that relief was available as remedies for other claims previously asserted. We sustain appellant’s fifth issue.

*Premier Pools Mgmt. Corp. v. Premier Pools, Inc.*, No. 05-14-01388-CV, 2016 WL 4258830 (Tex. App.—Dallas Aug. 12, 2016, pet. denied) (mem. op.).

Similarly, the Dallas Court of Appeals reversed another trial court which awarded declaratory relief and awarded attorneys’ fees:

Artful pleading to present affirmative defenses in the form of a declaratory judgment counterclaim is not sufficient to state a claim for affirmative relief. *Pace Concerts, Ltd. v. Resendez*, 72 S.W.3d 700, 703 (Tex. App.—San Antonio 2002, pet. denied). Here, the Holleys’ request for a declaration that Crews and Leitch were no longer shareholders was no more than a restatement of their defense that

the Holleys had purchased Crews and Leitch's interest in DKASI, which meant Crews and Leitch no longer had standing to bring any claims as shareholders. Thus, the main thrust of the Holleys' counterclaim was whether Crews and Leitch were still shareholders, an issue that could be resolved within the context of the Holleys' affirmative defense. See, e.g., *id.* (party seeking declaration that a partnership agreement terminated on a certain date was no more than a restatement of defense that no agreement existed or that agreement terminated on a certain date and trial court could resolve issue through defenses raised rather than through declaration).

Under these facts, the Holleys used the Declaratory Judgment Act as a vehicle to obtain an otherwise unobtainable attorney's fee award. Accordingly, the trial court abused its discretion by awarding the fees. We sustain Crews and Leitch's fifth issue and reverse the trial court's award of \$133,840 in attorney's fees.

*Crews v. Dkasi Corp.*, 469 S.W.3d 194, 204 (Tex. App.—Dallas 2015, pet. denied).

Here, Plaintiffs seek declaratory relief under the Uniform Declaratory Judgments Act ("UDJA") in Paragraphs 23-27 of the Petition despite also pleading substantive causes of action under the U.S. and Texas Constitutions and Texas statutes in Paragraphs 28-41 of the Petition. In particular, Horton's requests for declaratory relief in Paragraphs 23-27 of the Petition that Section 5.10 is void are duplicative of Horton's requests in Paragraphs 28-32 of the Petition that the conditions imposed under Section 5.10 are in violation of state law and therefore zero.

In response, Horton alleges that Section 37.006(b) of the Civil Practice and Remedies Code waives the County's governmental immunity. (MSJ at 12.) That section reads as follows:

In any proceeding that involves the validity of a *municipal* ordinance or franchise, the *municipality* must be made a party and is entitled to be heard, and if the statute, ordinance, or franchise is alleged to be unconstitutional, the attorney general of the state must also be served with a copy of the proceeding and is entitled to be heard.

Tex. Civ. Prac. & Rem. Code 37.006(b) (emphasis added).

The Civil Practice and Remedies Code does not contain a definition of "municipality." However, Subtitle A of Title 2 of the Local Government Code is titled "Types of Municipalities." Several types of municipalities are described in Chapters 5 through 9 of the Local Government Code. The County is not one of those types. Meanwhile, Title 3 of the Local Government Code

describes counties. Accordingly, the County is not a municipality for purposes of Section 37.006(b).

Horton further argues that two cases demonstrate that Section 37.006(b) applies to counties. (MSJ at 12 (citing *Skill Zone USA, LLC v. Van Zandt Cnty.*, No. 12-23-00231-CV, 2024 Tex. App. LEXIS 2260, 2024 WL 1340690, at \*3 (Tex. App.—Tyler Mar. 28, 2024, no pet.) (mem. op.) (citing *Porter v. Montgomery Cnty.*, No. 09-15-00459-CV, 2017 Tex. App. LEXIS 1355, 2017 WL 629487, at \*3 (Tex. App.—Beaumont Feb. 16, 2017, no pet.) (mem. op.)))).

In *Skill Zone*, the County argued that its regulations were not an ordinance or a statute under Section 37.004, not that the County was not a municipality under Section 37.006(b). *Skill Zone USA, LLC*, 2024 Tex. App. LEXIS 2260 at \*7-11.

In *Porter*, the court held that the plaintiff could not obtain an interpretation of a commissioners court order unless the plaintiff has also challenged the validity of the order. The Court did not argue that it was not a municipality under Section 37.006(b). Regardless, neither case is binding precedent for this Court.

Thus, the waiver of governmental immunity provided by Section 37.006(b) of the Civil Practice and Remedies Code only applies to municipalities, which the County is not. Rockwall County is a political subdivision, and a unit of government of the State of Texas and therefore entitled to governmental immunity.

The law prohibits a party from using declaratory relief to duplicate or preempt adjudication of those underlying claims. Declaratory relief is not a catch-all mechanism. It is intended to resolve uncertainty where no other legal remedy exists—not to function as an alternative theory for the same controversy. Where constitutional or statutory claims are available and actively pursued, declaratory judgment adds nothing but redundancy. In sum, because Plaintiffs already have

pending legal causes of action that cover the same issues, their claims for declaratory relief are not justiciable. The Court should dismiss them for lack of subject-matter jurisdiction.

**7. The Court must dismiss claims over which it has no jurisdiction**

The U.S. Supreme Court has described what a court must do when it determines it does not have jurisdiction: “Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause.” *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 94 (1998) (quoting *Ex parte McCardle*, 74 U.S. (7 Wall.) 506, 514 (1869)); *see also Tex. Ass’n of Business*, 852 S.W.2d at 443; *Qwest Microwave v. Bedard*, 756 S.W.2d 426, 440 (Tex. App.—Dallas 1988, orig. proceeding). The Supreme Court concluded: “The requirement that jurisdiction be established as a threshold matter is ‘inflexible and without exception.’” *Steel Co.*, 523 U.S. at 94-95 (quoting *Mansfield, C. & L. M. R. Co. v. Swan*, 111 U.S. 379, 382 (1884)).

**B. The conditions listed in Section 5.10 do not violate Sections 232.003 or 232.110 of the Texas Local Government Code**

**1. The County has broad regulatory authority on platting**

Plaintiffs contend that “[c]ounties are allowed to impose only those exactions expressly authorized by the Texas Legislature” and “counties can regulate land development only if expressly authorized by state statute.” (MSJ at 7, 13.) That is true, but the Legislature has given counties broad regulatory authority to regulate platting by enacting Section 232.101 of the Local Government Code.

The Legislature enacted Section 232.101 in 2001. *See* Act of May 10, 2001, 77th Leg., R.S., ch. 736, 2001 Tex. Gen. Laws 1459. Section 232.101 authorizes the County to “adopt rules governing plats and subdivisions of land . . . to promote the health, safety, morals, or general welfare

of the county and the safe, orderly, and healthful development of the unincorporated area of the county.”<sup>2</sup>

In turn, Section 232.101 is based on Section 212.002 of the Local Government Code. Section 212.002 of the Local Government Code was adopted in 1987. *See* Act of April 30, 1987, 70th Leg., R.S., ch. 149, § 1, 1987 Tex. Gen. Laws 707, 969. Section 212.002 authorizes municipalities to “adopt rules governing plats and subdivisions of land within the municipality’s jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.” Tex. Loc. Gov’t Code § 212.002. Thus, Section 232.101 mirrors Section 212.002 and grants counties the same authority to regulate plats as cities have.

The legislative history behind the passage of Section 232.101 confirms that the Legislature was giving counties the same authority over plats that cities have under Section 212.002. *See* S. Comm. on Intergov’tl Relations, Bill Analysis, Tex. S.B. 873, 87<sup>th</sup> Leg., R.S. (enrolled, June 5, 2001); *see also* S. Comm. on Intergov’tl Relations, Bill Analysis, Tex. C.S.S.B. 873, 87<sup>th</sup> Leg., R.S. (as substituted, Mar. 28, 2001); H. Comm. On Land & Res. Mgmt., Bill Analysis, Tex.

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<sup>2</sup> Section 232.100 in the original law specified that it applied only to the subdivision of land that is: (1) subject to county regulations under Subchapter A or B; and (2) in a county that: (A) has a population of 150,000 or more and is adjacent to an international border; (B) has a population of 700,000 or more; or (C) is adjacent to a county with a population of 700,000 or more and is within the same metropolitan statistical area as that adjacent county, as designated by the United States Office of Management and Budget.” *See* Act of May 10, 2001, 77th Leg., R.S., ch. 736, 2001 Tex. Gen. Laws 1459..

In this case, the land in Rockwall County was subject to county regulations under Subchapter A of Chapter 232 because that subchapter applied to all counties except those near an international border (i.e., Mexico). *See* Tex. Loc. Gov’t Code § 232.0015(b). Also, the population of Dallas County was 2,218,899 in 2000. *See* Texas State Library and Archives Comm’n, 2000 Census: Populations of Texas Counties, Arranged in Alphabetical Order, *available at* [https://www.tsl.texas.gov/ref/abouttx/popcnty12000.html#:~:text=Table\\_title=%20Related%20Links%20Texas%20Cities%20%7C%20Texas.%7C%20POPULATION:%20131%2C664%20%7C%20PLACE%20NAME:%20%7C](https://www.tsl.texas.gov/ref/abouttx/popcnty12000.html#:~:text=Table_title=%20Related%20Links%20Texas%20Cities%20%7C%20Texas.%7C%20POPULATION:%20131%2C664%20%7C%20PLACE%20NAME:%20%7C) (last visited on Jan. 30, 2026). In addition, Rockwall County was added to Dallas Standard Metropolitan Statistical Area in 1967. *See* Elizabeth L. Bass, Texas State Historical Association, Rockwall County: History, Geography, and Economic Development, *available at* <https://www.tshaonline.org/handbook/entries/rockwall-county#:~:text=In%201967%20Rockwall%20County's%20closer,Dallas%20Standard%20Metropolitan%20Statistical%20Area>. (last visited on Jan. 30, 2026). Accordingly, this law applied to Rockwall County when it was passed in 2001. Since Section 232.101 was enacted, the Legislature has repealed Section 232.100.

C.S.S.B. 873, 87<sup>th</sup> Leg., R.S. (as substituted, Apr. 30, 2001).<sup>3</sup> So the County has the same broad authority to adopt rules governing plats that municipalities have.

When enacting Section 232.101, the Legislature established some limitations on counties' powers to regulate platting. The most significant limitation prohibited counties, unless otherwise authorized by state law, from regulating: (1) the use of any building or property for business, industrial, residential, or other purposes; (2) the bulk, height, or number of buildings constructed on a particular tract of land; (3) the size of a building that can be constructed on a particular tract of land, including without limitation and restriction on the ratio of building floor space to the land square footage; (4) the number of residential units that can be built per acre of land; (5) a plat or subdivision in an adjoining county; or (6) road access to a plat or subdivision in an adjoining county. *See* Tex. Loc. Gov't Code § 232.101(b). In addition, the Legislature prohibited counties from requiring platting if an exemption to plat requirements in Section 232.0015 applied. *Id.* at 232.101(c).

Since the Legislature established these limits on counties' powers to regulate plats, it follows that there are no other limits on counties' powers to regulate plats under the doctrine of *expressio unius est exclusio alterius* (an express listing of certain persons, things, consequences, or classes is equivalent to an express exclusion of all others). *See Brooks v. Northglenn Ass'n*, 141 S.W.3d 158, 168 (Tex. 2004); *Johnson v. Second Injury Fund*, 688 S.W.2d 107, 108-09 (Tex. 1985).

The Supreme Court of Texas has held that cities have broad powers to regulate platting. *See FM Props. Operating Co. v. City of Austin*, 22 S.W.3d 868, 876 (2000). In that case, the Court described the purposes of municipal platting regulation:

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<sup>3</sup> These documents are attached as Exhibits 2, 3, and 4 to Exhibit A (Bowers Affidavit).

As a general premise, municipalities enact . . . regulations to further the public interest. See ... TEX. LOC. GOV'T CODE § 212.002 (stating that the purpose of subdivision regulations is “to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality”); *City of Round Rock v. Smith*, 687 S.W.2d 300, 302 (Tex. 1985) (stating that platting regulation promotes orderly development of the community and safe subdivision construction); *Lacy v. Hoff*, 633 S.W.2d 605, 609 (Tex. App.—Houston [14th Dist.] 1982, writ ref'd n.r.e.) (stating that subdivision regulation ensures, among other things, adequate streets and alleys, police and fire protection, and sanitary conditions).... In fact, such regulations must be substantially related to the public health, safety, or welfare to be valid. See *City of College Station v. Turtle Rock Corp.*, 680 S.W.2d 802, 805 (Tex. 1984)....

*FM Props. Operating Co.*, 22 S.W.3d at 876.

Courts have upheld broad city platting regulations enacted under Section 212.002. See, e.g., *Milestone Potranco Dev., Ltd v. City of San Antonio*, 298 S.W.3d 242 (Tex. App.—San Antonio May 27, 2009, pet. denied). In *Milestone*, the property owner contended platting and subdivision ordinances are limited to those ordinances that regulate “basic infrastructure.” *Id.* at 244. Based on Millstone’s belief that the city’s tree ordinance was “a purely aesthetic regulatory scheme” that did not regulate “basic infrastructure,” it argued that the tree ordinance is not a rule “governing plats and subdivisions of land.” *Id.*

The court found that platting ensures “adequate provisions have been made for streets, alleys, parks and *other facilities* indispensable to the particular community affected.” *Id.* at 245 (quoting *Lacy v. Hoff*, 633 S.W.2d 605, 609 (Tex. App.—Houston [14th Dist.] 1982, writ ref'd n.r.e.)) (emphasis added). The court also found that the city’s tree ordinance was intended to, and did, regulate tree preservation to promote the health of the municipality and the orderly and healthful development of the community. The court then held that Section 212.002 authorized city to enact tree preservation requirements as a part of its regulations governing plats and subdivisions of land. *Id.*

Millstone also claimed that even if the tree ordinance is a rule “governing plats and subdivisions of land,” the tree ordinance was overly broad because it contains provisions unrelated to the activities of platting and subdividing land. *Id.* at 245. After reviewing the tree ordinance as a whole and in the context of the city’s code, the court concluded the tree ordinance was not overly broad because it intended to, and did, govern only plats and subdivisions of land. *Id.* at 247.

Plaintiffs cite *Bizios* when arguing that counties can only exercise those powers expressly provided by the Legislature. (MSJ at 13 (citing *Town of Lakewood Vill. v. Bizios*, 493 S.W.3d 527 (Tex. 2016)).) *Bizios* is a case involving a general-law town, not a county. Thus, the *Bizios* court did not examine Section 232.101 of the Local Government Code.

As shown above, the Legislature has expressly provided counties with the same powers as cities when they regulate platting. Accordingly, Plaintiffs are simply wrong when they allege: “Section 232.003 of the Local Government Code provides the comprehensive list of what the County can include in these [Subdivision] Regulations.” (MSJ at 13-14.) Likewise, Plaintiffs are wrong when they say “Texas case law has consistently held that the general regulatory authority granted to counties in Section 232.101, Tex. Loc. Gov’t Code, does not give counties the wholesale authority to regulate anything and everything within the county.” (MSJ at 13.) Tellingly, Plaintiffs do not cite any Texas case law in support of that statement.

Here, the County adopted the Subdivision Regulations in accordance with not only Section 232.110 of the Texas Local Government Code, but also in accordance with Section 232.101. *See* Subdivision Regulations § 1.2 (stating “These subdivision regulations are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution and the laws of the State of Texas, specifically including the Texas Local Government Code (TLGC) Chapter 232, as amended.”).

Furthermore, Plaintiffs acknowledge that “Section § 232.110 permits a county to regulate the financial contributions required from developers for valid county infrastructure improvements as a condition for approving property development projects.” (MSJ at 17.)

**2. Most of the items listed in Section 5.10 are not exactions because they do not require Plaintiffs to pay the County or dedicate land to the County**

An exaction is a government requirement that a property owner give the government money or property as a condition for development. *See, e.g., Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595, 612 (2013). Here, many of the County’s conditions do not require Horton to do either. Instead, those conditions merely require a developer to provide proof that it has arranged for various types of public infrastructure as a part of its development, such as proof of water service, proof of sewer service, proof of electrical service, proof of animal control service, proof of trash service, etc. *See* Subdivision Regulations §§ 4.1.1 & 8.1(174) (definition of will-serve letter); Pls.’ Ex. A-11 at pp. 28-29.) These are not exactions.

**3. The conditions in Section 5.10 of the County’s Subdivision Regulations are County infrastructure improvements under Section 232.110 of the Texas Local Government Code**

**a. The County’s ordinance is presumed valid**

“The presumption favors the reasonableness and validity of [an] ordinance. An extraordinary burden rests on one attacking [a] city ordinance.” *Turtle Rock*, 680 S.W.2d at 805; *see also Quick v. City of Austin*, 7 S.W.3d 109, 117 (Tex. 1999) (“‘extraordinary burden’ requires showing ‘that no conclusive or even controversial or issuable fact or condition existed’ that would authorize the passage of the ordinance”); *Edgewood I.S.D. v. Meno*, 917 S.W.2d 717, 726 (Tex. 1995); *City of Brookside Village v. Comeau*, 633 S.W.2d 790, 792 (Tex. 1982) (“The courts have no authority to interfere unless the ordinance is unreasonable and arbitrary—a clear abuse of municipal discretion.”); *Pharr v. Tippitt*, 616 S.W.2d 173, 175-76 (Tex. 1981).

The party attacking the ordinance bears an “extraordinary burden” to show “that no conclusive or even controversial or issuable fact or condition existed” which would authorize the municipality’s passage of the ordinance. *Comeau*, 633 S.W.2d at 792-93 (Tex. 1982).

A court should not hold a legislative enactment unconstitutional unless it is absolutely necessary to do so. *Texas State Bd. of Barber Examiners v. Beaumont Barber College, Inc.*, 454 S.W.2d 729, 732 (Tex. 1970); *Texas Nat’l Guard Armory Bd. v. McCraw*, 126 S.W.2d 627, 634 (Tex. 1939).

**b. The Court should interpret the term “county infrastructure improvements” broadly.**

**i. The use of the term in Section 232.110(a)**

Section 232.110(a) of the Local Government Code provides:

If, under any authority expressly authorized by this chapter, a county requires, including under an agreement under Chapter 242, as a condition of approval for a property development project that the developer bear a portion of the costs of *county infrastructure improvements* by the making of dedications, the payment of fees, or the payment of construction costs, the developer’s portion of the costs may not exceed the amount required for *infrastructure improvements* that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the county. The county’s determination shall be completed within thirty days following the submission of the developer’s application for determination under this subsection.

Tex. Loc. Gov’t Code 232.110(a) (emphasis added).

**ii. Statutory construction principles**

Matters of statutory construction are questions of law for the courts to decide. *Johnson v. City of Fort Worth*, 774 S.W.2d 653, 656 (Tex. 1989). Ordinances are subject to the same rules of statutory construction as state codes and statutes. *See, e.g., Mills v. Brown*, 316 S.W.2d 720, 723 (Tex. 1958).

In construing a statute, a court may consider the (1) object sought to be obtained; (2) circumstances under which the statute was enacted; (3) legislative history; (4) common law or former statutory provisions, including laws on the same or similar subjects; (5) consequences of a particular construction; (6) administrative construction of the statute; and (7) title (caption), preamble, and emergency provision. Tex. Gov't Code Ann. § 311.023.

In construing an ordinance, a court's primary duty is to *carry out the intentions of the legislative body*. See, e.g., *Fitzgerald v. Advanced Spine Fixation Sys., Inc.*, 996 S.W.2d 864, 865 (Tex. 1999); *Liberty Mut. Ins. Co. v. Garrison Contractors, Inc.*, 966 S.W.2d 482, 484 (Tex. 1998); Tex. Gov't Code § 312.005. The meaning of a provision in an ordinance should be determined by the object sought to be accomplished, and if it is capable of a construction which will accomplish its manifest purpose such construction must be given it. *Heard v. City of Dallas*, 456 S.W.2d 440, 444 (Tex. Civ. App.—Dallas 1970, writ ref'd n.r.e.); see also Tex. Gov't Code Ann. § 312.006 (statutes should be liberally construed to achieve their purposes and promote justice). When construing the meaning of a statute, Texas courts aim to effectuate legislative intent by giving undefined terms their ordinary meaning, informed by context and purpose. See *TGS-NOPEC Geophysical Co. v. Combs*, 340 S.W.3d 432, 439 (Tex. 2011).

**iii. The terms are not defined**

Here, the terms “county infrastructure improvements,” “infrastructure improvements,” “infrastructure,” and “improvements” are not defined in Chapter 232 or Chapter 1 of the Local Government Code. Nor are they defined in the Code Construction Act or the “Construction of Laws” chapter of the Government Code. See Tex. Gov't Code chs. 311 & 312.

**iv. Dictionary definitions support a broad interpretation**

When a term is left undefined in a statute, a court looks to the “plain and ordinary meaning of the term and interpret[s] it within the context of the statute.” *Hogan v. Zoanni*, 627 S.W.3d 163, 169 (Tex. 2021) (quoting *EBS Sols., Inc. v. Hegar*, 601 S.W.3d 744, 758 (Tex. 2020)). Words in statutes have their ordinary meaning unless the statute defines them or they are connected with and used with reference to a particular trade or subject matter or are a term of art. Tex. Gov’t Code Ann. §§ 311.011(a), (b), 312.002; *Monsanto v. The Cornerstones Mun. Util. Dist.*, 865 S.W.2d 937, 939 (Tex. 1993).

To determine the term’s common, ordinary meaning, courts “typically look first to dictionary definitions.” *Fort Worth Transp. Auth. v. Rodriguez*, 547 S.W.3d 830, 838 (Tex. 2018); *see also Ramos v. State*, 303 S.W.3d 302, 306 (Tex. Crim. App. 2009); *United States v. Rodgers*, 466 U.S. 475, 479 (1984); *Powell v. Stover*, 165 S.W.3d 322, 326 (Tex. 2005).

Black’s Law Dictionary defines “county” as “the largest territorial division for local government in a state, generally considered to be a political subdivision and a quasi-corporation....” County, Black’s Law Dictionary 355 (7th ed. 1999). Being a law dictionary, it gives only the government definition. But the Collins Dictionary gives several definitions of county, including “1. the largest administrative division of a U.S. state; 2. one of the chief administrative divisions of a country or state, as in Great Britain and Ireland; 3. one of the larger divisions for purposes of local administration, as in Canada and New Zealand; 4. *the territory of a county*, esp. its rural areas...; and 5. the inhabitants of a county....” Collins Dictionary, *available at* <https://www.collinsdictionary.com/dictionary/english/county> (emphasis added).

As Plaintiffs pointed out in their original motion for partial summary judgment, Black’s Law Dictionary broadly defines “infrastructure” as: “[t]he underlying framework of a system; esp.,

public services and facilities (such as highways, *schools*, bridges, sewers, and water systems) needed to support commerce as well as economic and residential development.” Infrastructure, Black’s Law Dictionary (12th ed. 2024) (emphasis added) (Plaintiffs’ original MSJ at 12.) Similarly, another dictionary that specializes in real estate terms broadly defines “infrastructure” as “the basic public works of a city or subdivision, including roads, bridges, sewer and water systems, drainage systems, and essential public utilities.” Infrastructure, Dictionary of Real Estate Terms 171 (4<sup>th</sup> ed. 1997).

Thus, the ordinary meaning of “infrastructure” encompasses the foundational facilities and systems necessary for a community’s operation. Furthermore, the absence of a restrictive definition in Section 232.110 contrasts with other statutes, such as Chapter 395 of the Local Government Code, which explicitly limits impact fees to specific facilities (e.g., water, wastewater, roadways). The Legislature’s decision not to similarly constrain “county infrastructure” in Section 232.110 suggests an intent to grant Texas counties broader discretion in identifying infrastructure needs.

Turning to the meaning of “improvement,” Black’s Law Dictionary defines “improvement” as “An addition to real property, whether permanent or not; esp., one that increases its value or utility or that enhances its appearance.” Improvement, Black’s Law Dictionary 761 (7th ed. 1999). Likewise, the Dictionary of Real Estate Terms defines “Improvements” as “those additions to RAW LAND, such as buildings, streets, sewers, etc., tending to increase value.” Improvements, Dictionary of Real Estate Terms 166 (4<sup>th</sup> ed. 1997) (emphasis in original).

**v. The statutory framework supports a broad interpretation**

Section 232.110 of the Local Government Code authorizes counties to require developers to contribute to the costs of “county infrastructure improvements” as a condition

of development approval, with costs being “roughly proportionate” to the project’s impact, as determined by a licensed professional engineer. The context of “county infrastructure” within Chapter 232 suggests a broad interpretation encompassing physical and service-based infrastructure essential for public health, safety, and welfare. The Texas Supreme Court has upheld local governments’ authority to impose conditions on development approvals to mitigate impacts, provided they are proportionate and serve a legitimate governmental interest. *See Town of Flower Mound v. Stafford Estates Ltd. Partnership*, 135 S.W.3d 620, 639-40 (Tex. 2004).

The absence of a restrictive definition in Section 232.110 allows counties to interpret “county infrastructure” to include services that support community functionality and resident well-being. The Texas Supreme Court has instructed that undefined statutory terms be given their ordinary meaning, informed by context and legislative purpose. *See TGS-NOPEC*, 340 S.W.3d at 439. Infrastructure, in its ordinary sense, includes systems and services necessary for a community’s operation, such as utilities and public safety services. The County’s Subdivision Regulations, adopted under Sections 232.003 and 232.101 of the Local Government Code, further support this interpretation by requiring developers to ensure adequate infrastructure, including utilities and services, before project approval. These regulations reflect the County’s statutory duty to regulate subdivisions in unincorporated areas, ensuring compliance with state standards and protecting public interests.

In response, Plaintiffs argue that the Court should examine Section 212.904 to determine the meaning of “infrastructure.” (MSJ at 16.) Plaintiffs cite no case supporting that leap across the Local Government Code. Plaintiffs’ contention that these services are not county infrastructure ignores their essential role in supporting development and the County’s

regulatory authority over them.

**v. The administrative construction favors a broad interpretation**

Courts “will generally uphold an agency’s interpretation of a statute it is charged by the Legislature with enforcing, so long as the construction is reasonable and does not contradict the plain language of the statute.” *Sirius XM Radio, Inc. v. Hegar*, 643 S.W.3d 402, 407 (Tex. 2022) (quoting *R.R. Comm’n v. Tex. Citizens for a Safe Future & Clean Water*, 336 S.W.3d 619, 625 (Tex. 2011)). An agency’s interpretation of a statute it is charged with enforcing is entitled to “serious consideration,” so long as the construction is reasonable and does not conflict with the statute’s language. *Tex. Citizens for a Safe Future & Clean Water*, 336 S.W.3d at 624; *See Tarrant Appraisal Dist. v. Moore*, 845 S.W.2d 820, 823 (Tex. 1993); *cf.* Tex. Gov’t Code § 311.023(6) (authorizing consideration of administrative construction of the law). Thus, courts should grant an administrative agency’s interpretation of a statute it is charged with enforcing some deference. *Tex. Citizens for a Safe Future & Clean Water*, 336 S.W.3d at 624.

Here, the Legislature has enacted statutes codified as Chapter 232 of the Local Government Code that charge the County with enforcing subdivision regulations in the unincorporated areas of the county. As shown in this Response, the County has interpreted Chapter 232 broadly and reasonably. The Court should uphold the County’s interpretation of “county infrastructure improvements” because it is reasonable and does not contradict the plain language of the law.

**c. The items listed in Section 5.10 of the County’s Subdivision Regulations are “county infrastructure improvements”**

In this section of the Response, the County first addresses Plaintiffs’ contentions on pages 15-24 of the MSJ, which assert that the types of infrastructure listed in Section 5.10 of the Subdivision Regulations are not “county infrastructure improvements.” Then the County makes

additional arguments showing that some of the types of infrastructure listed in Section 5.10 are county infrastructure improvements in the following sections of this Response.

As explained above, the undefined term “county infrastructure” in Section 232.110 provides the County with the flexibility to include many types of facilities and/or services as infrastructure impacted by new development. This interpretation is supported by the ordinary meaning of infrastructure, the statute’s context, and the County’s regulatory role in managing development impacts, subject to the proportionality safeguards mandated by law.

Plaintiffs admit that Black’s Law Dictionary broadly defines “infrastructure” as: “[t]he underlying framework of a system; esp., public services and facilities (such as highways, schools, bridges, sewers, and water systems) needed to support commerce as well as economic and residential development.” Infrastructure, Black’s Law Dictionary (12th ed. 2024) (emphasis added) (Plaintiffs’ original MSJ at 12.) Here, the facilities and/or services listed in Section 5.10 of the County’s Subdivision Regulations are clearly county infrastructure improvements.

In addition, Texas courts aim to effectuate legislative intent by giving undefined terms their ordinary meaning, informed by context and purpose. *See TGS-NOPEC Geophysical Co.*, 340 S.W.3d at 439. The ordinary meaning of “infrastructure” encompasses facilities and services necessary for a community’s operation, which are directly affected by population growth.

Furthermore, the absence of a restrictive definition in Section 232.110 contrasts with other statutes, such as Chapter 395 of the Local Government Code, which explicitly limits impact fees to specific facilities (e.g., water, wastewater, roadways). The Legislature’s decision not to similarly constrain “county infrastructure” in Section 232.110 suggests an intent to grant Texas counties broader discretion in identifying infrastructure needs. Thus, the County may reasonably

interpret “county infrastructure” to include facilities and/or services, particularly when new developments necessitate expanded facilities and/or services for the community.

The County’s authority to regulate subdivisions in unincorporated areas under Chapter 232 encompasses a county’s right to ensure that all public facilities and services within its jurisdiction meet the needs of new residents. In *Holt Civic Club v. City of Tuscaloosa*, 439 U.S. 60, 74 (1978), the U.S. Supreme Court recognized that local governments may regulate activities within their geographic boundaries that relate to public welfare, including health and safety, supporting the County’s interest in addressing infrastructure impacts.

Moreover, the County asserts that its broad authority to promote public welfare under Chapter 232 of the Local Government Code provides a compelling basis for classifying the facilities and services listed in Section 5.10 of the County’s Subdivision Regulations as “county infrastructure” under Section 232.110, enabling the imposition of apportionment costs for facility and/or service improvements necessitated by new housing developments. Chapter 232 empowers counties to regulate subdivisions in unincorporated areas to protect public health, safety, and welfare, a mandate that encompasses ensuring that critical community facilities and services can accommodate population growth driven by development. The Texas Supreme Court has affirmed that local governments may exercise regulatory authority to advance public welfare, provided such actions are consistent with their statutory powers. *See Quick v. City of Austin*, 7 S.W.3d at 118. The Court also upheld land use regulations as a valid exercise of police power when tied to public welfare objectives, a principle applicable to the County’s efforts to address infrastructure needs. *See FM Properties Operating Co.*, 22 S.W.3d at 874. By interpreting “county infrastructure” to include the types of infrastructure listed in Section 5.10 of the County’s Subdivision Regulations, the County exercises its Chapter 232 authority to promote public welfare, ensuring that these

facilities and services keep pace with development while adhering to statutory and constitutional standards. This interpretation is both reasonable and necessary to fulfill the County's duty to manage the broader impacts of growth on its residents.

In addition, new housing developments, such as the one proposed by Plaintiffs, directly increase demand for the facilities and/or services listed in Section 5.10 of the County's Subdivision Regulations, establishing a clear and constitutionally required nexus between the development's impact and the need for apportioning the costs of these facilities and/or services. Section 232.110(b) mandates that costs imposed on developers be "roughly proportionate" to the development's impact, a requirement rooted in constitutional principles that ensure fairness and accountability. The U.S. Supreme Court in *Nollan v. California Coastal Commission*, 483 U.S. 825, 837 (1987), considered development conditions and their essential nexus to the government's regulatory purpose, while *Dolan v. City of Tigard*, 512 U.S. 374, 391 (1994), further required "rough proportionality" between exactions and the development's impact.

Plaintiffs' proposed housing development will significantly increase the County's population, generating new residents who require additional public facilities and/or services. A licensed professional engineer can rigorously assess this impact by analyzing data such as the number of residential units, projected household sizes, and the need for these facilities and services. For instance, a development of 500 homes will yield an additional demand for first responder facilities and services each year, necessitating infrastructure investments to maintain quality. These costs are directly attributable to the development, satisfying the nexus and proportionality standards of *Nollan*, *Dolan*, and *Flower Mound*. By imposing facility and service-related costs that are proportionate to the development's impact, the County aligns with the

statutory framework and constitutional safeguards, ensuring that developers bear the costs of their projects' burdens on public facilities and services.

Moreover, the County's authority to regulate subdivisions in unincorporated areas under Chapter 232 of the Local Government Code encompasses the imposition of conditions to ensure that developments meet public safety and infrastructure needs. The Texas Supreme Court has consistently upheld local governments' authority to impose reasonable conditions on development approvals to protect public welfare. In *Quick*, 7 S.W.3d at 118, the Texas Supreme Court affirmed that local regulations advancing public health and safety are within the scope of statutory authority. Similarly, in *FM Properties Operating Co.*, 22 S.W.3d at 874, the Court recognized that local governments may establish procedural requirements to ensure orderly development. For example, the County's requirements for a "will-serve" letter for many of the public facilities and services is a procedural safeguard that ensures that these facilities and related services are secured before residents occupy the houses in Horton's project. For some other requirements listed in Section 5.10, a developer can choose how to bear a portion of the costs of county infrastructure improvements by making a dedication, paying a fee, or constructing the public facilities.

Texas law vests counties with the responsibility to regulate subdivisions to prevent developments that endanger public health and safety. The County's insistence on a current "will-serve" letter for many of the public facilities and services is a direct exercise of this responsibility, ensuring that these facilities and/or services are available to protect lives and property and/or otherwise promote the public welfare. The U.S. Supreme Court has recognized the broad police powers of local governments to regulate for public health, safety, and general welfare. In *Holt Civic Club*, 439 U.S. at 71, the Court affirmed that municipalities

(and by extension, counties) may enact measures to safeguard public welfare, including health and safety.

A county's authority under Chapter 232 of the Local Government Code to condition final project approval on compliance with facility and/or service requirements is well-established and applies to Rockwall County. In *Stafford Estates*, 135 S.W.3d at 639-40, the Texas Supreme Court upheld a municipality's authority to impose infrastructure conditions that mitigate development impacts, emphasizing the need for timely compliance. Similarly, Rockwall County's requirements ensure that county infrastructure improvements are secured before development proceeds, preventing future burdens on public resources.

As part of Plaintiffs' arguments, they assert that the County did not have a professional engineer perform calculations to determine Horton's portion of the cost of providing many types of infrastructure listed in Section 5.10 of the County's Subdivision Regulations. But Connor Roberts, P.E., provided a detailed analysis of why Horton's development would generate a need to expand the adjacent state road and that Horton's share of the cost of expanding the road would be \$338,867.75. (Pls.' Ex. A-7.) Mr. Roberts is with the Freese & Nichols engineering firm, the professional engineer retained by the County. This report by Mr. Roberts was an individualized assessment of Horton's share of the cost and thus satisfies the requirements of Section 232.110 of the Local Government Code. That statute requires that a professional engineer retained by the County prepare a report supporting exactions related to "county infrastructure improvements." Roberts' report addressed an infrastructure category clearly implicating engineering judgment—namely, roadway impacts—and included a reasoned estimate of proportionate costs based on anticipated use and traffic generation.

To the extent additional conditions pertained to public services or facilities outside the scope of traditional engineering (e.g., law enforcement, dispatch, animal control, trash service), the County reasonably relied on other forms of analysis and documentation provided in the letter and its exhibits. (Pl.’s Exs. A-6 & A-7.) A fair and practical reading of Section 232.110 does not require an engineer’s seal on every type of condition regardless of subject matter. Accordingly, the County’s proportionality response complied with applicable legal standards.

**d. Schools are “county infrastructure improvements”**

Plaintiffs acknowledge that Black’s Law Dictionary expressly includes “schools” as an example of “infrastructure”: Black’s Law Dictionary broadly defines “infrastructure” as: “[t]he underlying framework of a system; esp., public services and facilities (such as highways, *schools*, bridges, sewers, and water systems) needed to support commerce as well as economic and residential development.” Infrastructure, Black’s Law Dictionary (12th ed. 2024) (emphasis added). (Plaintiffs’ original MSJ at 12.)

The physical location of schools within a county’s geographic boundaries also provides a robust basis for classifying them as “county infrastructure” under Section 232.110, justifying the imposition of apportionment costs for school improvements caused by new housing developments. Schools are tangible facilities that serve County residents, including those in new developments, and their capacity is directly strained by development-driven population growth.

Here, the school apportionment fee for Phase 1A and 1B of the River Rock Trails MUD was calculated to be \$15,798,519. That number is the product of the total number of homes in those phases (418), multiplied by a student yield factor of .5 school-aged students per single-family home, and multiplied by a factor of \$75,591 per student for school construction and services. Both

of those numbers were previously calculated by the Royse City ISD Superintendent and provided to the County. *See* Pls.’ Ex. 6 at 2.

Thus schools, as essential public facilities located within the County’s geographic boundaries and impacted by new housing developments, constitute “county infrastructure” for purposes of imposing proportionate apportionment costs on developers.

**e. State roads are “county infrastructure improvements”**

Plaintiffs acknowledge that roads may qualify as “county infrastructure improvements” under Chapter 232, but argue that the County may not require them to pay to improve a State road in the county. (MSJ at 17-18.) However, Chapter 232 does not prohibit the County from requiring Horton to pay to improve a state road in the County when Horton builds a development that would substantially increase traffic on that road.

**f. ESC/EMT (Ambulance) are “county infrastructure improvements”**

Plaintiffs claim that environmental services and emergency medical services (ESC/EMT”) do not qualify as “county infrastructure improvements” under Chapter 232. (MSJ at 21-22.)

Here, Rockwall County’s requirement for a “will-serve” letter ensures that ESC/EMT services are secured before development proceeds, preventing future burdens on public resources. Furthermore, Section 791.006 of the Texas Government Code addresses liability in interlocal contracts for fire and emergency services and indicates that such agreements are critical to public safety. In Section 791.006(a-1), the statute also provides for the possibility that a county may enter into a contract to furnish or obtain fire or emergency services and deals with the apportionment of liability.

**g. Police and firefighting facilities and services are “county infrastructure improvements”**

Plaintiffs allege that police and firefighting facilities and services do not qualify as “county infrastructure improvements” under Chapter 232. (MSJ at 22-23.)

Texas law vests counties with the responsibility to regulate subdivisions to prevent developments that endanger public health and safety. The County’s insistence on a current “will-serve” letter for police and firefighting facilities and services is a direct exercise of this responsibility, ensuring that these services are available to protect lives and property. Furthermore, Section 791.006 of the Texas Government Code addresses liability in interlocal contracts for fire and emergency services and indicates that such agreements are critical to public safety. In Section 791.006(a-1), the statute also provides for the possibility that a county may enter into a contract to furnish or obtain fire or emergency services and deals with the apportionment of liability.

**h. Broadband facilities and services are “county infrastructure improvements”**

Plaintiffs allege that broadband facilities and services do not qualify as “county infrastructure improvements” under Chapter 232. (MSJ at 25.)

In fact, broadband is increasingly recognized as critical infrastructure in Texas, essential for economic development, education, public safety, and quality of life. The Texas Broadband Development Office (BDO) was established under House Bill 5 during the 87th Legislative Session in 2021. *See* Tex. Gov’t Code ch. 490I. The BDO underscores the state’s commitment to expanding broadband access as a core component of infrastructure. *See* Tex. Comptroller of Pub. Accounts, Texas Broadband Plan (2022), *available at* <https://comptroller.texas.gov/programs/broadband/about/what/> (last visited Jan. 29, 2026). The Texas Comptroller’s article states that while high-speed internet may once have been a luxury, it is now a necessity. Counties play a pivotal role in broadband planning and deployment, as

evidenced by initiatives like Harris County’s partnership with US Ignite to develop a countywide broadband plan. See Jennifer Michel, *Harris County, Texas Establishes Broadband Task Force*, BROADBAND BREAKFAST (July 9, 2025), available at <https://broadbandbreakfast.com/harris-county-texas-establishes-broadband-task-force/#:~:text=Jennifer%20Michel&text=Photo%20of%20US%20Ignite%20presenting,towards%20closing%20the%20digital%20divide.&text=Panel%201:%20How%20Are%20States%20Thinking%20About%20Reasonable%20Costs%20Now?> (last visited Jan. 29, 2026). These efforts demonstrate that broadband is not merely a private utility but a public infrastructure necessity, akin to roads or water systems. As the Harris County initiative demonstrates, broadband is a necessity for economic development and is therefore County infrastructure.

**i. Electrical facilities and services are “county infrastructure improvements”**

Plaintiffs say that electrical facilities and services do not qualify as “county infrastructure improvements” under Chapter 232. (MSJ at 26.) But counties have a vested interest in electrical infrastructure, as it directly impacts public safety, economic development, and quality of life. The Texas Legislature has recognized electricity as essential infrastructure, demonstrating this by allocating significant resources to grid modernization and reliability. See Brynne Harder, *Investing in Texas’ Electric Infrastructure*, Tex. Comptroller of Pub. Accounts, Fiscal Notes (Sept. 2024), available at <https://comptroller.texas.gov/economy/fiscal-notes/industry/2024/energy-infra/> (last visited January 29, 2026).

**j. Natural gas facilities and services are “county infrastructure improvements”**

Plaintiffs claim that natural gas facilities and services do not qualify as “county infrastructure improvements” under Chapter 232. (MSJ at 26-27.)

In fact, counties have a vested interest in natural gas infrastructure, as it directly impacts public safety, economic development, and quality of life. Natural gas, as a primary energy source in Texas, is integral to counties' infrastructure frameworks, as evidenced by the State's significant natural gas production and distribution network. *See* Tex. Comptroller of Pub. Accounts, Natural Gas Overview, available at <https://comptroller.texas.gov/economy/economic-data/energy/2023/nat-gas.php> (last visited Jan. 29, 2026). Horton's plan to use only electricity rather than natural gas does not negate the need for natural gas infrastructure, as the County must consider the broader community's long-term needs and potential future demand. Natural gas plays a pivotal role in supporting subdivision development, even if not immediately used by Horton. Its inclusion as county infrastructure is justified by several factors:

- **Future Flexibility:** Residents may opt to use natural gas for heating, cooking, or other purposes in the future, enhancing the adaptability of Horton's development. Ensuring natural gas infrastructure now prevents costly retrofitting later, aligning with sustainable development principles.
- **Property Value Enhancement:** Properties with access to natural gas typically command higher resale values and are more attractive to buyers, supporting economic development and market stability
- **Energy Diversification:** Access to multiple energy sources, including natural gas, bolsters energy security and reliability, particularly during electrical outages or peak demand periods. This is especially critical for a high-density development, where energy demands are significant.
- **Economic and Social Benefits:** Natural gas infrastructure supports affordable energy access, contributing to social equity and economic growth, as noted in State energy reports. *See* Texas Oil & Gas Association, The Facts on Texas Natural Gas, TXOGA, available at <https://www.txoga.org/policy-issues/natural-gas-facts/> (last visited Jan. 29, 2026).

From a practical perspective, excluding natural gas from "county infrastructure" would undermine the County's ability to regulate subdivisions effectively and ensure sustainable development. High-density developments require robust infrastructure to support their

populations, and natural gas is a standard component in Texas, as evidenced by its widespread use in residential and commercial settings. Tex. Comptroller of Pub. Accounts, Natural Gas Overview, available at <https://comptroller.texas.gov/economy/economic-data/energy/2023/nat-gas.php> (last visited Jan. 29, 2026).

**k. Open space is a “county infrastructure improvement”**

Plaintiffs allege that open space does not qualify as “county infrastructure improvements” under Chapter 232. (MSJ at 27.)

However, Section 232.001 of the Texas Local Government Code expressly requires persons who own a tract of land outside the limits of a municipality to prepare a plat of the subdivision “if the owner divides the tract into two or more parts to lay out . . . streets, alleys, *squares, parks, or other parts of the tract* intended by the owner of the tract to be dedicated to public use.” Tex. Loc. Gov’t Code 232.001 (emphasis added). Open space is a type of park. A requirement that owners delineate areas intended for public use, such as parks, squares, or other open spaces, ensures community access to recreational and natural areas. These spaces are vital for enhancing residents’ quality of life, preserving environmental resources, and fostering sustainable development. Thus, state law recognizes that open space is a type of county infrastructure improvement.

In addition, the County has an Open Space Master Plan. *See* <https://www.rockwallcountytexas.com/809/Open-Space-Alliance>. That plan calls for land to be acquired and trails, open space amenities, and watershed protections to be developed. *Id.* This is more evidence that open space is a type of county infrastructure improvement.

**l. Drainage facilities are a “county infrastructure improvement”**

Plaintiffs assert that drainage facilities do not qualify as “county infrastructure improvements” under Chapter 232. (MSJ at 27-28.)

In this case, drainage facilities mitigate flooding risks and ensure public safety. It is essential to integrate adequate stormwater systems into the layout for Horton’s development, preventing hazards that could affect residents and adjacent properties. The high-density nature of Horton’s development amplifies these concerns, necessitating robust drainage infrastructure.

**m. Animal control facilities and services are “county infrastructure improvements”**

Plaintiffs claim that animal control facilities and services do not qualify as “county infrastructure improvements” under Chapter 232. (MSJ at 28.)

Chapter 821 of the Texas Health and Safety Code governs animal control. It authorizes counties to adopt ordinances regulating animal welfare, stray animals, and public safety. *See* Tex. Health & Safety Code ch. 821; *see also* Tex.. Ass’n of Counties, Animal Control Handbook (2025), available at <https://www.county.org/resources/resource-library/legal-services/legal-legal-publications/animal-control-handbook> (last visited Jan. 29, 2026). Counties enforce these laws to prevent nuisances, protect residents from animal-related hazards, and ensure humane treatment of animals. Animal control services are integral to county infrastructure because they directly impact public health and safety, particularly in densely populated areas like Horton’s proposed development. For such areas, effective animal control is critical to manage stray animals, enforce leash laws, respond to bites or attacks, and prevent zoonotic diseases.

**n. Trash facilities and services are “county infrastructure improvements”**

Plaintiffs claim that trash facilities and services do not qualify as “county infrastructure improvements” under Chapter 232. (MSJ at 29-30.)

In fact, trash service is a cornerstone of sanitation and environmental quality, regulated under the Solid Waste Disposal Act. *See* Tex. Health & Safety Code ch. 361. Counties are responsible for managing solid waste in unincorporated areas, ensuring that waste is collected, transported, and disposed of in compliance with state standards. *See generally* Tex. Health & Safety Code ch. 361, subch. E; *see also* Tex. Comm’n on Env’t Quality, Municipal Solid Waste in Texas: A Year in Review, 2024 Data Summary and Analysis (Sept. 2025), available at <https://www.tceq.texas.gov/downloads/permitting/waste-permits/publications/as-187-25-english.pdf> (last visited on Jan. 29, 2026). Trash and refuse services are essential for public health, preventing disease outbreaks, controlling pests, and maintaining clean environments, making them a critical component of county infrastructure. For a high-density development like Horton’s, reliable trash service is vital to prevent overflows, odors, and health hazards associated with accumulated waste. The County’s regulations require developers to demonstrate adequate waste management plans, including collection schedules, disposal facilities, and provider commitments. Trash infrastructure, such as collection routes and disposal facilities, operates within the county’s boundaries, subject to County oversight for permitting and compliance. This physical and regulatory integration establishes trash service as county infrastructure under Section 232.110, requiring Horton to provide a binding commitment to ensure service provision.

**C. The Court should not declare that Plaintiffs prevail on their Section 232.110 proportionality appeal as a matter of law**

Plaintiffs request the Court to rule that Plaintiffs prevail on their appeal of the Order. (MSJ at 31-34.) For several reasons, the Court should deny this request.<sup>4</sup>

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<sup>4</sup> Contrary to Plaintiffs’ allegations on page 31 of the MSJ, the County’s Order does not “acknowledge[] that 14 of the listed exactions cannot legally be applied to the Development.” (See County’s Order at Pl.’s Ex. A-13, p. 3.) Nor did the County state “that it could not require school fees for Phases 1A and 1B. (Id.)

First, as shown above, Plaintiffs' claims on 14 of the 16 conditions are not ripe for adjudication. Alternatively, those claims are moot as shown above. The County incorporates by reference the arguments made and evidence cited above.

Second, the County accepted Horton's offer to pay police apportionment fees of \$529,424. Horton claims that it withdrew its offer. However, Horton's letter dated March 4, 2025, acknowledging and offering to fund \$338,867.75 in road infrastructure costs and \$529,424 for law enforcement services constitutes a clear and informed recognition that its proposed development would create impacts warranting mitigation. Horton's offer was not merely a gesture of compromise but an admission that these two exactions were legitimate and roughly proportional to the burdens imposed by its project. The County reasonably relied on that representation in good faith, both in preparing for and deliberating upon the proportionality appeal. When Arthur Anderson later attempted to withdraw the offer during the hearing on April 24, 2025, the County had already incurred the effort and expense of analyzing the proposal and weighing it against the County's overall infrastructure needs. The County's Order did not impose new or additional burdens, but rather adopted Horton's own proposed figures while eliminating 14 of the 16 original conditions entirely. The County's actions reflect deference to Horton's proportionality assessment, not overreach or retaliation. Plaintiffs should not now be allowed to disclaim the very solution they proposed. Equity and estoppel favor the County's approach and foreclose any claim that the remaining conditions were excessive or improperly imposed. The County's reliance on Horton's figures was not an attempt to trap Horton, but rather a principled acceptance of what Horton itself presented as fair and proportionate. Therefore, Horton should be promissorially estopped from withdrawing its prior offer to pay the County proportionate contribution costs with respect to the construction of road infrastructure and the administration of the County Sheriff's Office

infrastructure. This offer was intended to induce the County's reliance, did induce the County's reliance, and injustice can only be avoided by enforcing Horton's promise. *See, e.g., Nagle v. Nagle*, 633 S.W.2d 796, 800 (Tex. 1982).

Third, Plaintiffs' claims are barred because Horton made an offer of settlement, which the County accepted within the period of time provided by Horton's offer. Specifically, Horton's letter to the County dated March 4, 2025, stated that if the County disagreed with Horton's responses and intended to pursue one or more of the 16 conditions, then Horton requested the Commissioners Court to hear its appeal. Horton's right to appeal and the procedure for its appeal is outlined in Section 232.110(b) of the Local Government Code. Thus, Horton requested the Commissioners Court to accept Horton's offers and other responses through the date of the Commissioners Court hearing and the Commissioners Court's process of making its determination. In other words, Horton gave the Commissioners Court the opportunity to accept its offer for a fixed period of time (the hearing process) and, therefore, Horton could not withdraw its offer prior to the expiration of that time. Therefore, Arthur Anderson's statement at the beginning of the Commissioners' hearing could not withdraw the offer because the period for acceptance set forth in the Horton letter had not yet expired.

Fourth, the County's Order appropriately adopted quantified infrastructure contributions presented during the proportionality appeal process—specifically, the amounts Horton proposed in its letter dated March 4, 2025. Regardless of Arthur Anderson's assertion during the hearing on April 24, 2025, that Horton was “withdrawing” that offer, those figures remained the only detailed proposal in the record for proportionate contributions toward road and law enforcement impacts. Horton's own numbers reflected a reasoned estimate of what it believed to be fair and proportionate at the time. The County's use of those same numbers in the County's Order

demonstrates reasonableness and restraint; it did not impose new or increased exactions, but instead accepted Horton's stated proposal. Arthur Anderson's claim of withdrawal of Horton's offer appeared to the County to be strategic posturing and puffery—an invitation for further negotiation or leverage—rather than a formal rescission of its March 4 proposal. The County had already substantially completed its review and deliberations at the time of the hearing, and nothing in Horton's remarks altered the substantive record upon which the Commissioners Court relied. If Horton genuinely believed the \$338,867.75 and \$529,424 figures were disproportionate, it would not have proposed them in the first place. The County acted appropriately to ensure a minimally sufficient level of mitigation using the only developer-supplied figures available and in a manner consistent with fairness and the protection of public resources.

Fifth, the County accepted Horton's offer to pay road apportionment fees of \$338,867.75. As explained above, the State road is a "county infrastructure improvement." Chapter 232 does not prohibit the County from requiring Horton to pay for expanding a state road when its development will generate a need for that road to be expanded.

Sixth, Connor Roberts, P.E., provided a detailed analysis of why Horton's development would generate a need to expand the state road and that Horton's share of the cost of expanding the road would be \$338,867.75. (Pls.' Ex. A-7.) This evidence had been previously presented to the Commissioners and is in the summary judgment record. (Pls.' Exs. A-3, A-7; see also Pls.' Pet. at Paragraph 13.) This report by Mr. Roberts was an individualized assessment of Horton's share of the cost of the road and satisfies the requirements of Section 232.110 of the Local Government Code. That statute requires that a professional engineer retained by the County prepare a report supporting exactions related to "county infrastructure improvements." The County's report, authored by a professional engineer, addressed an infrastructure category clearly

implicating engineering judgment—namely, roadway impacts—and included a reasoned estimate of proportionate costs based on anticipated use and traffic generation.

To the extent additional conditions pertained to public services or facilities outside the scope of traditional engineering (e.g., law enforcement, dispatch, trash service), the County reasonably relied on other forms of analysis and documentation provided in the letter and its exhibits. (Pl.’s Exs. A-6 & A-7.) A fair and practical reading of Section 232.110 does not require an engineer’s seal on every category of condition regardless of subject matter. Accordingly, the County’s proportionality response complied with applicable legal standards. Moreover, this evidence clearly shows there is a disputed fact as to how much Horton should be required to contribute to the widening of that road.

Seventh, Plaintiffs improperly seek declaratory relief based on factual issues, which exceeds the scope of the UDJA. Specifically, Plaintiffs request that the Court “declare that Plaintiffs prevail” on their appeal. (MSJ at 31.)

The Declaratory Judgments Act allows a person whose “rights, status, or other legal relations are affected by a statute [or] contract” to “have determined any question of construction or validity arising under the . . . statute [or] contract” and to “obtain a declaration of rights, status, or other legal relations thereunder.” Tex. Civ. Prac. & Rem. Code § 37.004(a). Furthermore, in a suit for declaratory judgment “a court ... has power to declare rights, status, and other legal relations....” Tex. Civ. Prac. & Rem. Code § 37.003(a).

“If a proceeding under [the Declaratory Judgments Act] involves the determination of an issue of fact, the issue may be tried and determined in the same manner as issues of fact are tried and determined in other civil actions in the court in which the proceeding is pending.” *Id.* § 37.007; *see also United Servs. Life Ins. Co. v. Delaney*, 396 S.W.2d 855, 858 (Tex. 1965).

The power to determine an issue of fact, however, “does not concomitantly carry with it the power to render such a finding of fact as a declaratory judgment.” *Indian Beach Property Owners’ Ass’n v. Linden*, 222 S.W.3d 682, 699 (Tex. App.—Houston [1<sup>st</sup> Dist.] 2007, no pet.) (quoting *Hill v. Heritage Res., Inc.*, 964 S.W.2d 89, 140 (Tex. App.—El Paso 1997, pet. denied)). For example, the determination of whether a party has breached a contract, while affecting a party’s rights or status, is not a declaration of a right or status and therefore, is not the proper subject of a declaratory judgment. *Hill v. Heritage Res., Inc.*, 964 S.W.2d at 140. Similarly, a request for a declaration that a defendant created a nuisance is not a proper request for declaratory relief because it did not involve the construction or validity of an instrument, statute, ordinance, contract, or franchise. *Tucker v. Graham*, 878 S.W.2d 681, 682 (Tex. App.—Eastland 1994, no writ). “If a factual dispute is the only issue to be resolved, a declaratory judgment is not the proper remedy.” *Indian Beach Property Owners’ Ass’n*, 222 S.W.3d at 699 (citing *Querencia Props. v. New Querencia Capital Partners, L.L.C.*, No. 05-05-01029-CV, 224 S.W.3d 348, 351 (Tex. App.—Dallas August 23, 2006, no pet.); *Hill*, 964 S.W.2d at 140; *Emmco Ins. Co. v. Burrows*, 419 S.W.2d 665, 671 (Tex. Civ. App.—Tyler 1967, no writ)); *Lincoln v. Harvey*, 191 S.W.2d 764, 766 (Tex. Civ. App.—Dallas 1945, no writ).

Here, the declaration sought by Plaintiffs merely constitutes a request for a factual determination or finding of fact. Plaintiffs’ requested declaration does not declare “rights, status or other legal relations” between the parties under an “instrument, statute, ordinance, contract, or franchise” as required by Section 37.004(a) of the Uniform Declaratory Judgments Act. For this reason, the County is entitled as a matter of law to a judgment dismissing this claim for declaratory relief.

## **CONCLUSION**

In conclusion, the County respectfully submits that Plaintiffs' MSJ seeks relief to which they are not entitled and that cannot be granted as a matter of law. The overwhelming weight of the jurisdictional defects—ripeness, mootness, lack of standing, governmental immunity, and the non-justiciable nature of Plaintiffs' requests—forecloses the Court's ability to reach the merits of nearly all claims.

Moreover, even if the Court were to consider the substance of Plaintiffs' challenges, the County's Subdivision Regulations fall squarely within the broad statutory authority granted under Chapter 232, are presumptively valid, and reflect a reasonable, well-grounded exercise of the County's duty to protect public health, safety, and welfare. Plaintiffs' sweeping facial attack on Section 5.10 disregards both the statutory framework and extensive case law recognizing counties' ability to establish proportionate infrastructure conditions. The County's Order further demonstrates that it acted prudently and proportionately, adopting Horton's own proposed contribution amounts and declining to impose 14 of the 16 enumerated conditions. Plaintiffs cannot convert their dissatisfaction with the outcome of that appeal into a declaration of victory where the law, facts, and procedural posture uniformly defeat their claims. For all these reasons—and to avoid issuing advisory opinions or undermining the legislative powers entrusted to counties—the Court should deny Plaintiffs' Motion in its entirety and grant the County the jurisdictional and substantive relief to which it is entitled.

## **PRAYER FOR RELIEF**

WHEREFORE, PREMISES CONSIDERED, the County prays that the Court enter judgment in its favor by:

- 1) granting the County's pleas to the jurisdiction;
- 2) denying Plaintiffs' motion for partial summary judgment;

- 3) awarding costs of court to the County;
- 4) awarding such other and further relief, at law or in equity, to which the County is justly entitled.

Respectfully submitted,

THE SUSTER LAW GROUP, PLLC

1316 Village Creek Dr., Ste. 500  
Plano, Texas 75093-4461  
Telephone: (972) 380-0130  
Email: office@susterlaw.com

/s/ Christopher D. Bowers

Christopher D. Bowers  
State Bar No. 02731300

ATTORNEYS FOR DEFENDANT  
ROCKWALL COUNTY

### CERTIFICATE OF SERVICE

I certify that on February 27, 2026, a true and correct copy of the foregoing document was electronically served through the electronic filing manager established by the Office of Court Administration and an electronic filing service provider certified by the Office of Court Administration upon counsel for the parties listed below by sending it to the email addresses listed below, in accordance with Rules 21 and 21a of the Texas Rules of Civil Procedure.

Arthur J. Anderson  
aanderson@winstead.com  
Matthew K. Joeckel  
mjoeckel@winstead.com  
Winstead PC  
500 Winstead Building  
2728 N. Harwood Street  
Dallas, Texas 75201

/s/ Christopher D. Bowers  
Christopher D. Bowers

DMDS LAND COMPANY LLC and  
D.R. HORTON-TEXAS, LTD.,  
Plaintiffs,

§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

v.

ROCKWALL COUNTY, TEXAS

ROCKWALL COUNTY,  
Defendant.

382<sup>nd</sup> JUDICIAL DISTRICT

**AFFIDAVIT OF CHRISTOPHER D. BOWERS**

THE STATE OF TEXAS    )  
  )  
COUNTY OF COLLIN    )

BEFORE ME, the undersigned authority, personally appeared Christopher D. Bowers affiant, known to me or proved through a Texas driver’s license to be the person whose name is subscribed below, who, being by me duly sworn, on his oath stated as follows:

My name is Christopher D. Bowers. I am an attorney licensed to practice law in the State of Texas and am in good standing. I represent the Defendant in this matter. I am of sound mind, over eighteen years of age, have never been convicted of any felony or crime involving dishonesty or moral turpitude, and am capable of making this affidavit. In addition, I am personally acquainted with and have personal knowledge of the facts herein stated, and they are all true and correct.

1. Attached as Exhibit 1 is a true and correct copy of the Rockwall County Subdivision and Land Development Regulations adopted on March 23, 2021, as amended on Feb. 14, 2023.

2. Attached as Exhibit 2 is a true and correct copy of the Texas Senate Committee on Intergovernmental Relations, Bill Analysis, Tex. S.B. 873, 87th Leg., R.S. (enrolled June 5, 2001).

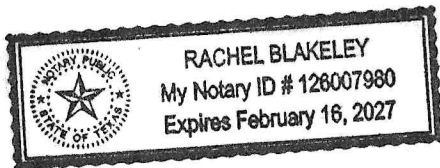
3. Attached as Exhibit 3 is a true and correct copy of the Texas Senate Committee on Intergovernmental Relations, Bill Analysis, Tex. C.S.S.B. 873, 87th Leg., R.S. (as substituted, Mar. 28, 2001).

4. Attached as Exhibit 4 is a true and correct copy of the Texas House Committee on Land & Resource Management, Bill Analysis, Tex. C.S.S.B. 873, 87th Leg., R.S. (as substituted, Apr. 30, 2001).

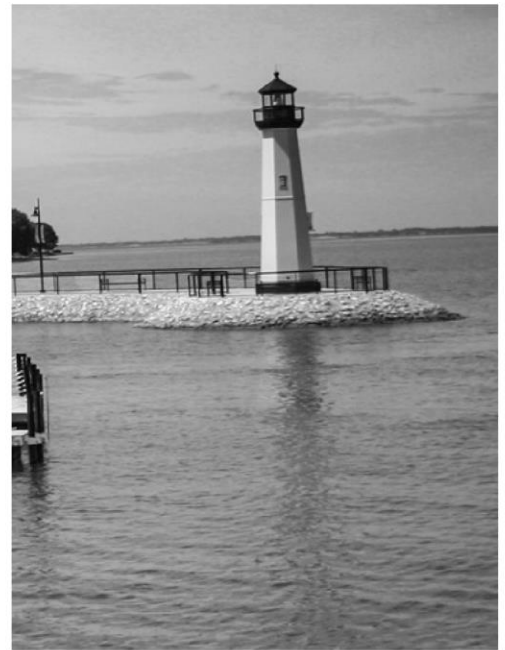
Further Affiant sayeth not.

Chris Bowers  
Christopher D. Bowers, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME the undersigned notary public on this 30<sup>th</sup> day of January, 2026, to certify which witness my hand and seal.



Rachel Blakeley  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



# Rockwall County Subdivision and Land Development Regulations

Adopted by the Commissioners Court: March 23, 2021

Amended by the Commissioner Court: February 14, 2023

EXHIBIT 1



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## Table of Contents

<b>Section 1. General Provisions</b>	<b>1</b>
Sec. 1.1. Title.....	1
Sec. 1.2. Authority.....	1
Sec. 1.3. Effective Date.....	1
Sec. 1.4. Transitional Provisions.....	1
Sec. 1.5. Compliance Required.....	2
Sec. 1.6. Special Provisions, Enforcement, and Violations.....	6
Sec. 1.7. Conflicting Provisions.....	8
Sec. 1.8. Rules of Language and Construction.....	8
Sec. 1.9. Severability.....	9
Sec. 1.10. Special Statement Regarding the Rockwall County Open Space Master Plan.....	10
<b>Section 2. Administration and Review Procedures</b>	<b>11</b>
Sec. 2.1. Decision-Making Authority.....	11
Sec. 2.2. Application Processing.....	13
Sec. 2.3. Review and Action of Development Applications.....	18
Sec. 2.4. Development Process.....	30
Sec. 2.5. HB 3167 Alternative Final Plat Approval Process.....	33
<b>Section 3. Subdivision Plats</b>	<b>35</b>
Sec. 3.1. General Procedures.....	35
Sec. 3.2. Preliminary Plat.....	42
Sec. 3.3. Final Plat.....	46
Sec. 3.4. Amending Plat.....	50
Sec. 3.5. Plat Vacation.....	53
Sec. 3.6. Replat.....	56
<b>Section 4. Subdivision Construction Procedures</b>	<b>58</b>
Sec. 4.1. Required Infrastructure.....	58
Sec. 4.2. Construction Plans.....	60
Sec. 4.3. Pre-Construction Meeting.....	68
Sec. 4.4. Construction Plan Release.....	68
Sec. 4.5. Construction of Public Improvements.....	69
Sec. 4.6. Inspection of Public Improvements.....	69
Sec. 4.7. Warranty Bond.....	72
Sec. 4.8. Acceptance of Public Improvements.....	73
Sec. 4.9. Acceptance and Abandonment of Right-of-Way.....	75

---

<b>Section 5. Subdivision Design Standards</b>	<b>79</b>
Sec. 5.1. Adequate Public Facilities .....	79
Sec. 5.2. Street Design Standards .....	79
Sec. 5.3. Subdivision with Gated Entries and Private Streets .....	101
Sec. 5.4. Lot Type and Design .....	104
Sec. 5.5. Mailboxes .....	107
Sec. 5.6. Formation of Homeowners' or Property Owners' Associations .....	108
Sec. 5.7. Drainage Standards .....	110
Sec. 5.8. Floodplain Management .....	113
Sec. 5.9. Water and Wastewater Services .....	114
Sec. 5.10. Apportionment of County Infrastructure Costs .....	117
<b>Section 6. Subdivision Relief Procedures</b>	<b>118</b>
Sec. 6.1. Subdivision Waiver .....	118
Sec. 6.2. Subdivision Proportionality Appeal .....	120
<b>Section 7. Site Development Permit</b>	<b>122</b>
Sec. 7.1. Authority .....	122
Sec. 7.2. Site Development Review Procedures .....	122
Sec. 7.3. 911 Addressing Permit .....	124
Sec. 7.4. Screening of Certain Non-Residential Uses Permit .....	125
Sec. 7.5. Regulated Land Use Permit .....	127
Sec. 7.6. Manufactured Home Park Permit .....	129
Sec. 7.7. On-Site Sewage Facility (OSSF) Permit .....	134
Sec. 7.8. Culvert, Driveway and Right-of-Way Construction Permit .....	140
Sec. 7.9. Floodplain Development Permit .....	145
Sec. 7.10. Commercial and Multifamily Building Permit .....	146
Sec. 7.11. Construction or Expansion of a Residential Use Notice .....	149
<b>Section 8. Definitions</b>	<b>151</b>
Terms Beginning With "A" Through "E" .....	151
Terms Beginning With "F" Through "J" .....	158
Terms Beginning With "K" Through "O" .....	163
Terms Beginning With "P" Through "T" .....	167
Terms Beginning With "U" Through "Z" .....	173

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Section 1. GENERAL PROVISIONS

**Sec. 1.1. Title**

These Subdivision and Land Development Regulations of Rockwall County, Texas, shall be known as, and may be cited and referred to as the "[Subdivision Regulations](#)".

**Sec. 1.2. Authority**

These subdivision regulations are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution and the laws of the State of Texas, specifically including the [Texas Local Government Code \(TLGC\) Chapter 232](#), as amended.

**Sec. 1.3. Effective Date**

The effective date of these subdivision regulations shall be September 22, 2020.

**Sec. 1.4. Transitional Provisions**

**Sec. 1.4.1. Applications Submitted Before Effective Date**

- A. Complete applications for approvals required under these regulations that are pending before the effective date specified in [Sec. 1.3](#) must be reviewed and approved in accordance with the subdivision regulations in effect before the effective date of these [Subdivision Regulations](#).
- B. Incomplete applications submitted before the [Effective Date](#) will not be reviewed until they are complete. Once complete, the application must be reviewed and approved in accordance with the regulations in effect at the time that the application is deemed complete.

**Sec. 1.4.2. On-Going Development Activity**

- A. Any subdivision or development activity for which a plat or [County](#) development authorization has been issued before the [Effective Date](#) may be completed in conformance with the with the regulations in effect at the time that the application was approved by the [County](#) even if such development does not fully comply with these [Subdivision Regulations](#) (referring to the regulations adopted after the [Effective Date](#)).
- B. If the permitted construction or development activity is not commenced and diligently pursued within the time constraints allowed within the County's regulations before the [Effective Date](#) of these [Subdivision Regulations](#), then the original approval or any extension that is granted can require such subdivision or development activity to comply with the regulations effective after the [Effective Date](#).

**Sec. 1.4.3. Previous Violations**

The adoption of these [Subdivision Regulations](#) does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous subdivision regulations that occurred before the [Effective Date](#).

**Sec. 1.5. Compliance Required**

**Sec. 1.5.1. Purpose**

These subdivision regulations are adopted for the purposes of:

- A. Promoting the health, safety and general welfare of the community within the [County](#);
- B. Ensuring the adequacy of drainage facilities;
- C. Encourage the wise use and management of natural resources throughout the County to preserve the integrity, stability and beauty of the community;
- D. Ensuring proper legal descriptions and documentation of subdivided land;
- E. Establishing orderly policies and procedures to guide development;
- F. Establishing reasonable design standards for development;
- G. Providing for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure, reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the [County](#) for correction of inadequate facilities that are designed to serve the public;
- H. Providing the most beneficial circulation of vehicle traffic throughout the County, and to provide for the proper location and width of streets;
- I. Ensuring public facilities with enough capacity to serve the proposed subdivision are available for every building site, and to provide public facilities for future development;
- J. Preserving the topography of the [County](#) and ensure appropriate development regarding natural features; and
- K. Ensuring that new development adequately and fairly participates in the dedication and construction of [Public Improvements](#) and infrastructure that are necessitated by or attributable to the development.

**Sec. 1.5.2. General**

- A. It is hereby declared to be the policy of the County to consider the subdivision and development of land as subject to the control of the [County](#) to promote the orderly, planned, efficient and economical development of the County.
- B. The County has executed an interlocal agreement with the Cities of Fate, Heath, McLendon-Chisholm, Rockwall, Rowlett, and Royse City to determine whether the City's development regulations or the County's subdivision regulations will apply when a property in the extraterritorial jurisdiction ([ETJ](#)) of a City when a property owner in the ETJ choses to developed or platted.
- C. A developer may request a copy of the interlocal agreement from the [Development Coordinator](#) to determine whether a development located in a City's ETJ will be processed by the County or the City.

**Sec. 1.5.3. Subdivision and Development of Land Policies**

- A. Land shall not be subdivided or developed until proper provision has been made for drainage, water, wastewater, transportation and other facilities required by these [Subdivision Regulations](#) (refer to [Sec. 4.1 Required Infrastructure](#)).
- B. All public and private facilities shall be provide the necessary capacity to adequately serve the development as required by these subdivision regulations (refer to [Sec. 4.1.1 Minimum Standards](#)).
- C. These subdivision regulations shall supplement and facilitate the enforcement of standards for land uses requiring a [Site Development Permit](#) (refer to [Section 7](#)), and building codes adopted by the [County](#) where applicable.

**Sec. 1.5.4. Requirement to Plat for the Subdivision of Land**

- A. Per [Texas Local Government Code Section 232.001](#), the owner or owners of any tract of land outside the limits of a municipality that is located within the County or within the ETJ of a municipality must have a plat of the subdivision prepared, if the owner or owners divides or divide the tract of land into two (2) or more parts to lay out:
  - 1. A subdivision of the tract of land, including addition;
  - 2. Lots; or
  - 3. Streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.
- B. A division of a tract of land under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

**Sec. 1.5.5. Exemptions to Plat**

Per [Texas Local Government Code Section 232.0015 \(Exceptions to Plat Requirement\)](#), the following exemptions to the platting requirement shall exist.

**A. Dividing Land for Agricultural, Wildlife Management, or Timber Use**

- 1. Per [TLGC Section 232.0015\(c\)](#), the [County](#) may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
  - a. The owner does not lay out a part of the tract described by [Sec. 1.5.4.A.3 \(TLGC Section 232.001\(a\)\(3\)\)](#); and
  - b. The land is to be used primarily for agricultural use, as defined by [Section 1-d, Article VIII, Texas Constitution](#), or for farm, ranch, wildlife management, or timber production use within the meaning of [Section 1-d-1, Article VIII, Texas Constitution](#).
- 2. Per [TLGC Section 232.0015\(d\)](#), if a tract described by this exemption ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of these [Subdivision Regulations](#) apply.

**B. Dividing Land for the Purpose of Selling or Giving to Related Individual**

- 1. Per [TLGC Section 232.0015\(e\)](#), the [County](#) may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into four (4) or fewer parts and does not lay out a part of the tract described by [Sec. 1.5.4.A.3 \(TLGC Section 232.001\(a\)\(3\)\)](#) to have a plat of the subdivision prepared if each of the lots is

to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under [Chapter 573 of the Texas Local Government Code](#).

2. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements of these [Subdivision Regulations](#) apply.

**C. All Lots Greater Than 10 Acres**

Per [TLGC Section 232.0015\(f\)](#), the County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two (2) or more parts to have a plat of the subdivision prepared if:

1. All the lots of the subdivision are more than ten (10) acres in area; and
2. The owner does not lay out a part of the tract described by [Sec. 1.5.4.A.3 \(TLGC Section 232.001\(a\)\(3\)\)](#).

**D. All Lots Sold to Veterans**

Per [TLGC Section 232.0015\(g\)](#), the **County** may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two (2) or more parts and does not lay out a part of the tract described by [Sec. 1.5.4.A.3 \(TLGC Section 232.001\(a\)\(3\)\)](#) to have a plat of the subdivision prepared if all the lots are sold to veterans through the Veterans' Land Board program.

**E. Land Owned by the State or Permanent School Fund**

Per [TLGC Section 232.0015\(h\)](#), the provisions of these [Subdivision Regulations](#) shall not apply to a subdivision of any tract of land belonging to the state or any state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state unless the subdivision lays out a part of the tract described by [Sec. 1.5.4.A.3 \(TLGC Section 232.001\(a\)\(3\)\)](#).

**F. Land Owned by Political Subdivision in a Floodplain**

Per [TLGC Section 232.0015\(i\)](#), the County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two (2) or more parts to have a plat of the subdivision prepared if:

1. The owner of the land is a political subdivision of the state;
2. The land is situated in a floodplain; and
3. The lots are sold to adjoining landowners.

**G. Division of Land for Purpose of Selling Part to Subdivider**

Per [TLGC Section 232.0015\(j\)](#), the **County** may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two (2) parts to have a plat of the subdivision prepared if:

1. The owner does not lay out a part of the tract described by [Sec. 1.5.4.A.3 \(TLGC Section 232.001\(a\)\(3\)\)](#); and
2. One new part is to be retained by the owner, and the other new part is to be transferred to another person, who will further subdivide the tract subject to the plat approval requirements of these subdivision regulations.

**H. Divisions of Tract Transferred to Existing Owners of Tract**

Per [TLGC Section 232.0015\(k\)](#), the County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two (2) or more parts to have a plat of the subdivision prepared if:

1. The owner does not lay out a part of the tract described by [Sec. 1.5.4.A.3 \(TLGC Section 232.001\(a\)\(3\)\)](#); and
2. All parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.

**Sec. 1.6. Special Provisions, Enforcement, and Violations**

**Sec. 1.6.1. Provisions**

**A. Selling or Transferring Lots Prohibited Until Completion**

No lot in any [Subdivision](#) shall be sold or transferred until the [Subdivision Plat](#) is approved, recorded, and all the standards, specifications or requirements contained or referred to herein have been complied with in full.

**B. Platting Within the Extraterritorial Jurisdiction (ETJ) Boundaries of an Adjacent Municipality**

A plat for property within the [ETJ](#) of a municipality who has entered into a resolution with the [Commissioners Court](#) to regulate subdivisions within the municipality's [ETJ](#) shall comply with the [Subdivision Regulations](#) and engineering standards of the municipality, unless otherwise specified by agreement.

**C. Services Prohibited to Subdivision Until Completion**

No person or entity shall sell or supply any utility service such as water, gas, electricity, telephone, cable, communication or wastewater service within a [Subdivision](#) for which a [Plat](#) has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

**D. Compliance with Standards Required**

The [County](#) shall not authorize any other person nor shall the [County](#) itself be required to repair, maintain, install or provide any streets or public utility services in any [Subdivision](#) for which the standards contained herein or referred to herein have not been complied with in full.

**E. Dedications**

Approval of a plat shall not impose any duty upon the [County](#) concerning maintenance of any improvement. The County shall formally accept maintenance of [Public Improvements](#) through a court order approved by the [Commissioners Court](#) after public improvements have been constructed in accordance with the procedures listed in [Sec. 4.5.1 \(Timing of When Public Improvements will be Constructed\)](#) and received a [Letter of Public Improvement Compliance](#) by the [Commissioners Court Engineering Representative](#).

**Sec. 1.6.2. Enforcement**

- A.** The [Commissioners Court](#) shall have the authority to not approve any plat that does not meet the requirements set forth in these [Subdivision Regulations](#); and
- B.** Pursuant to [Texas Local Government Code \(TLGC\) Section 232.005](#), at the request of the Commissioners Court, the [County Attorney](#) or other prosecuting attorney representing the [County](#) may file an action in a court of competent jurisdiction to:
1. Enjoin the [Violation](#) or threatened violation of a requirement established by or adopted by the [Commissioners Court](#) under [Texas Local Government Code \(TLGC\) Chapter 232](#); or
  2. Recover damages in an amount adequate for the [County](#) to undertake any construction or other activity necessary to bring about compliance with a requirement established by the Commissioners Court under [Texas Local Government Code \(TLGC\) Chapter 232](#).

- C. Pursuant to [Texas Local Government Code \(TLGC\) Section 232.005](#), a person who commits an offense if the person knowingly or intentionally violates a requirement established by or adopted by the Commissioners Court under [Texas Local Government Code \(TLGC\) Chapter 232](#). An offense under this Section is a Class B Misdemeanor.
- D. Pursuant to [Texas Local Government Code \(TLGC\) Section 232.005](#), a requirement that was established by or adopted under Chapter 436, Acts of the 55th Legislature, Regular Session 1957, as amended (Article 6626a, Vernon's Texas Civil Statutes), or Chapter 151, Acts of the 52nd Legislature, Regular Session 1951 (Article 2372k Vernon's Texas Civil Statutes), before September 1, 1983, and that, after that date, continues to apply for subdivision of land is enforceable under Section 1.08.B.2. A knowing or intentional [Violation](#) of the requirement is an offense.

---

## Sec. 1.7. Conflicting Provisions

### Sec. 1.7.1. Conflict with State or Federal Regulations

If the provisions of these [Subdivision Regulations](#) are inconsistent with state or federal law, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

### Sec. 1.7.2. Conflict with Private Agreements and Covenants

These [Subdivision Regulations](#) do not interfere with, abrogate, or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of these [Subdivision Regulations](#) impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of the subdivision regulations govern. The [County](#) is not responsible for monitoring or enforcing agreements or covenants among private parties.

---

## Sec. 1.8. Rules of Language and Construction

### Sec. 1.8.1. Usage of Terms

The following terms contained in these subdivision regulations shall be defined as follows:

- A. The words "must," "will," "shall" and "may not" are mandatory.
- B. The word "may" is permissive, not mandatory or required.
- C. The word "person" includes a firm, association, organization, partnership, limited liability company, trust, or corporation, as well as an individual.

### Sec. 1.8.2. Computation of Time

- A. References to "days" are to calendar days unless otherwise expressly stated. Reference to "business days" are references to regular [County](#) government working days.
- B. A day concludes at the close of business. Any materials received after the close of business will be considered to have been received the following day.

### Sec. 1.8.3. Delegation of Authority

#### A. General

Whenever a provision appears requiring the head of a department or another officer or employee of the [County](#) to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of the [Subdivision Regulations](#) expressly prohibit such delegation.

#### B. References to Administration

Unless otherwise expressly stated, all employees, public officials, bodies, and agencies to which references are made are those of Rockwall [County](#) or individuals or agencies legally authorized to act on behalf of Rockwall [County](#).

1. References in the Subdivision Regulations to the "[County](#)" are references to County's Development Services Department or Development Coordinator serving as the County's

designee responsible for reviewing development plans and applications for all development activity in the County.

2. References in the Subdivision Regulations to the "[Development Coordinator](#)," are references to the Rockwall County Health Coordinator or the County's designee responsible for reviewing development plans and applications for all development activity in the [County](#).
3. References in the Subdivision Regulations to the "[Commissioners Court](#)" are references to the Rockwall County Commissioners Court.
4. References in the Subdivision Regulations to the "[Commissioners Court Engineering Representative](#)" are references to the engineer appointed by the Commissioner Court and hired under contract to review constructions plans, engineering related studies, and other related requests under the supervision of the Commissioners Court and Development Coordinator.

### Sec. 1.9. Severability

If any portion of the [Subdivision Regulations](#) is held to be invalid or unconstitutional by a court of competent jurisdiction that portion is to be deemed severed from the subdivision regulations and in no way affects or diminishes the validity of the remainder of these subdivision regulations.

**Sec. 1.10. Special Statement Regarding the Rockwall County Open Space Master Plan**

Rockwall County and the greater North Texas region are projected to experience dramatic growth in the next twenty to thirty years. In effort to guide that growth in a positive and environmentally responsible direction, Rockwall County began its Open Space Initiative in early 2008. Studies were commissioned to assess the priorities, opportunities, and funding strategies for open space and natural resource protection within the county. With the support of various groups including the Trust for Public Land, the North Central Texas Council of Governments, and the Open Space Alliance, Rockwall County developed a series of objectives that were ultimately adopted by the Commissioners Court in 2015 as the Rockwall County Open Space Master Plan (the "Plan").

The primary objectives of the Plan are: (1) preserve quality stormwater corridors, including creeks, channels, floodplains, tributaries, and easements; (2) identify and preserve potential locations for a major open space and/or public amenity that could be developed in the future; and (3) protect and establish corridors essential for countywide open space connectivity for non-motorized mobility such as walking and biking trails. These objectives are intended to enhance the living experience of our citizens and can be achieved through careful planning and development of Subdivisions.

All applicants submitting plats pursuant to these Rules are required to review the Rockwall County Open Space Master Plan prior to their submission. To the greatest extent possible, all plats and development plans should be designed in a way to promote the stated objectives of the PLAN and allow for its future implementation.

The Rockwall County Open Space Master Plan can be viewed at:

[https://rockwallosa.org/wp-content/uploads/2016/09/Rockwall-County-Open-Space-Master-Plan-20151229\\_reduced.pdf](https://rockwallosa.org/wp-content/uploads/2016/09/Rockwall-County-Open-Space-Master-Plan-20151229_reduced.pdf)

Section 2. ADMINISTRATION AND REVIEW PROCEDURES

**Sec. 2.1. Decision-Making Authority**

**Sec. 2.1.1. Review and Decision-Making Authority**

[Table 2.1-1](#) states the final decision-making authority for subdivision plat applications and other applications that require the [County's](#) development authorization required by these [Subdivision Regulations](#).

TABLE 2.1-1: SUMMARY OF APPROVAL AUTHORITIES

APPLICATION TYPE	DECISION-MAKER	SECTION REFERENCE
<b>SUBDIVISION PLATS</b>		
Preliminary Plat	Commissioners Court	<a href="#">Sec. 3.2</a>
Final Plat	Commissioners Court	<a href="#">Sec. 3.3</a>
Amending Plat	Commissioners Court	<a href="#">Sec. 3.4</a>
Plat Vacation	Commissioners Court	<a href="#">Sec. 3.5</a>
Replat	Commissioners Court	<a href="#">Sec. 3.6</a>
Subdivision Waiver	Commissioners Court	<a href="#">Sec. 6.1</a>
Construction Plans	Commissioners Court Engineering Representative	<a href="#">Sec. 4.2</a>
Subdivision Proportionality	Commissioners Court Engineering Representative	<a href="#">Sec. 4.1.4</a>
Subdivision Proportionality Appeal	Commissioners Court	<a href="#">Sec. 6.2</a>
<b>DEVELOPMENT PERMITS</b>		
911 Addressing Permit	Development Coordinator	<a href="#">Sec. 7.3</a>
Screening of Certain Non-Residential Uses Permit	Development Coordinator	<a href="#">Sec. 7.4</a>
Regulated Land Use Permit	Development Coordinator	<a href="#">Sec. 7.5</a>
On-Site Sewage Facility (OSSF) Permit	Development Coordinator	<a href="#">Sec. 7.7</a>
<b>DEVELOPMENT PERMITS</b>		

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APPLICATION TYPE	DECISION-MAKER	SECTION REFERENCE
Culvert, Driveway and Right-of-Way Construction Permit	Commissioners Court [1]	<a href="#">Sec. 7.8</a>
Floodplain Development Permit	Development Coordinator	<a href="#">Sec. 7.9</a>
Commercial and Multifamily Building Permit	Development Coordinator	<a href="#">Sec. 7.10</a>
Construction or Expansion of a Residential Use Notice	Development Coordinator	<a href="#">Sec. 7.11</a>

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Notes:

1. The Development Coordinator may administratively approve a permit for the installation of a driveway and a culvert. Any construction or installation in County public right-of-way requires approval by the Commissioners Court.
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## Sec. 2.2. Application Processing

### Sec. 2.2.1. Pre-Application Meeting

#### A. Purpose

1. The pre-application meeting is intended to allow for the exchange of non-binding information between the [Applicant](#) and County staff to ensure that the applicant is informed of pertinent [County](#) development regulations and processes.
2. The pre-application meeting provides an opportunity for the [Applicant](#) and County staff to discuss major development considerations, such as utilities, roadways, and drainage concerns.
3. This exchange of information is intended to promote an efficient and orderly review process.

#### B. Applicability

1. Pre-application meetings are required when specifically stated within these [Subdivision Regulations](#), otherwise they are encouraged for all development applications.
2. The [County](#) may establish forms with project information to request meetings, and such forms shall not be considered a vesting instrument.

#### C. Effect

Pre-application meetings shall not vest a permit, application, or other type of development approval.

### Sec. 2.2.2. General Application Processing

#### A. Applicability

The application processing procedures outlined in this section pertain to all application types, including plats, construction plans and development permits except as noted otherwise.

#### B. Authority to Submit Application

Unless expressly stated otherwise in these [Subdivision Regulations](#), a development application shall be submitted by:

1. The property owner; or
2. A person authorized to submit the application on behalf of the owner. The application will be accompanied with a letter of authorization from the property owner stating their consent to the application and delegating their authority to the [Applicant](#); or
3. If there are multiple property owners, all such persons shall sign the application or provide a letter authorization documenting their consent of the application.

**C. Application Forms**

1. The [County](#) is hereby authorized to prepare application forms that include information requirements, checklists, architectural or engineering drawing sizes and contents, [Applicant](#) contact information, and any other information necessary to show compliance with the County's development standards.
2. All application forms are made available by the [Development Coordinator](#).

**D. Application Fees**

1. Every application shall be accompanied by the prescribed fees set forth in the adopted fee schedule.
2. Unless waived by the [Commissioners Court](#), the prescribed fee shall not be refundable unless it was submitted in error.
3. The fee schedule may be amended from time to time per procedures established by the Commissioners Court.
4. The fee schedule is intended to cover the cost that the [County](#) incurs in processing a permit or application, including the publication of public notices, engineering plan review and inspections, legal fees, and other associated costs. The County incurs these costs regardless of whether the application or permit is approved or denied.

**E. Inspection Fees**

1. Per [TLGC Section 232.0305](#), the [Commissioners Court](#) can impose a fee on a subdivider if inspection of the property is required to ensure compliance with the [Subdivision Regulations](#). Fees collected from the subdivider will be used to fund inspections performed by the [County](#).
2. The County fee schedule is intended to cover the cost the County incurs in processing and performing site inspections. The fee schedule may be amended from time to time per procedures established by the Commissioners Court.
3. Inspection fees can be required by the [County](#) with the initial application, at the time of inspection or after the inspection has been performed. The [Development Coordinator](#) will issue an invoice of required inspection fees when applicable.

**F. Payment of All Indebtedness Attributable to the Subject Property**

1. No application shall be accepted or reviewed for completeness from a person who owes delinquent taxes, assessments, any fees, or is otherwise indebted to the County until the taxes, assessments, debts, or obligations have been first fully discharged by payment, or until an arrangement has been made for the payment of such debts or obligations.
2. It shall be the [Applicant's](#) responsibility to provide evidence or proof that all taxes and fees have been paid, or that other arrangements have been made for payment of said taxes and fees.

**G. Development Review Schedule**

The [County](#) shall establish a submittal and review schedule for development applications, which shall be available to the public on the County's website. The County may amend the schedule to ensure effective and efficient review of these [Subdivision Regulations](#) and to maintain the [County's](#) processes in compliance with state legislation.

**Sec. 2.2.3. Determination of Application Completeness**

**A. Application Materials**

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1. An application will be considered complete and ready for processing when the [Applicant](#) has submitted the forms, plans and fees as documented in the development application.
2. The County will be authorized to promulgate reasonable cycles and timelines for processing applications including for receipt of complete applications.

**B. Review Procedures**

1. The [Development Coordinator](#) shall have the authority to review and determine if an application is complete through the initial stage of development process referred to as “completeness check,” refer to [Figure 2.2-1](#).
2. No later than the ten (10) business days after an application is submitted, the [Development Coordinator](#) shall determine whether the application is complete and shall transmit a written determination to the [Applicant](#).
  - a. If the written determination by staff is not made within this time, the application will be deemed complete, however it does not constitute authorization for development to commence.

**C. Notice of Completeness**

The [Development Coordinator](#) will determine whether an application is complete or incomplete within ten (10) business days of the initial submittal.

1. A notice for an incomplete application will include:
  - a. A listing of the application’s deficiencies;
  - b. The next submittal date for the [Applicant](#) to resubmit a complete application for the next available review cycle; and
2. A notice for a complete application will include:
  - a. Confirmation of a complete application; and
  - b. The date that the [Applicant](#) will receive initial staff comments;

**D. Notice of Application Acceptance**

1. An application is formally accepted by the [County](#) when an application is deemed complete as described in [Sec. 2.2.3.C Notice of Completeness](#).
  - a. Pursuant to [TLGC Section 232.0025](#), an application is considered complete when all required documentation received by the County.
  - b. The [Development Coordinator](#) will allow an applicant to timely submit the missing documents or other information.
2. The [Development Coordinator](#) will review and provide comment within the timeframe established in the County’s development review schedule.

**E. Time Limits Triggered by a Complete Application**

1. Whenever this subchapter establishes a time for processing an application, the time limit does not begin until the [Development Coordinator](#) has reviewed the application for completeness and the [Applicant](#) has received confirmation of a complete application from the [Development Coordinator](#).
2. The decision-making authority for subdivision and construction plan applications, as listed in [Table 2.1-1: Summary of Approval Authorities](#), must take action on a development application within thirty (30) days from the date the application is deemed complete as described in [Sec. 2.2.3.C Notice of Completeness](#), unless the [Applicant](#) submits a [Waiver of Right to 30-Day Action](#) (refer to [Sec. 2.2.4](#)).
  - a. Refer to [Figure 2.2-1](#) for the subdivision plat review process.
  - b. Refer to [Figure 2.3-1](#) for the construction plan review process.
  - c. Refer to [Figure 2.3-2](#) for the development permit review process.

**Sec. 2.2.4. Waiver of Right to 30-Day Action**

**A. Applicability**

A waiver of right to 30-day action is only pertinent to subdivision related applications (consisting of plats and construction plans) since the decision-making authority is required to take action on subdivision related applications within thirty (30) days of being deemed complete by the [Development Coordinator](#).

**B. Decision-Making Authority**

The [Development Coordinator](#) shall be the decision-making authority of a waiver of right to 30-day action submitted for a subdivision plat and construction plans. The Development Coordinator may delegate the approval of a [Waiver of Right to 30-Day Action](#) for construction plans to the [Commissioners Court](#).

**C. Submittal Process**

1. If the [Applicant](#) is requesting a [Waiver of Right to 30-Day Action](#), the waiver request must be received by the [Development Coordinator](#) by the date the applicant must resubmit revised plans (refer to [Sec. 2.3.1.C.2](#)) so that the [Development Coordinator](#) can postpone or not schedule the application for the next Commissioners Court meeting, and allow the [Applicant](#) to have more time to address the comments issued by the [Development Coordinator](#) in the first review.
2. A [Waiver of Right to 30-Day Action](#) requests that is not received by the date revisions are due, shall not be considered properly submitted, and action will still be taken on the application by either the Commissioners Court (if pertaining to the approval of a subdivision plat) or the [Development Coordinator](#) (if pertaining to the approval of construction plans).

**D. Waiver of Right to 30-Day Action Limits**

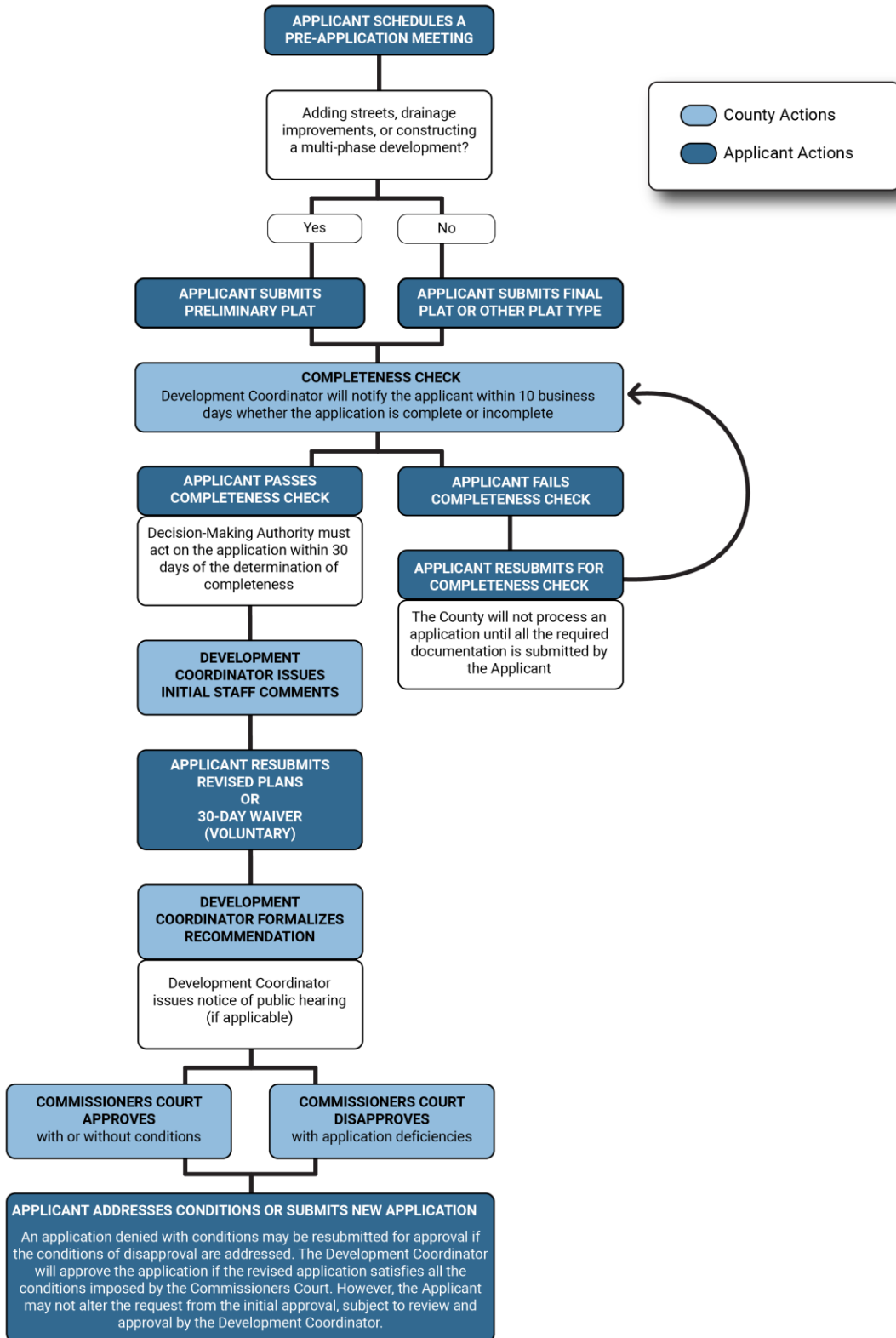
An [Applicant](#) may only submit a limited number of [Waiver of Right to 30-Day Action](#) request(s) for certain applications until the decision-making authority is required to act on the application and they are as follows:

1. An [Applicant](#) or property owner is limited to one (1) [Waiver of Right to 30-Day Action](#) request for a [Subdivision Plat](#).
2. An applicant or property owner is limited to three (3) [Waiver of Right to 30-Day Action](#) requests for [Construction Plans](#).

**E. Effects of a Waiver of Right to 30-Day Action**

1. The acceptance of a [Waiver of Right to 30-Day Action](#) by the [County](#) shall authorize the decision-making authority (refer to [Table 2.1-1](#)) from acting on the application for a period not to exceed thirty (30) calendar days from the date the waiver was accepted by the County.
2. Submission of a [Waiver of Right to 30-Day Action](#) and acceptance of such waiver by the [County](#) as part of an application, shall not be deemed in any way a waiver to any requirement within these [Subdivision Regulations](#). A waiver from requirements herein is a separate and distinct process (refer to [Sec. 6.1 Subdivision Waiver](#)).

FIGURE 2.2-1: GENERAL APPLICATION REVIEW PROCESS FOR A SUBDIVISION PLAT



Sec. 2.3

**Sec. 2.3.1. Review and Action for Subdivision Plats**

**A. Application Processing**

A subdivision plat application will be processed in accordance with [Sec. 2.2 Application Processing](#) and will follow the application process reflected in [Figure 2.2-1](#).

**B. Completeness Check**

1. All subdivision plat applications must be deemed complete by the [Development Coordinator](#) in accordance with [Sec. 2.2.3 Determination of Application Completeness](#).
2. An [Applicant](#) will receive a [Notice of Revisions](#) after being deemed complete by the Development Coordinator (refer to [Sec. 2.3.1.C](#)).
3. The [Commissioners Court](#) will act on a subdivision application within thirty (30) days of passing the completeness check.

**C. Notice of Revisions**

The Development Coordinator will be responsible for providing initial staff comments to the [Applicant](#) within the specified time frame confirmed in [Sec. 2.2.3.C.2.b](#) (the date the applicant will receive initial staff comments). The notice shall include:

1. Initial staff comments from the [Development Coordinator](#); and
2. The date the [Applicant](#) should resubmit revised plans (revision deadline) to be placed on the next [Commissioners Court](#) meeting.

**D. Failure to Submit Revised Plans within the Revision Deadline**

1. The [Commissioners Court](#) must act on a subdivision plat application within thirty (30) days of the application being deemed complete. Therefore, the [Development Coordinator](#) will schedule the application for the next Commissioners Court meeting regardless of whether the [Applicant](#) succeeds or fails to submit revised plans within the required timeframe. However, a recommendation of approval by the Development Coordinator will be contingent upon the applicant:
  - a. Addressing staff comments; and
  - b. Revising the application in conformance with the subdivision regulations.
2. The [Applicant](#) may voluntarily submit a [Waiver of Right to 30-Day Action](#) (refer to [Sec. 2.2.4](#)) to delay Commissioners Court action on the application and allow for more time to address staff comments and resubmit revised plans to increase the probability of receiving a recommendation of approval.

**E. Action by the Commissioners Court**

The approval criteria and actions of the [Commissioners Court](#) are outlined for each plat type in their respective section of the [Subdivision Regulations](#) and as shown in the table below.

PLAT TYPE	APPROVAL CRITERIA	ACTION BY THE COMMISSIONERS COURT	EXPIRATION	EXTENSION OF APPROVAL
Preliminary Plat	<a href="#">Sec. 3.2.4</a>	<a href="#">Sec. 3.2.5</a>	<a href="#">Sec. 3.2.7</a>	<a href="#">Sec. 3.2.8</a>
Final Plat	<a href="#">Sec. 3.3.4</a>	<a href="#">Sec. 3.3.5</a>	<a href="#">Sec. 3.3.7</a>	<a href="#">Sec. 3.3.8</a>
Amending Plat	<a href="#">Sec. 3.4.3</a>	<a href="#">Sec. 3.4.4</a>	<a href="#">Sec. 3.4.5</a>	<a href="#">Sec. 3.4.6</a>
Plat Vacation	<a href="#">Sec. 3.5.9</a>	<a href="#">Sec. 3.5.10</a>	<a href="#">Sec. 3.5.11</a>	N/A
Replat	<a href="#">Sec. 3.6.5</a>	<a href="#">Sec. 3.6.6</a>	<a href="#">Sec. 3.6.7</a>	N/A

**F. Post Application Approval**

**1. Notice of Decision**

The [Development Coordinator](#) shall provide written notice of the decision made on the application no later than ten (10) business days from the date the decision was made.

**2. Applications with a Decision of Denial**

- a. The [Applicant](#) may revise an application with a decision of denial to address the application’s deficiencies or submit a new plat application.
- b. The [Development Coordinator](#) will approve the application if all application deficiencies are addressed or deny the application if they are not.
  - (i) The applicant may not significantly alter the development from the initial request, such as adding more lots or new street configurations. The intent of this provision is to allow for an expeditious means of reapproval without the applicant having to submit a new application.
- c. The Development Coordinator will either approve or deny the revised application within fifteen (15) calendar days from the date the [Applicant](#) submitted the revised application.

**3. Applications with a Decision of Approval**

**a. Preliminary Plats**

The applicant may incorporate the condition(s) imposed by the Commissioners Court in the subsequent final plat(s).

**b. All Other Plats**

The **Applicant** will submit a revised plat to the **County** reflecting the condition(s) of approval imposed by the Commissioners Court prior to recording the plat with the County Clerk.

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**Sec. 2.3.2. Review and Action for Construction Plans**

**A. Application Processing**

1. An application for construction plans will be processed in accordance with [Sec. 2.2 Application Processing](#) and will follow the application process reflected in [Figure 2.3-1: Construction Plan Review Process](#).
2. The application process for [Construction Plans](#) is similar to the process for subdivision applications except that it is approved administratively by either the [Development Coordinator](#).
  - a. The [Development Coordinator](#) may delegate the approval of construction plans to the [Commissioners Court Engineering Representative](#).

**B. Completeness Check**

1. Construction plan applications must be deemed complete by the [Development Coordinator](#) in accordance with [Sec. 2.2.3 Determination of Application Completeness](#).
2. An [Applicant](#) will receive [Notice of Revisions](#) after being deemed complete by Development Coordinator (refer to [Sec. 2.3.1.C](#)).
3. The [Development Coordinator](#) will act on the application within thirty (30) days of passing the completeness check.

**C. Notice of Revisions**

The [Development Coordinator](#) will be responsible for providing initial staff comments to the [Applicant](#) within the specified timeframe confirmed in [Sec. 2.2.3.C.2.b](#) (the date the applicant will receive initial staff comments). The notice shall include:

1. Initial staff comments from the [Development Coordinator](#); and
2. The date the [Applicant](#) should resubmit revised plans (revision deadline) to receive administrative approval by the [Development Coordinator](#).

**D. Failure to Submit Revised Plans within the Revision Deadline**

1. The [Development Coordinator](#) must act on the application within thirty (30) days of the application being deemed complete. The [Development Coordinator](#) will take either of the following actions regardless of whether the applicant succeeds or fails to submit revised plans within the required timeframe.
  - a. Approve the [Construction Plans](#) with or without conditions; or
  - b. Deny the construction plans with application deficiencies.
2. The [Applicant](#) may voluntarily submit a [Waiver of Right to 30-Day Action](#) (refer to [Sec. 2.2.4](#)) to delay action on the application and allow for more time to address staff comments and resubmit revised plans to increase the probability of receiving approval of the application.

**E. Action by the Development Coordinator**

The [Development Coordinator](#) shall:

1. Review the [Construction Plans](#) to determine whether application conforms to these [Subdivision Regulations](#), specifically [Section 4 Subdivision Construction Procedures](#) and [Section 5 Subdivision Design Standards](#).
2. Act within thirty (30) calendar days following the date the application has passed the completeness check (refer to [Figure 2.3-1](#)), unless the applicant submits a [Waiver of Right to 30-Day Action](#).
3. Take one of the following actions:
  - a. Approve the construction plans;
  - b. Approve the construction plans with conditions; or
  - c. Deny the construction plans with a list of application deficiencies.

**F. Post Application Approval**

1. Notice of Decision

The [Development Coordinator](#) shall provide written notice of the decision made on the application no later than ten (10) business days from the date the decision was made.

2. Applications with a Decision of Denial

- a. The [Applicant](#) may revise an application with a decision of denial to address the application's deficiencies or submit a new plat application.
- b. The [Development Coordinator](#) will either approve the application if all application deficiencies are addressed or deny the application if they are not.
  - (i) The [Applicant](#) may not significantly alter the development from the initial request, such as adding more lots or new street configurations. The intent of this provision is to allow for an expeditious means of reapproval without the applicant having to submit a new application.
- c. The [Development Coordinator](#) will either approve or deny the revised application within fifteen (15) calendar days from the date the applicant submitted the revised application.

3. Applications with a Decision of Approval

The [Applicant](#) must resubmit a revised application and plans to the [County](#) reflecting the condition(s) of approval prior to scheduling a [Pre-Construction Meeting](#) (refer to [Sec. 4.3](#)) or released for construction (refer to [Sec. 4.4](#)).

**G. Expiration for Construction Plans**

The approval of [Construction Plans](#) shall remain in effect for a period of two (2) years from the date of approval, or for the duration of construction of the project, provided that progress towards completion of the project continues to be demonstrated, unless the construction plans are extended in accordance with [Sec. 2.3.2.H Extension of Construction Plan Approval](#).

**H. Extension of Construction Plan Approval**

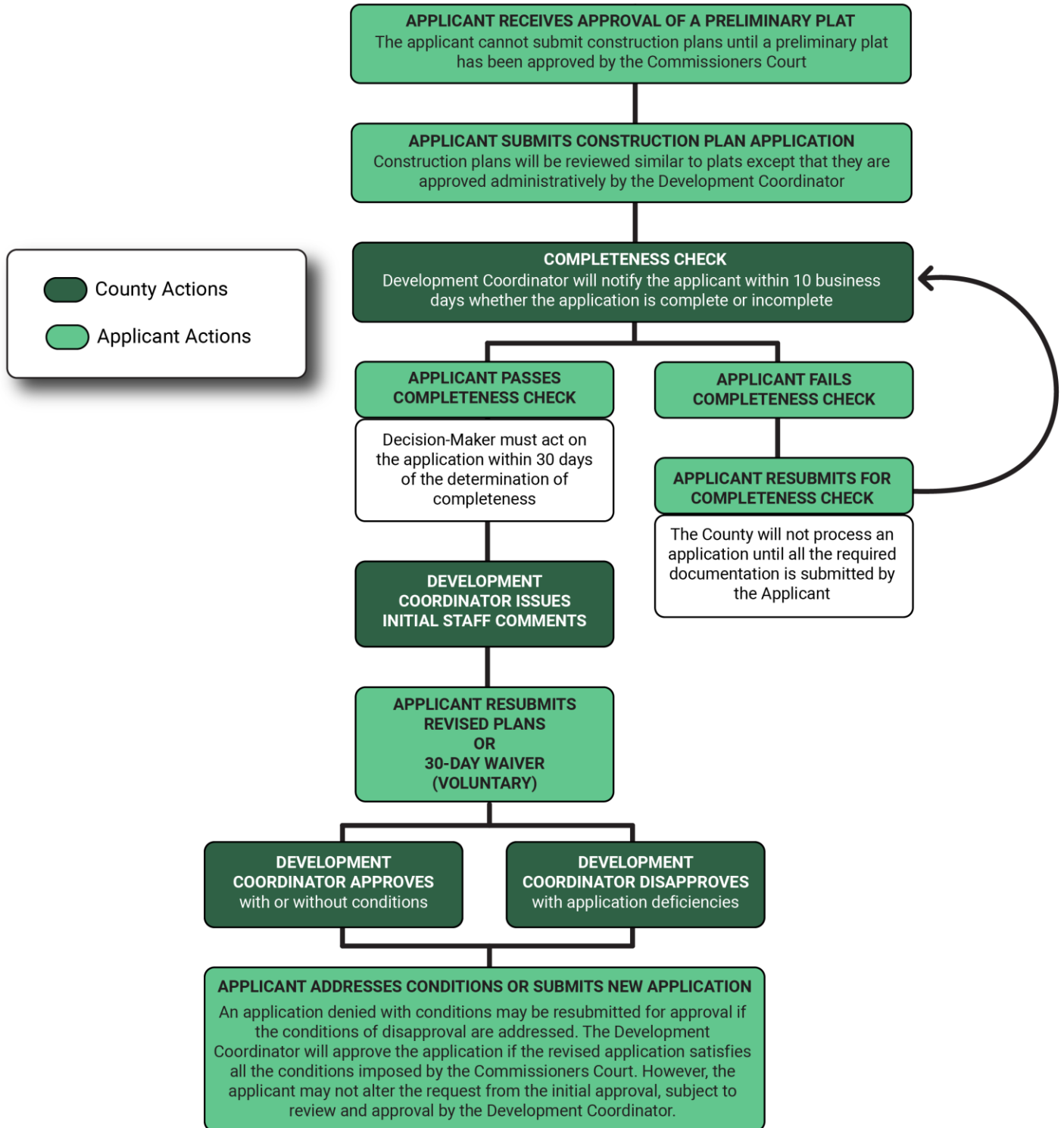
1. The construction plan approval may be extended for a period of six (6) additional months beyond the expiration date. A request must be made in writing to the [Development Coordinator](#) for such extension request prior to expiration of the plans and shall include the reason why the plans should be extended.
2. The [Development Coordinator](#) (or [Commissioners Court Engineering Representative](#), if construction plan approval was delegated) will review the extension request and shall approve or deny the extension request within thirty (30) calendar days following the submittal date.
  - a. Should the [Development Coordinator](#) fail to act on an extension request within thirty (30) calendar days, the extension shall be automatically approved.
  - b. In reviewing an extension, the [Development Coordinator](#) shall consider the following:
    - (i) The [Construction Plans](#) comply with new regulations (i.e., regulations that have been adopted after approval of the original construction plans that impact the health, safety and general welfare of the [County](#)); or
    - (ii) The [Developer](#) has made demonstrable progress to proceed with construction or required improvements in accordance with [TLGC Section 245.005\(c\)](#):
      - (1) An application for a [Final Plat](#) or plan is submitted to the [County](#);
      - (2) A good-faith attempt is made to file with the [County](#) an application for a permit necessary to begin or continue towards completion of the project;
      - (3) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five (5) percent of the most recent appraised market value of the real property on which the project is located;
      - (4) Fiscal security is posted with the [County](#) to ensure performance of an obligation required by the [County](#); or
      - (5) Utility connection fees or impact fees for the project have been paid to the [County](#) (if applicable).
3. In reviewing an extension request, the [Development Coordinator](#) may impose additional conditions including, but not limited to the following:
  - a. Conditions to ensure that the property will be developed in a timely fashion and serve the public interest; or
  - b. Conditions for the property to comply with new development regulations or request the [Applicant](#) to waive any vested rights.

**I. Appeal of the Development Coordinator's Decision on the Extension of Construction Plans**

The denial of an extension by the [Development Coordinator](#) may be appealed to the [Commissioners Court](#).

1. A written request for such appeal shall be received by the [Development Coordinator](#) within fourteen (14) calendar days following the denial.
2. The [Commissioners Court](#) shall hear and consider the appeal within thirty (30) calendar days following receipt of the appeal.
3. The Commissioners Court's decision is final.

FIGURE 2.3-1: CONSTRUCTION PLAN REVIEW PROCESS



**Sec. 2.3.3. Review and Action for Development Permits**

**A. Application Processing**

1. Applications for development permits, as listed in [Table 2.1-1](#), will be processed in accordance with [Sec. 2.2 Application Processing](#), however will not be subject to the thirty (30) day time limit described in [Sec. 2.2.3.E Time Limits Triggered by a Complete Application](#).
2. [County](#) approval will not be issued until all comments issued by the [Development Coordinator](#) are addressed by the applicant. Refer to [Figure 2.3-2: Development Permit Review Process](#).

**B. Completeness Check**

1. Development permit applications must be deemed complete by the [Development Coordinator](#) in accordance with [Sec. 2.2.3 Determination of Application Completeness](#).
2. An [Applicant](#) will receive a [Notice of Revisions](#) after being deemed complete by Development Coordinator (refer to [Sec. 2.3.1.C](#)).

**C. Notice of Revisions**

The [Development Coordinator](#) will be responsible for providing initial staff comments to the [Applicant](#) within the specified time frame confirmed in [Sec. 2.2.3.C.2.b](#) (the date the applicant will receive initial staff comments). The notice shall include:

1. Initial staff comments from the [Development Coordinator](#); and
2. The date the [Applicant](#) should resubmit revised plans (revision deadline) in accordance with the [County's](#) development review schedule.

**D. Failure to Submit Revised Plans within the Revision Deadline**

The [Development Coordinator](#) will have the authority to delay administrative approval of the application until the [Applicant](#) has submitted revised plans and addressed staff comments.

**E. Action by the Development Coordinator**

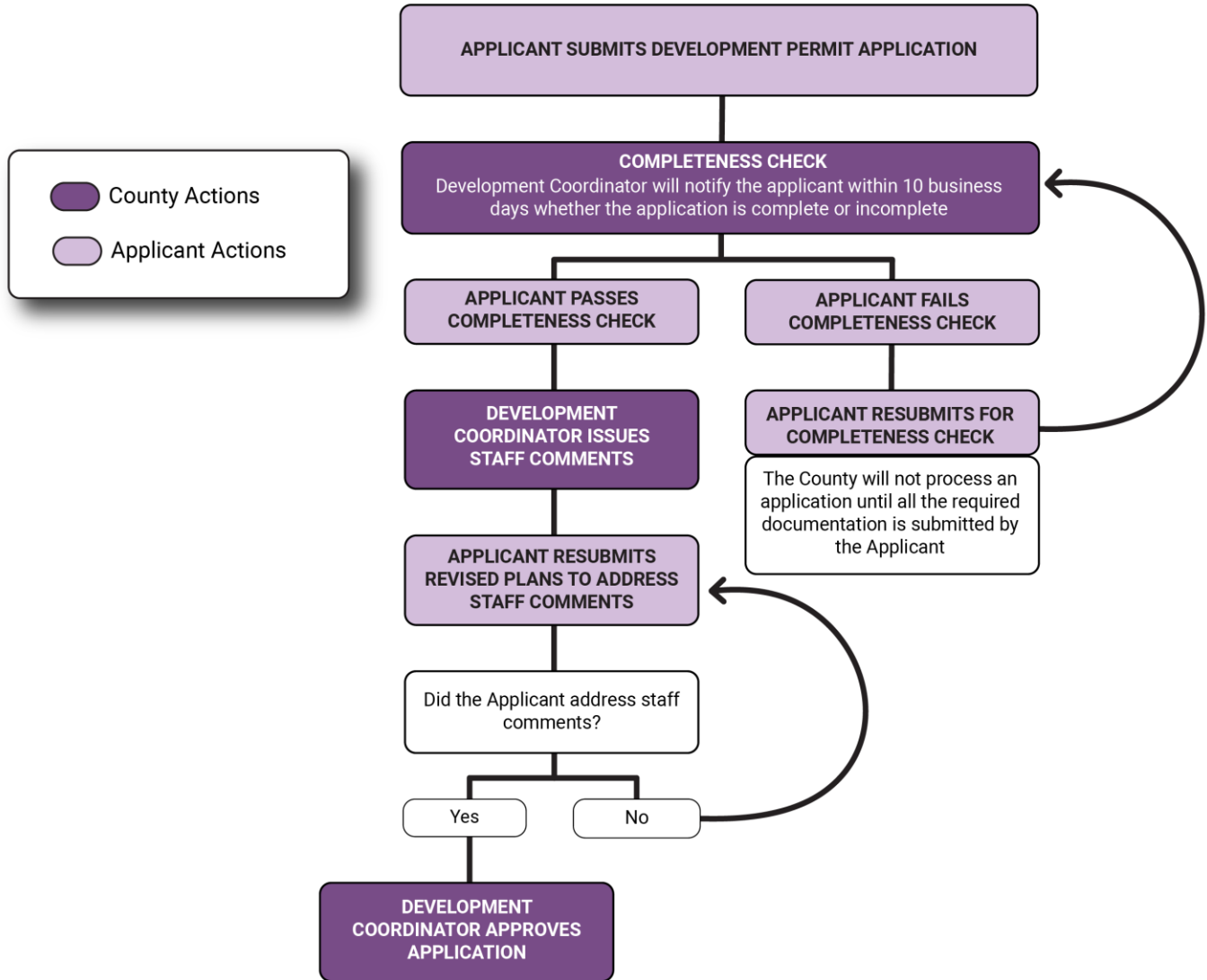
The approval criteria and actions of the [Development Coordinator](#) are outlined for each permit type in their respective section of the [Subdivision Regulations](#) and as shown in the table below.

<b>PERMIT TYPE</b>	<b>ACTION BY THE DEVELOPMENT COORDINATOR</b>	<b>EXPIRATION</b>
911 Addressing Permit	<a href="#">Sec. 7.3.5</a>	<a href="#">Sec. 7.2.4</a>
Screening of Certain Non-Residential Uses Permit	<a href="#">Sec. 7.4.6</a>	<a href="#">Sec. 7.2.4</a>
Regulated Land Use Permit	<a href="#">Sec. 7.5.5</a>	<a href="#">Sec. 7.2.4</a>
Manufactured Home Park Permit	<a href="#">Sec. 7.6.7</a>	<a href="#">Sec. 7.2.4</a>
On-Site Sewage Facility (OSSF) Permit	<a href="#">Sec. 7.7.6</a>	<a href="#">Sec. 7.2.4</a>
Culvert, Driveway and Right-of-Way Construction Permit	<a href="#">Sec. 7.8.8</a>	<a href="#">Sec. 7.2.4</a>
Commercial and Multifamily Building Permit	<a href="#">Sec. 7.10.6 [1]</a>	<a href="#">Sec. 7.2.4</a>
Construction or Expansion of a Residential Use Notice	<a href="#">Sec. 7.11.4 [2]</a>	<a href="#">Sec. 7.2.4</a>

Notes:

1. The Commercial and Multifamily Building Permit requires a County inspection to ensure compliance with the Rockwall County Fire Code. A Certificate of Occupancy will be issued if the inspection shows that the project complies with the fire code. [Sec. 7.10.6](#) details the approval criteria for an inspection.
2. The property owner must provide notice of the construction or expansion of a residential use, and must comply with the inspection procedures contained in [Sec. 7.11](#). Refer to [Sec. 7.11.4](#) to review the number of inspections by the County.

FIGURE 2.3-2: DEVELOPMENT PERMIT REVIEW PROCESS

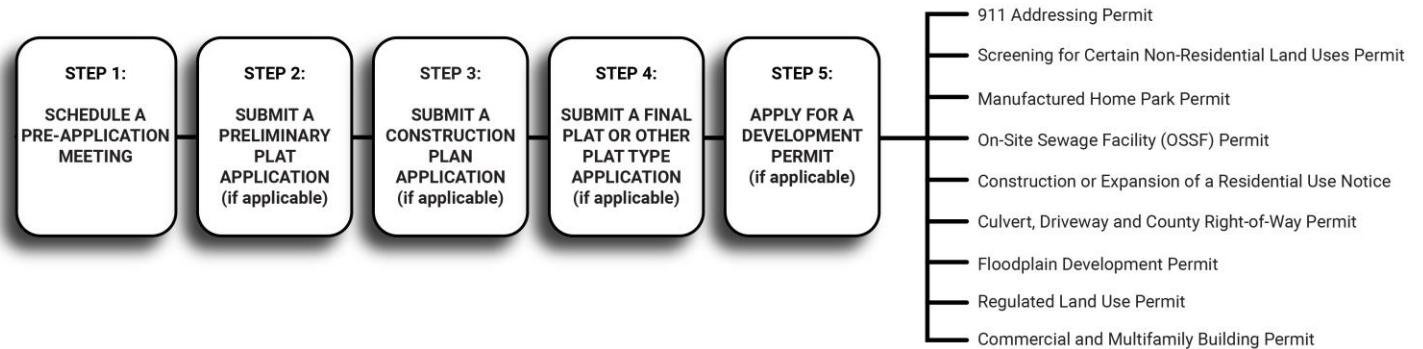


**Sec. 2.4. Development Process**

**Sec. 2.4.1. Development Sequence**

- A. Applications shall be processed in the sequence shown in [Figure 2.4-1](#).
- B. Concurrent review of applications may be permitted for [Final Plats](#) and development permits.

**FIGURE 2.4-1: DEVELOPMENT PROCESS**



**Sec. 2.4.2. Platting Process**

[Figure 2.4-2](#) provides an overview of the platting and construction process.

**A. Timing of When Public Improvements are Constructed**

[Public Improvements](#) will be constructed and inspected by the [Commissioners Court Engineering Representative](#) before a [Final Plat](#) is recorded with the County Clerk. At this time, the [County](#) will issue a [Letter of Public Improvement Compliance](#) to confirm that improvements were constructed to the County’s requirements.

**B. Recording of the Final Plat**

- 1. The [Developer](#) will submit a [Warranty Bond](#) to the [County](#) in accordance with [Sec. 4.7](#) after receiving a [Letter of Improvement Compliance](#) and prior to recording the [Final Plat](#).
- 2. A [Warranty Bond](#) is not required for the construction of [Cul-de-Sacs](#), [Local Streets](#), and [Collector Streets](#) (refer to [Sec. 4.7.4 Warranty Bond Exceptions](#)).

**C. Public Improvements Accepted After Two Year Maintenance Inspection**

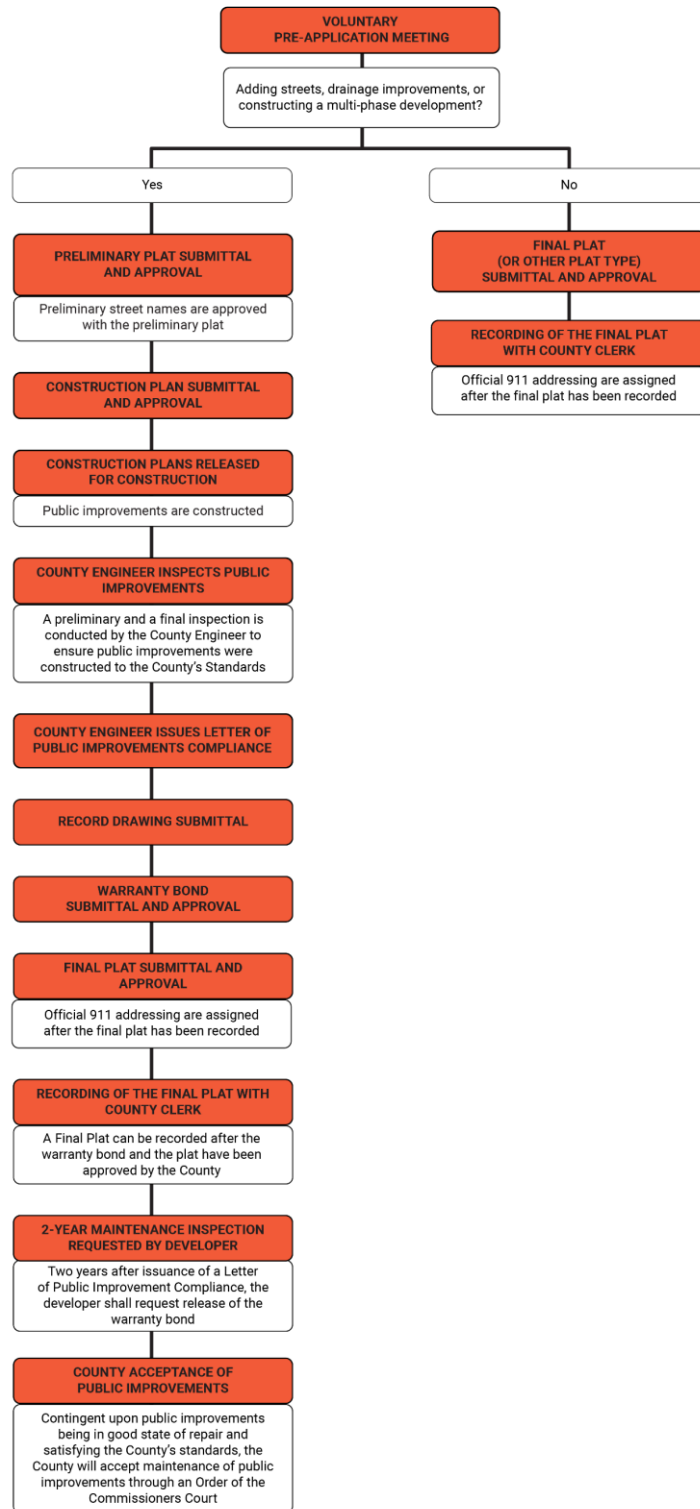
- 1. The County will accept maintenance of public improvements after a [Two Year Maintenance Inspection](#) conducted by the [Commissioners Court Engineering Representative](#) and requested by the [Developer](#) (refer to [Sec. 4.8.1](#)).
- 2. The [Commissioners Court](#) will issue an [Order of the Commissioners Court for Final Acceptance](#) if the [Commissioners Court Engineering Representative](#) determines that public improvements are in good repair and satisfy the [County’s](#) standards during the [Two Year Maintenance Inspection](#) (refer to [Sec. 4.8.2](#)).
  - a. The order of the Commissioners Court for final acceptance will exclude the acceptance of maintenance for [Cul-de-Sacs](#), [Local Streets](#), and [Collector Streets](#).

- b. These roadways will comply with the design and construction specifications contained in these subdivision regulations, but will be designated as [Private Streets](#) that will be maintained by the property owner or a [Homeowners' or Property Owners' Association](#).

**D. Release of the Warranty Bond**

1. The [Developer](#) must request a [Two Year Maintenance Inspection](#) to request release of the [Warranty Bond](#) (refer to [Sec. 4.7.8](#)).
2. The [Developer](#) may request a [Two Year Maintenance Inspection](#) two (2) years from the date the [Letter of Public Improvement Compliance](#) was issued by the County (refer to [Sec. 4.7.8.C](#)).

FIGURE 2.4-2: PLATTING PROCESS



Notes:

1. All **Local Streets**, **Collector Streets**, and **Cul-de-Sacs** will be designated as **Private Streets** and will either be maintained by the property owner, **Homeowners' or Property Owners' Association**, or special district.

## Sec. 2.5. HB 3167 Alternative Final Plat Approval Process

### Sec. 2.5.1. Purpose

- A. In 2019, the Texas Legislature passed legislation (i.e., HB 3167) to allow an [Applicant](#) to not file a [Preliminary Plat](#) and [Construction Plans](#) if the [Applicant](#) decides, at his or her own discretion, to submit a [Final Plat](#) with either a bond or financial guarantee in lieu of a bond for the proper construction of the roads and streets in and drainage requirements for the subdivision.
- B. HB 3167 allows an [Applicant](#) to receive approval of a [Final Plat](#) before any [Construction Plans](#) are designed or infrastructure is built or inspected. However, the recording of the [Final Plat](#) may only occur after the subdivision's infrastructure is built and inspected as per the [Final Plat](#) recording process outlined in [Sec. 3.3.9 Recordation of the Plat](#). Notably, any [Final Plat](#) approved through the HB 3167 approval process will need to meet all the applicable requirements of these [Subdivision Regulations](#).

### Sec. 2.5.2. Bond Requirements

In accordance with [TLGC Section 232.004](#), if an [Applicant](#) selects to seek approval of a [Final Plat](#) without a previously approved [Preliminary Plat](#) and [Construction Plans](#), then the [Commissioners Court](#) will require the owner of the tract to execute a bond. The owner must execute a bond before subdividing the tract unless an alternative financial guarantee is provided under Section [Sec. 2.5.3 \(Financial Guarantee In Lieu of Bond\)](#). The bond must:

- A. Be payable to the [County Judge](#) or to the [County Judge's](#) successors in office;
- B. Be in an amount determined by the [Commissioners Court](#) to be adequate to ensure proper construction of the roads and streets in and drainage requirements for the subdivision, but not to exceed the estimated cost of construction of the roads, streets, and drainage requirements;
- C. Be executed with sureties as may be approved by the [Commissioners Court](#);
- D. Be executed by a company authorized to do business as a surety in this state if the court requires a surety bond executed by a corporate surety; and
- E. Be conditioned that the roads and streets and the drainage requirements for the subdivision will be constructed:
  - 1. In accordance with the specifications adopted by the [Commissioners Court](#); and
  - 2. Within a reasonable time set by the [Commissioners Court](#).

### Sec. 2.5.3. Financial Guarantee In Lieu of Bond

In accordance with [TLGC Section 232.0045](#), in lieu of the bond, an owner may deposit cash, a letter of credit issued by a federally insured financial institution, or other acceptable financial guarantee. If a letter of credit is used, it must:

- A. List as the sole beneficiary the [County Judge](#); and
- B. Be conditioned that the owner of the tract of land to be subdivided will construct any roads or streets in the subdivision:
  - 1. In accordance with the specifications adopted by the [Commissioners Court](#); and
  - 2. Within a reasonable time set by the [Commissioners Court](#).

### Sec. 2.5.4. Compliance Required and Final Plat Recording

- A. [Final Plats](#) approved using the HB 3167 alternative process shall comply with all applicable [Subdivision Regulations](#). If an application does not comply, conditional approval or disapproval may be given.
- B. All [Final Plats](#) shall only be recorded in agreement with [Sec. 3.3.9 Recordation of the Plat](#).

Section 3. SUBDIVISION PLATS

**Sec. 3.1. General Procedures**

**Sec. 3.1.1. Plats Required for Land Subdivision**

- A. Per [TLGC Chapter 232](#), a [Final Plat](#) shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development.
- B. In the case of minor revisions to recorded plats or lots, an [Amending Plat](#) (refer to [Sec. 3.3.7](#)) or [Replat](#) (refer to [Sec. 3.6](#)) may also be utilized.

**Sec. 3.1.2. Application Processing**

- A. A subdivision plat application will be processed in accordance with [Sec. 2.2 Application Processing](#) and will follow the application process reflected in [Figure 2.2-1](#).
- B. The [Development Coordinator](#) shall be responsible for:
  1. Processing the initial submittal of all plat applications and determining whether an application is complete in accordance [Sec. 2.2.3 Determination of Application Completeness](#);
  2. Scheduling the plat for the next [Commissioners Court](#) meeting; and
  3. Scheduling a public hearing and issuing a public notice for the plat application in accordance with state law and [Sec. 3.1.3 Public Hearing and Noticing Requirements](#) (if applicable).

**Sec. 3.1.3. Public Hearing and Noticing Requirements**

**A. Noticing Requirements**

The Texas Local Government Code requires issuance of a public hearing notice for certain subdivision applications either through the publication of a notice in an official newspaper or by mail. The plat types shown in [Table 3.1-1](#) require notice of a public hearing.

**TABLE 3.1-1: SUBDIVISION APPLICATIONS REQUIRING NOTICING**

PLAT TYPE	PUBLIC HEARING REQUIRED	PUBLIC NOTICE REQUIRED	SECTION REFERENCE
Plat Vacation	Yes	Newspaper	<a href="#">Sec. 3.5.4</a>
Replat	Yes	Newspaper[1]	<a href="#">Sec. 3.6.3</a>
Subdivision Waiver	Yes	Mail	<a href="#">Sec. 6.1.3</a>

Notes:

1. A replat has newspaper notice exceptions, which may require a mailed notice instead of a newspaper notice. Refer to [Sec. 3.6.4](#) for noticing exceptions.

**B. Notice Types**

Unless otherwise specified within the applicable section of the [Subdivision Regulations](#) for each application type, the notice for a public hearing shall meet or exceed the requirements of the Texas Local Government Code.

**1. Mailed Notice**

Issuance of a written notice by mail will be sent to property owners of lots located within two hundred (200) feet of the subject property based on the most recently approved [County](#) tax roll upon which the property reflected in the application is located. The mailed notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the County.

**2. Newspaper Notice**

Notice of a public hearing must be published in a newspaper in general circulation in the [County](#) within the time frame required for each plat type. Refer to [Table 3.1-1](#) to determine the number of days before the scheduled public hearing a newspaper notice must be published and advertised to the public.

**C. Scheduling**

The [Development Coordinator](#) shall schedule the public hearing for the [Commissioners Court](#) following the submission of a complete application (refer to [Sec. 2.2.3](#)) and staff review in accordance with [Sec. 2.3.1.A](#).

**D. Notice Content**

A mailed or newspaper notice must:

1. Describe any property involved in the application by map, street address or legal description;
2. Describe the action sought in the application;
3. Indicate the date, time and place of any public hearings or meetings that will be held by the [Commissioners Court](#) to consider the application; and
4. Indicate where additional information on the matter can be obtained from the [County](#).

**E. Minor Defects in Notices**

Minor defects in required notices will not be deemed to impair the notice or invalidate proceedings pursuant to the notice. Minor defects in notice are limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. If questions arise at any hearing regarding the adequacy of notice, the [Commissioners Court](#) must make a formal finding about whether there was substantial compliance with the notice requirements of these regulations.

**Sec. 3.1.4. Subdivisions Located in or Adjacent to a Floodplain**

- A. Development in [Areas of Special Flood Hazard](#) is prohibited.
- B. Properties in, adjacent to or near an area of special flood hazard must show the following information on the plat for the [Development Coordinator](#) or the [Commissioners Court Engineering Representative](#) to determine whether the property being platted is in an area of special flood hazard.
  - 1. The [Applicant](#) shall refer to the [Flood Insurance Rate Map \(FIRM\)](#) to determine the FEMA-designated classification of special flood hazard areas;
    - a. The applicant shall provide a floodplain note on the plat confirming the flood insurance map number, and as follows:

*“According to Flood Insurance Rate Map (FIRM) Map No. XXXXX dated XXXXXXXX prepared by the Federal Emergency Management Agency (FEMA) for Rockwall County, Texas, this property is within zone A, AE, X>.”*
  - 2. Permanent type benchmarks shall be set in appropriate locations with the description and elevation shown on the plat. The elevation of the benchmark shall be tied to a benchmark shown on the FIRM panel.
  - 3. The plat shall show contours at five (5) foot intervals
  - 4. The finished floor elevation must be shown for each lot located in and adjacent to the [Base Flood](#) elevation.
  - 5. The area of the lot that is situated in the floodplain will be provided on the plat.
  - 6. A private drainage easement will be dedicated over the limits of the floodplain that will either be maintained by the owner of the property on which the drainage easement is located or a [Homeowners’ or Property Owners’ Association](#) as required in accordance with [Sec. 5.6](#).
  - 7. The [County](#) may require that the owner provide, at the owner’s expense, a floodplain study of the proposed development if within a flood hazard area delineated by the current [Flood Insurance Rate Map \(FIRM\)](#) as provided by FEMA.
  - 8. If the development is situated within a FEMA designated floodway, a [Floodplain Development Permit](#) will be required (refer to [Sec. 7.2.2](#)).

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**Sec. 3.1.5. Required Plat Information**

All subdivision plat shall comply with the provisions of this section.

- A. A Registered Public Land [Surveyor](#) shall prepare a subdivision plat submitted to the [County](#).
- B. The County's subdivision application will contain the following information:
  - 1. Application fees;
  - 2. Plat recordation fees with County Clerk;
  - 3. Review Fees for the [Commissioners Court](#);
  - 4. Plat checklist(s) documenting:
    - a. The information required on each plat type;
    - b. The drawing size of a plat in either a hard copy or electronic copy (PDF);
    - c. The number of copies to be included with a plat application (applicable only if hard copies are required);
    - d. The submission of AutoCAD files (provided with a DWG file extension); and
    - e. Any information deemed necessary by the [County](#) with the submission of a subdivision plat application.
- C. A [Preliminary Plat](#) shall comply with the following minimum requirements in addition to the information required in the preliminary plat checklist included with the County plat application:
  - 1. The name, address and telephone number of the owner, [Developer](#), surveyor and engineer (if applicable).
  - 2. The name of the subdivision and the number of all lots and blocks arranged in systematic order, clearly shown in the title block, and on the plat in a distinct and legible figure.
  - 3. The size of each lot shall be indicated on the plat in square feet and in acreage.
  - 4. The names, locations, width and dimensions of all proposed and existing roads within the property.
  - 5. The location of setback lines on each lot (building setbacks should meet the minimum standards noted in [Table 5.4-1: Building Setbacks from Roadways](#)).
  - 6. The date the plat was prepared by the [Surveyor](#).
  - 7. A north arrow and the scale of the plat.
  - 8. A location or vicinity map showing the location of the proposed subdivision within the [County](#).
  - 9. The location of existing property lines with bearings and distances to accurately locate the property.
  - 10. The accurate location, material and size of all monuments and benchmarks of the proposed subdivision.
  - 11. The geographic location and width of any visible and apparent easements within the property.
  - 12. The name and location of all adjacent subdivisions and roads. Where there are no adjacent subdivisions, the preliminary plat shall show:
    - a. The name of all adjacent property owners with property deed recording information.

- b. The dimensions of the [Right-of-Way](#) width abutting the property.
  - c. The location and distance to the nearest subdivisions and how the roads in the proposed subdivision may connect with those in the nearest subdivisions or other roads in the area.
13. The location of FEMA designated floodway(s) in accordance with [Sec. 3.1.4 Subdivisions Located in or Adjacent to a Floodplain](#) (if applicable).
14. Existing and proposed contour lines at the following intervals:
- a. When the land has less than five (5) percent slope, the contour interval shall be no greater than two (2) feet; or
  - b. When the land has more than five (5) percent slope, the contour interval shall not be greater than five (5) feet.
15. Any subdivision proposed to be constructed in phases shall provide a phasing plan (refer to [Sec. 4.2.5.F](#)) to show that each phase will have adequate egress and ingress in accordance with the [Rockwall County Fire Code](#), access to water and wastewater utilities, and access to public [Right-of-Way](#) as required by these [Subdivision Regulations](#) (if applicable).

- 
- D. All other plat applications, including a [Final Plat](#), [Amending Plat](#), [Plat Vacation](#), and [Replat](#), shall comply with the following minimum requirements in addition to the information required in the corresponding plat checklist included in the [County](#) plat application:
1. Shall show the minimum plat requirements in [Sec. 3.1.5.C](#).
  2. The seal and signature of the surveyor responsible for surveying the subdivision and/or the preparation of the [Plat](#).
  3. A space for the signature of the County Judge and County Clerk.
  4. The following statements shall be provided on the face of the plat:
    - a. *"Blocking the flow of water, constructing improvements in drainage easements, areas of natural stream flow or areas with specific drainage design and filling or obstruction of the floodway is prohibited."*
    - b. *"The existing creeks or drainage channels traversing along or across the subdivided tracts will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots."*
    - c. *"Rockwall County will not be responsible for the maintenance and operation of said drainage ways for the control of erosion located on private property."*
    - d. *"Rockwall County will not be responsible for any property damage, property loss, personal injury or loss of life or property occasioned by flooding or flooding conditions."*
    - e. *"All culverts within any right-of-way shall meet minimum County standards and require County permit approval."*
    - f. *"No road, street, or public improvement dedicated by this plat shall be maintained by Rockwall County in the absence of an express Order of the Commissioners Court, entered of record in the minutes of the Commissioners Court of Rockwall County, specifically identifying any such road, street, or public improvement and specifically accepting such for County maintenance."*
    - g. *"All cul-de-sacs, local streets, and collector streets shall be privately maintained by either the property owner, a Homeowner's or Property Owner's Association, or a utility district."*
    - h. *"Easements: Any public utility, including the County, shall have the right to remove and keep clear all or part of any building, fences, trees, overgrown shrubs or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easement or right-of-way shown on the plat (or filed by separate instrument that is associated with said property); and any public utility, including the County, shall have the right at all times an ingress and egress to and from upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone. Property owners shall maintain easements. The County can remove trees or any other improvement(s) and does not have the responsibility to replace them."*
  5. The following note regarding sight visibility restrictions shall be placed on the plat if sight visibility easements are dedicated in accordance with [Sec. 4.2.7.G](#):

*"Sight Visibility Restriction: No structure, object, or plant of any type may obstruct vision from a height of twenty-four (24) inches to a height of ten (10) feet above the*

*top of the curb or edge of pavement, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., within the sight visibility easement."*

- a. A Plat containing a Gated or **Private Street** shall include the following notes:
  - (i) *"Rockwall County shall not be responsible for maintenance of private streets, drives, emergency access easements, recreation areas and open spaces, and the owners shall be responsible for the maintenance of private streets, drives, emergency access easements, recreation areas and open spaces and said owners agree to indemnify and hold harmless Rockwall County from all claims, damages, and losses arising out of or resulting from performance of the obligations of said owners set forth in this paragraph."*
  - (ii) The title block shall include the following wording on top of the lot subdivision name, *"Private Street Subdivision"* to clearly indicate streets will be maintained by the property owners.
- b. A plat proposing an on-site sewage facility (OSSF) shall include the following statement:
  - (i) *"A private on-site sewage facility permit shall be obtained by the Rockwall County Development Coordinator or Health Coordinator for each lot within the subdivision prior to the installation of an OSSF system."*

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## Sec. 3.2. Preliminary Plat

### Sec. 3.2.1. Purpose

The purpose of a [Preliminary Plat](#) shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of these [Subdivision Regulations](#).

### Sec. 3.2.2. Applicability

- A. No subdivision of land shall be allowed without proper submittal and approval of a [Preliminary Plat](#) unless the installation or construction of road and drainage public improvements is not necessary.
- B. In cases where road and drainage [Public Improvements](#) are not needed or will not be installed, the [Applicant](#) may proceed to the [Final Plat](#) process outlined in [Sec. 3.3 Final Plat](#).

### Sec. 3.2.3. Accompanying Plans

- A. A [Preliminary Plat](#) application shall be accompanied with the following preliminary plans:
  - 1. Preliminary Water and Wastewater Plans (refer to [Sec. 5.9.5](#));
  - 2. Preliminary Drainage Plan (refer to [Sec. 5.7.9](#)); and
  - 3. Other plans deemed necessary by the [Development Coordinator](#) or [Commissioners Court Engineering Representative](#).
- B. [Construction Plans](#) shall be submitted for formal review and approval to the engineering department after the property owner or [Applicant](#) has received approval of a preliminary plat application. Review of the [Preliminary Water and Wastewater Plan](#) (refer to [Sec. 5.9.5](#)) and [Drainage Plans](#)
- C. [Preliminary Drainage Plan](#) (refer to [Sec. 5.7.9](#)) shall not constitute approval of construction plans or waive the requirement of construction plans. Staff will review the preliminary utility plans to determine whether adequate public facilities are available and planned for the proposed development and planned.

### Sec. 3.2.4. Approval Criteria

The [Commissioners Court](#) shall use the following criteria to either approve or deny the [Preliminary Plat](#):

- A. The preliminary plat conforms to the regulations contained in these [Subdivision Regulations](#);
- B. The subdivision has adequate access to water and wastewater facilities and access to public right-of-way as required by these [Subdivision Regulations](#);
- C. The [Preliminary Plat](#) complies with the subdivision design standards and construction specifications required by these subdivision regulations; and
- D. The proposed development represented in the [Preliminary Plat](#) does not endanger public health, safety or welfare.

### Sec. 3.2.5. Action by the Commissioners Court

The [Commissioners Court](#) shall take the following actions:

- 
- A. Review the [Preliminary Plat](#) application, the findings of the [Development Coordinator](#) documented in the staff report and determine whether the application conforms to these [Subdivision Regulations](#).
  - B. Act within thirty (30) calendar days following the date the application has passed the completeness check (refer to [Sec. 2.3.1.A](#)), unless the [Applicant](#) submits a [Waiver of Right to 30-Day Action](#) as outlined in [Sec. 2.2.4](#).
    - 1. If no decision is rendered by the [Commissioners Court](#) within the thirty (30) day period as described above or such longer period as may have been agreed upon, the [Preliminary Plat](#), as submitted, shall be deemed approved by the Commissioners Court.
  - C. Take one of the following actions:
    - 1. Approve the preliminary plat;
    - 2. Approve the preliminary plat with conditions; or
    - 3. Deny the preliminary plat with a list of application deficiencies.

**Sec. 3.2.6. Effect of Approval**

- A. Approval of a [Preliminary Plat](#) shall allow the [Applicant](#) to proceed with the platting process by submitting [Construction Plans](#) (refer to [Sec. 4.2](#)) and a [Final Plat](#) (refer to [Sec. 3.3](#)).
- B. Approval of the [Preliminary Plat](#) shall constitute approval of the subdivision's layout and not acceptance or approval of [Construction Plans](#) (refer to [Sec. 4.2](#)).
- C. The condition(s) of approval will be incorporated in the associated [Final Plat](#).

**Sec. 3.2.7. Expiration of the Plat**

- A. The approval of a [Preliminary Plat](#) shall remain in effect for a period of two (2) years following the date of approval, during which period the [Applicant](#) shall submit and receive approval for [Construction Plans](#) and a [Final Plat](#) for the land area shown on the preliminary plat.
- B. If [Construction Plans](#) and a [Final Plat](#) application have not been approved within the two (2) year period, the [Preliminary Plat](#) shall expire.
- C. A [Preliminary Plat](#) shall remain valid for the period in which approved construction plans are valid (refer to [Sec. 2.3.2.G Expiration for Construction Plans](#)).
- D. All portions of the [Preliminary Plat](#) that do not have an approved final plat prior to expiration or any extension shall become null and void. A new preliminary plat application shall be submitted and processed.
- E. A [Preliminary Plat](#) application that does not seek an [Extension of Preliminary Plat Approval](#) as noted in [Sec. 3.2.8](#) shall become null and void.

**Sec. 3.2.8. Extension of Preliminary Plat Approval**

- A. A [Preliminary Plat](#) may be extended for a period not to exceed one (1) year beyond the preliminary plat's initial expiration date. A request for extension shall be submitted to the [Development Coordinator](#) in writing at least thirty (30) calendar days prior to expiration of the preliminary plat and shall include reasons why the preliminary plat should be extended.
- B. The [Development Coordinator](#) will review the extension request and shall approve or deny the extension request within thirty (30) calendar days.

1. Should the [Development Coordinator](#) fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.
  2. The [Development Coordinator](#) may approve the first extension request; however, the [Commissioners Court](#) shall be responsible for approving any subsequent requests.
- C. In reviewing an extension, the [Development Coordinator](#) shall consider whether the following conditions exist:
1. A [Final Plat](#) has been submitted or approved for any portion of the property shown on the preliminary plat;
  2. [Construction Plans](#) have been submitted or approved for any portion of the property shown on the preliminary plat;
  3. Construction, which includes the installation of [Public Improvements](#), is occurring on the subject property; or
  4. The [Preliminary Plat](#) complies with new ordinances that impact the health, safety, and general welfare of the community.
- D. In reviewing an extension, the [Development Coordinator](#) may impose additional conditions including the following:
1. Conditions to ensure that the property will be developed in a timely fashion and serve the public interest; and
  2. Conditions for the property to comply with new development regulations or request s the [Applicant](#) to waive any vested rights.
- E. Appeal of the [Development Coordinator's](#) decision on a [Preliminary Plat](#) extension
1. The denial of an extension by the [Development Coordinator](#) may be appealed to the [Commissioners Court](#).
  2. A written request for such appeal shall be received by the [Development Coordinator](#) within fourteen (14) calendar days following the denial.
  3. The [Commissioners Court](#) shall hear and consider the appeal within thirty (30) calendar days following receipt of the appeal request by the [Development Coordinator](#).
  4. The decision of the [Commissioners Court](#) is final.

**Sec. 3.2.9. Amendments Following Approval**

**A. Minor Amendments**

1. A minor amendment to a preliminary plat may be incorporated and reflected on a subsequent final plat application without the necessity of filing a new preliminary plat application
2. Minor amendments may only include minor adjustments in street or alley alignments, lengths and paving details, and lot lines that:
  - a. Do not result in creation of additional lots or any non-conforming lots, and
  - b. Are consistent with approved prior applications.
3. Any increase to the size of a property shown on a [Preliminary Plat](#) or increase of single-family residential lots shown on a preliminary plat will not be considered as minor amendments.

**B. Major Amendments**

1. All other subdivision changes not listed in [Sec. 3.2.9.A Minor Amendments](#), shall require the submittal and approval of a new [Preliminary Plat](#) application (including new fees, new reviews, new official vesting date, new official submission date, etc.).
2. A new [Preliminary Plat](#) application shall be approved prior to associated [Construction Plans](#) or [Final Plat](#) application(s) being approved.

**C. Determination of Minor or Major Amendments**

The [Development Coordinator](#) shall determine whether amendments proposed to a previously approved [Preliminary Plat](#) are minor or major amendments.

**Sec. 3.2.10. Recordation of the Plat**

[Preliminary Plats](#) are not recorded with the County Clerk. A [Final Plat](#) will be submitted following the approval of a preliminary plat to record any portion or all of the property reflected in the preliminary plat. The final plat shall conform to the approved preliminary plat.

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## Sec. 3.3. Final Plat

### Sec. 3.3.1. Purpose

The purpose of the [Final Plat](#) is to ensure:

- A. That the proposed subdivision and development of the land is consistent with all standards of these [Subdivision Regulations](#) pertaining to the adequacy of public facilities,
- B. That [Public Improvements](#) to serve the subdivision or development have been installed and accepted by the [County](#), or that provision for such installation has been made; and
- C. That all other County requirements and conditions have been satisfied or provided for to allow the [Final Plat](#) to be recorded.

### Sec. 3.3.2. Applicability

Unless a plat exception (refer to [Sec. 1.5.5 Exemptions to Plat](#)) is granted by the [Development Coordinator](#), no subdivision of land shall be allowed without proper submittal, approval, and adoption of a [Final Plat](#).

### Sec. 3.3.3. Accompanying Plans

Although not required in the initial submittal of a [Final Plat](#) application, the [Development Coordinator](#) or [Commissioners Court Engineering Representative](#) may request supplemental information with the final plat, such as the following preliminary plans:

- A. Preliminary Water and Wastewater Plans (refer to [Sec. 5.9.5](#));
- B. Preliminary Drainage Plan (refer to [Sec. 5.7.9](#)); and
- C. Other plans deemed necessary by the [Development Coordinator](#) or [Commissioners Court Engineering Representative](#).

### Sec. 3.3.4. Approval Criteria

The [Commissioners Court](#) shall use the following criteria to either approve or deny the final plat:

- A. The [Final Plat](#) conforms to the approved [Preliminary Plat](#) except for minor amendments that may have been authorized in accordance with [Sec. 3.2.9 Amendments Following Approval](#);
- B. All conditions imposed by the [Commissioners Court](#) with the approval of the [Preliminary Plat](#) have been satisfied;
- C. The subdivision has adequate access to water and wastewater facilities and access to public right-of-way as required by these [Subdivision Regulations](#);
- D. The [Final Plat](#) complies with the subdivision design standards and construction specifications required by these [Subdivision Regulations](#); and
- E. The proposed development represented in the [Final Plat](#) does not endanger public health, safety or welfare.

**Sec. 3.3.5. Action by the Commissioners Court**

The [Commissioners Court](#) shall take the following actions:

- A. Review the [Final Plat](#) application and the findings of the [Development Coordinator](#) documented in the staff report and determine whether the application conforms to these [Subdivision Regulations](#).
- B. Act within thirty (30) calendar days following the date the application has passed the completeness check (refer to [Sec. 2.3.1.A](#)), unless the [Applicant](#) submits [Waiver of Right to 30-Day Action](#) as outlined in [Sec. 2.2.4](#).
  - 1. If no decision is rendered by the [Commissioners Court](#) within the thirty (30) day period as described above or such longer period as may have been agreed upon, the final plat, as submitted, shall be deemed approved by the Commissioners Court.
- C. Take one of the following actions:
  - 1. Approve the final plat;
  - 2. Approve the final plat with conditions; or
  - 3. Deny the final plat with a list of application deficiencies.

**Sec. 3.3.6. Effect of Approval**

- A. A motion to approve a [Final Plat](#) application shall be subject to the following conditions, whether stated in the motion to approve or not:
  - 1. On-site easements and rights-of-way have been dedicated and filed of record and accurately described on the proposed plat.
  - 2. The recording information or court order number for required abandonments of public right-of-way or easements are shown on the plat.
  - 3. Original tax certificates will be presented from each taxing unit with authority of the real property showing that current taxes are paid prior to recordation of the final plat.
  - 4. The condition(s) imposed by the [Commissioners Court](#) with the approval of the plat must be incorporated in the plat before it is recorded with the County clerk.
- B. The recordation of a final plat:
  - 1. Supersedes any prior approved [Preliminary Plat](#) for the same land; and
  - 2. Authorizes the [Applicant](#) to sell or transfer lots.

**Sec. 3.3.7. Expiration of the Plat**

- A. The approval of a [Final Plat](#) shall remain in effect for a period of two (2) years following the date of approval.
- B. A final plat shall remain valid for the period in which approved [Construction Plans](#) are valid (refer to [Sec. 2.3.2.G Expiration for Construction Plans](#)).
- C. If the approval of a [Final Plat](#) is not extended beyond the original expiration date as provided in [Sec. 3.3.7.A](#), the plat shall become null and void.

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**Sec. 3.3.8. Extension of Final Plat Approval**

- A. A [Final Plat](#) may be extended for a period not to exceed one (1) year beyond the final plat's initial expiration date. A request for extension shall be submitted to the [Development Coordinator](#) in writing at least thirty (30) calendar days prior to expiration of the final plat and shall include reasons why the final plat should be extended.
- B. The [Development Coordinator](#) will review the extension request and shall approve or deny the extension request within thirty (30) calendar days.
  - 1. Should the [Development Coordinator](#) fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.
  - 2. The [Development Coordinator](#) may approve the first extension request; however, the [Commissioners Court](#) shall be responsible for approving subsequent requests.
- C. In reviewing an extension, the [Development Coordinator](#) shall consider whether the following conditions exist:
  - 1. [Construction Plans](#) have been submitted or approved for any portion of the property shown on the [Final Plat](#);
  - 2. Construction, which includes the installation of public improvements, is occurring on the subject property; or
  - 3. The [Final Plat](#) complies with new ordinances that impact the health, safety, and general welfare of the community.
- D. In reviewing an extension, the [Development Coordinator](#) may impose additional conditions, including the following:
  - 1. Conditions to ensure that the property will be developed in a timely fashion and serve the public interest; and
  - 2. Conditions for the property to comply with new development regulations or request the [Applicant](#) to waive any vested rights.
- E. Appeal of the [Development Coordinator](#) on a Final Plat Extension
  - 1. The denial of an extension by the [Development Coordinator](#) may be appealed to the [Commissioners Court](#).
  - 2. A written request for such appeal shall be received by the [Development Coordinator](#) within fourteen (14) calendar days following the denial.
  - 3. The [Commissioners Court](#) shall hear and consider the appeal within thirty (30) calendar days following receipt of the appeal request by the [Development Coordinator](#).
  - 4. The decision of the [Commissioners Court](#) is final

**Sec. 3.3.9. Recordation of the Plat**

- A. The [Final Plat](#) may be recorded with the County Clerk when the following criteria has been satisfied:
  - 1. The [Commissioners Court](#) has approved the final plat;
  - 2. Public improvements associated with the plat have been constructed and the [Commissioners Court Engineering Representative](#) has inspected and confirmed that public improvements have been installed to the County's standards and specifications (refer to [Sec. 4.5.1 Timing of When Public Improvements will be Constructed](#)).
  - 3. The [Applicant](#) has submitted record drawings of the constructed [Public Improvements](#) (refer to [Sec. 4.6.4](#));

4. The applicant has submitted a [Warranty Bond](#) in accordance with [Sec. 4.7](#) and the [County Attorney](#) has reviewed and approved such bond (if applicable); and
  5. The [Applicant](#) has revised the plat to address any condition(s) approval imposed by the [Commissioners Court](#) with the approval of the associated [Preliminary Plat](#) (if applicable).
- B. A [Final Plat](#) that has been signed by the County Judge must be recorded with the County Clerk by the end of the following business day from the day it was signed.

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## Sec. 3.4. Amending Plat

### Sec. 3.4.1. Purpose

The purpose of an [Amending Plat](#) is to provide an expeditious means of making minor revisions to a recorded plat as authorized by [Texas Local Government Code Section 232.011](#).

### Sec. 3.4.2. Applicability

The [Commissioners Court](#) may approve an [Amending Plat](#), if the amending plat is signed by the applicants and filed for one or more of the following purposes:

- A. To correct an error in a course or distance shown on the preceding plat;
- B. To add a course or distance that was omitted on the preceding plat;
- C. To correct an error in a real property description shown on the preceding plat;
- D. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- E. To correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, road names, and identification of adjacent recorded plats; or
- F. To correct an error in courses and distances of lot lines between two adjacent lots if:
  - 1. Both lot owners join in the application for amending the plat;
  - 2. Neither lot is abolished;
  - 3. The amendment does not attempt to remove recorded covenants or restrictions; and
  - 4. The amendment does not have a material adverse effect on the property rights of the other owners of the property that is the subject of the plat.

### Sec. 3.4.3. Approval Criteria

The [Commissioners Court](#) shall use the following criteria to either approve or deny the [Amending Plat](#):

- A. The subdivision has adequate access to water and wastewater facilities and access to public right-of-way as required by these [Subdivision Regulations](#);
- B. The subdivision does not require the extension of public facilities;
- C. The [Amending Plat](#) complies with the subdivision design standards required by these [Subdivision Regulations](#); and
- D. The proposed development represented in the [Amending Plat](#) does not endanger public health, safety or welfare.

**Sec. 3.4.4. Action by the Commissioners Court**

The [Commissioners Court](#) shall take the following actions:

- A. Review the [Amending Plat](#) application, the findings of the [Development Coordinator](#) documented in the staff report and determine whether the application conforms to these [Subdivision Regulations](#).
- B. Act within thirty (30) calendar days following the date the application has passed the completeness check (refer to [Sec. 2.3.1.A](#)), unless the [Applicant](#) submits a [Waiver of Right to 30-Day Action](#) as outlined in [Sec. 2.2.4](#).
  - 1. If no decision is rendered by the [Commissioners Court](#) within the thirty (30) day period as described above or such longer period as may have been agreed upon, the [Amending Plat](#), as submitted, shall be deemed approved by the Commissioners Court.
- C. Take one of the following actions:
  - 1. Approve the Amending Plat;
  - 2. Approve the Amending Plat with conditions; or
  - 3. Deny the Amending Plat with a list of application deficiencies.

**Sec. 3.4.5. Expiration of the Plat**

- A. The approval of an [Amending Plat](#) shall remain in effect for a period of two (2) years following the date of approval.
- B. If the approval of an [Amending Plat](#) is not extended beyond the original expiration date as provided in this section, the plat shall become null and void.

**Sec. 3.4.6. Extension of Amending Plat Approval**

- A. An [Amending Plat](#) may be extended for a period not to exceed two (2) years beyond the amending plat's initial expiration date (refer to [Sec. 3.4.5](#)). A request for extension shall be submitted to the [Development Coordinator](#) in writing at least thirty (30) calendar days prior to expiration of the [Amending Plat](#) and shall include reasons why the amending plat should be extended.
- B. The [Development Coordinator](#) will review the extension request and shall approve or deny the extension request within thirty (30) calendar days.
  - 1. Should the Development Coordinator fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.
- C. In reviewing an extension, the [Development Coordinator](#) shall consider whether the [Amending Plat](#) complies with new ordinances that impact the health, safety, and general welfare of the community;
- D. In reviewing an extension, the [Development Coordinator](#) may impose additional conditions including the following:
  - 1. Comply with new [Subdivision Regulations](#); or
  - 2. Request the [Applicant](#) to waive any vested rights.

- E. Appeal of the Development Coordinator's Decision on an Amending Plat Extension
  - 1. The denial of an extension by the [Development Coordinator](#) may be appealed to the [Commissioners Court](#).
  - 2. A written request for such appeal shall be received by the [Development Coordinator](#) within fourteen (14) calendar days following the denial.
  - 3. The [Commissioners Court](#) shall hear and consider the appeal within thirty (30) calendar days following receipt of the appeal request by the [Development Coordinator](#).
  - 4. The decision of the Commissioners Court is final.

**Sec. 3.4.7. Recordation of the Plat**

- A. The [Amending Plat](#) may be recorded with the County Clerk once the [Commissioners Court](#) has approved the plat and the [Applicant](#) has revised the plat to address the condition(s) imposed by the Commissioners Court with the approval of the plat (if applicable).
- B. An [Amending Plat](#) that has been signed by the County Judge must be recorded with the County Clerk by the end of the following business day from the day it was signed.

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## Sec. 3.5. Plat Vacation

### Sec. 3.5.1. Purpose

The purpose of a [Plat Vacation](#) is to vacate an existing plat pursuant to [Texas Local Government Code Section 232.008](#).

### Sec. 3.5.2. Applicability

Pursuant to [TLGC 232.008\(a\)](#), the provisions of this section only apply to real property located outside municipalities and the extraterritorial jurisdiction of municipalities, as determined under [TLGC Chapter 42](#).

### Sec. 3.5.3. Review Process

The [Commissioners Court](#) shall use the following criteria to either approve or deny the [Plat Vacation](#) plat:

- A. Pursuant to [TLGC 232.008\(b\)](#), a person owning real property that has been subdivided into lots and blocks or into small subdivisions may apply to the [Commissioners Court](#) for permission to cancel all or part of the subdivision, including a dedicated easement or roadway, to reestablish the property as acreage tracts as it existed before the subdivision.
- B. If, on the application, it is shown that the cancellation of all or part of the subdivision does not interfere with the established rights of any purchaser who owns any part of the subdivision, or it is shown that the purchaser agrees to the cancellation, the [Commissioners Court](#) by court order shall authorize the owner of the subdivision to file an instrument canceling the subdivision in whole or in part.
- C. The instrument must describe the subdivision or the part of it that is canceled.
- D. The [Commissioners Court](#) shall enter the order in its minutes.
- E. After the cancellation instrument is filed and recorded in the deed records of the [County](#), the County Tax Assessor-Collector shall assess the property as if it had never been subdivided.

### Sec. 3.5.4. Notice of Public Hearing

The [Development Coordinator](#) shall publish notice of the application and the public hearing in the newspaper at least fifteen (15) days before the [Commissioners Court](#) meeting. The notice will be issued in accordance with [Sec. 3.1.3 Public Hearing and Noticing Requirements](#) (as applicable).

### Sec. 3.5.5. Delinquent Taxes

- A. Pursuant to [TLGC 232.008\(d\)](#), if delinquent taxes are owed on the subdivided tract for any preceding year, and if the application to cancel the subdivision is granted as provided by this section, the owner of the tract may pay the delinquent taxes on an acreage basis as if the tract had not been subdivided.
- B. For assessing the tract for a preceding year, the County Tax Assessor-Collector shall back assess the tract on an acreage basis.

### Sec. 3.5.6. Public Hearing and Protest Procedures

- A. Pursuant to [TLGC 232.008\(e\)](#), on application for a [Plat Vacation](#) or any phase or identifiable part of a subdivision, including a dedicated easement or roadway, by the

owners of seventy-five (75) percent of the property included in the subdivision, phase, or identifiable part, the [Commissioners Court](#) shall authorize by court order the cancellation of the plat after notice and a hearing is provided in accordance with [Sec. 3.5.3 Review Process](#) and [Sec. 3.5.4 Notice of Public Hearing](#).

- B. However, if the owners of at least ten (10) percent of the property affected by the proposed cancellation file written objections to the cancellation with the [Commissioners Court](#), the grant of an order of cancellation is at the discretion of the Commissioners Court.

**Sec. 3.5.7. Cancellation of Public Right-of-Way or Access**

Pursuant to [TLGC 232.008\(f\)](#), to maintain an action to enjoin the abandonment or cancellation of public right-of-way or access easement in a subdivision, a person must own a lot or part of the subdivision that:

- A. Abuts directly on the part of the public right-of-way or access easement to be canceled or closed; or
- B. Is connected by the part of the public right-of-way or access easement to be canceled or closed, by the most direct feasible route, to:
  - 1. The nearest remaining public highway, County road, or access road to the public highway or County road; or
  - 2. Any uncanceled common amenity of the subdivision.

**Sec. 3.5.8. Damages for Protestors**

- A. Pursuant to [TLGC 232.008\(g\)](#), a person who appears before the [Commissioners Court](#) to protest the cancellation of all or part of a subdivision may maintain an action for damages against the person applying for the cancellation and may recover as damages an amount not to exceed the amount of the person's original purchase price for property in the canceled subdivision or part of the Subdivision.
- B. The person must bring the action within one (1) year after the date of the entry of the Commissioners Court's order granting the cancellation.

**Sec. 3.5.9. Approval Criteria**

The [Commissioners Court](#) shall use the following criteria to either approve or deny the [Plat Vacation](#):

- A. The [Plat Vacation](#) complies with the following provisions of this section:
  - 1. [Sec. 3.5.2 Applicability](#);
  - 2. [Sec. 3.5.3 Review Process](#); and
  - 3. [Sec. 3.5.7 Cancellation of Public Right-of-Way or Access](#) (if applicable).
- B. Pursuant to [TLGC 232.008\(h\)](#), regardless of the date land is subdivided or a plat is filed for a subdivision, the [Commissioners Court](#) may deny a the [Plat Vacation](#) if the Commissioners Court determines that the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.

**Sec. 3.5.10. Action by the Commissioners Court**

The Commissioners Court shall take the following actions:

- A. Review the [Plat Vacation](#) application, the findings of the [Development Coordinator](#) documented in the staff report and determine whether the application conforms to the [Approval Criteria](#) in [Sec. 3.5.9](#);
- B. Act within thirty (30) calendar days following the date the application has passed the completeness check (refer to [Sec. 2.3.1.A](#)), unless the applicant submits [Waiver of Right to 30-Day Action](#) as outlined in [Sec. 2.2.4](#).
  - 1. If no decision is rendered by the [Commissioners Court](#) within the thirty (30) day period as described above or such longer period as may have been agreed upon, the [Plat Vacation](#), as submitted, shall be deemed approved by the Commissioners Court.
- C. Take one of the following actions with the reason(s) to:
  - 1. Approve the Plat Vacation with or without conditions; or
  - 2. Deny the Plat Vacation with application deficiencies.

**Sec. 3.5.11. Expiration of the Plat**

The [Plat Vacation](#) shall remain in effect for a period of one (1) year following the date of approval. The [Plat Vacation](#) shall become null and void if the plat has not been recorded with the County Clerk before the original expiration date.

**Sec. 3.5.12. Recordation of the Plat**

- A. The [Plat Vacation](#) may be recorded with the County Clerk once the [Commissioners Court](#) has approved the plat and the [Applicant](#) has addressed any conditions imposed by the Commissioners Court with the approval of the plat (if applicable).
- B. A [Plat Vacation](#) that has been signed by the County Judge must be recorded with the County Clerk by the end of the following business day from the day it was signed.

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## Sec. 3.6. Replat

### Sec. 3.6.1. Purpose

As authorized by [Texas Local Government Code 232.009](#), the purpose of a [Replat](#) shall be to revise a recorded plat.

### Sec. 3.6.2. Applicability

Per [TLGC 232.009 \(a\)](#), a person who own real property in a tract that has been subdivided and that is subject to the subdivision controls of the [County](#) in which the property is located may apply in writing to the [Commissioners Court](#) for permission to revise the subdivision plat that applies to the property and that is filed for record with the [County](#) Clerk.

### Sec. 3.6.3. Notice of Public Hearing

- A. Per [TLGC 232.009 C](#), the [Development Coordinator](#) shall publish notice of the application and the public hearing at least three (3) times in the newspaper.
  - 1. The notice will be published at least thirty (30) days before the Commissioners Court meeting and no later than the seven (7) days before the date of the meeting; and
  - 2. The notice will be issued in accordance with [Sec. 3.1.3 Public Hearing and Noticing Requirements](#) (as applicable).
- B. If all or part of the subdivided tract has been sold to non-developer owners, the court shall also give notice to each of those owner(s) by certified or registered mail, return receipt requested, at the owner's address in the subdivided tract.

### Sec. 3.6.4. Notice Exception

Noticing required in [Sec. 3.6.3](#) is not required in the following circumstances:

- A. The [Replat](#) does not affect a public interest or public property of any type, including a park, school or road, however the Commissioners Court shall:
  - 1. Provide written notice of the application by mail to the owners of the lots that are within two hundred (200) feet of the subdivision plat to be revised, as indicated in the most recent records of the County Tax Roll in which the lots are located; and
  - 2. Post notice of the application continuously on the [County's](#) website for at least thirty (30) days preceding the date of the meeting to consider the application until the day after the meeting.
- B. The [Commissioners Court](#) and the [Development Coordinator](#) are not required to give notice by mail if the revised plat or part of a plat only combines existing tracts.

### Sec. 3.6.5. Approval Criteria

The [Commissioners Court](#) shall use the following criteria to either approve or deny the [Replat](#):

- A. The revision will not interfere with the established rights of any owner of a part of the subdivided land; or
- B. Each owner whose right may be interfered with has agreed to the revisions.

### Sec. 3.6.6. Action by the Commissioners Court

The [Commissioners Court](#) shall take the following actions:

- A. Review the [Replat](#) application, the findings of the [Development Coordinator](#) documented in the staff report and determine whether the application conforms to these [Subdivision Regulations](#);
- B. Act within thirty (30) calendar days following the date the application has passed the completeness check (refer to [Sec. 2.3.1.A](#)), unless the [Applicant](#) submits [Waiver of Right to 30-Day Action](#) as outlined in [Sec. 2.2.4](#).
  - 1. If no decision is rendered by the [Commissioners Court](#) within the thirty (30) day period as described above or such longer period as may have been agreed upon, the final plat, as submitted, shall be deemed approved by the Commissioners Court.
- C. Take one of the following actions with the reason(s) to:
  - 1. Approve the [Replat](#);
  - 2. Approve the [Replat](#) with conditions; or
  - 3. Deny the [Replat](#) with a list of application deficiencies.

**Sec. 3.6.7. Expiration of the Plat**

The [Replat](#) shall remain in effect for a period of one (1) year following the date of approval. The plat shall become null and void if the plat has not been recorded with the County Clerk before the original expiration date.

**Sec. 3.6.8. Effect of Approval**

The [Replat](#) controls over the preceding plat with the vacation, revision or cancellation of the preceding plat. The [Replat](#) only affects the lots shown on the [Replat](#) and may leave other lots within the original plat unchanged.

**Sec. 3.6.9. Recordation of the Plat**

- A. The [Replat](#) may be recorded with the County Clerk once the [Commissioners Court](#) has approved the plat and the [Applicant](#) has addressed any conditions imposed by the Commissioners Court with the approval of the [Replat](#) (if applicable).
- B. A [Replat](#) that has been signed by the County Judge must be recorded with the County Clerk by the end of the following business day from the day it was signed.

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## Section 4. SUBDIVISION CONSTRUCTION PROCEDURES

### Sec. 4.1. Required Infrastructure

#### Sec. 4.1.1. Minimum Standards

- A. These [Subdivision Regulations](#) establish minimum requirements for utilities, roadways, stormwater management and other facilities to protect the public health, safety, and welfare of Rockwall County. It is the intent of these [Subdivision Regulations](#) that no development occurs until these minimum levels of service are met. Therefore, each subdivision in the [County](#) shall be required to dedicate, construct or upgrade required facilities to a capacity that meets these minimum levels.
- B. Per [TLGC Section 232.032](#), a subdivider must provide these minimum services with the subdivision:
  1. Furnish a certified letter or a ["Will Serve" Letter](#) from a water utility provider stating that water is available to the subdivision sufficient in quality and quantity to meet minimum state standards required by [Section 16.343, Water Code](#), and will be made available to the point of delivery to all lots in the subdivision;
  2. Furnish a certified letter or a ["Will Serve" Letter](#) from a wastewater utility provider stating that such utility provider has adequate sewage treatment facilities with capacity to serve the proposed subdivision, or install an on-site sewage facility system that meets minimum state standards to fulfill the wastewater requirements for the subdivision and show that lots in the subdivision can be adequately and legally served by septic systems;
    - a. Refer to [Sec. 7.7](#) to review the County [On-Site Sewage Facility Rules and Regulations](#) and the procedures to apply for an [On-Site Sewage Facility \(OSSF\) Permit](#).
  3. Comply with the street design standards adopted by the [County](#) in [Sec. 5.2](#); and
  4. Furnish adequate drainage meeting standard engineering practices and [Drainage Standards](#) in [Sec. 5.7](#).
- C. Per [TLGC Section 232.030](#), the [County](#) may also require the subdivider to comply with standards for flood management, which may exceed the minimum standards set forth by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Sections 4001 through 4127).

#### Sec. 4.1.2. Responsibility for Construction

- A. Except as otherwise expressly stated, developers are responsible for the construction and installation of infrastructure and public improvements required by these [Subdivision Regulations](#).
- B. All improvements must be designed and installed to provide for an interconnected system of infrastructure and to create continuity of improvements that will facilitate land development on adjacent properties.
- C. If a [Developer](#) files a [Final Plat](#) for only a portion of a development for which a [Preliminary Plat](#) was approved, the infrastructure and improvements required to be constructed, installed, and maintained are those improvements that the [Commissioners Court](#)

[Engineering Representative](#) reasonably deems reasonable to serve the lots shown on the [Final Plat](#), and to ensure emergency access and fire safety.

**Sec. 4.1.3. Responsibility for Maintenance**

- A. Unless otherwise expressly stated, the [Developer](#) is responsible for maintenance of all required infrastructure and improvements, including rights-of-way, to the standards of these regulations until the [County](#), another unit of government, a property owners association, or other legal entity assumes actual responsibility for maintenance of the infrastructure and [Public Improvements](#).
- B. All [Local Streets](#), [Collector Streets](#), and [Cul-de-Sacs](#) will be designated as [Private Streets](#) and will either be maintained by the property owner, a [Homeowners' or Property Owners' Association](#), or a utility district.
- C. [Minor Arterials](#) or [Principal Arterials](#) will be accepted for maintenance by the County through an [Order of the Commissioners Court for Final Acceptance](#) as described in [Sec. 4.8.2](#).

**Sec. 4.1.4. Subdivision Proportionality**

Standards relating to the dedication or construction requirements shall be roughly proportional to the nature and extent of the impacts created by the proposed development on the [County's](#) roadways or drainage facilities or a public utility provider's water or wastewater facilities. Refer to [Sec. 6.2 Subdivision Proportionality Appeal](#) to review the procedures regarding a [Proportionality Assessment](#).

## Sec. 4.2. Construction Plans

### Sec. 4.2.1. Purpose

[Construction Plans](#) shall be reviewed and approved by [Commissioners Court](#) to ensure the [Minimum Standards](#) required by these [Subdivision Regulations](#) are met and are constructed to the [County's](#) specifications prior to installation.

### Sec. 4.2.2. Applicability

[Construction Plans](#) are required for any project involving the construction of roads, drainage improvements, utility installation and any other site improvements deemed necessary to serve the proposed development that is subject to the review and approval by the [Commissioners Court](#).

### Sec. 4.2.3. Review Process

- A. [Construction Plans](#) shall be submitted and reviewed in accordance with the County's standard submittal procedures in [Section 2 Administration and Review Procedures](#) specifically for [Sec. 2.3.2 Review and Action for Construction Plans](#).
- B. [Construction Plans](#) shall be submitted after a [Preliminary Plat](#) has been approved and prior to the approval and recordation of a [Final Plat](#) as shown in [Figure 2.3-1](#).

### Sec. 4.2.4. Required Documentation and Plans

- A. [Construction Plans](#) will be designed and prepared by a Registered Professional Engineer licensed to practice in the State of Texas.
- B. All plans shall conform to generally accepted engineering and construction practices recommended and required by these [Subdivision Regulations](#).
- C. The subdivider shall provide a ["Will Serve" Letter](#) from the utility service provider with the submittal of a construction plan application to show that minimum water (refer to [Sec. 4.1.1.B.1](#)) and wastewater (refer to [Sec. 4.1.1.B.2](#)) services are provided in accordance with [Sec. 4.1.1](#).
- D. A construction plan set will be comprised of the following plans:
  - 1. Roadway Plan;
  - 2. Drainage Plan;
  - 3. Water Plan;
  - 4. Wastewater Plan;
  - 5. Storm Water Pollution Prevention Plan (SWP3);
  - 6. Phasing Plan (if applicable refer to [Sec. 4.2.5.F Phasing Plan](#)); and
  - 7. Plan with the modification or dedication of new easements associated with proposed improvements.
- E. Construction plans shall comply with the following sections:
  - 1. Water and Wastewater Services (refer to [Sec. 5.9](#));
  - 2. Drainage Standards (refer to [Sec. 5.7](#));
  - 3. Floodplain Management (refer to Section [Sec. 5.8](#));
  - 4. Street Design Standards (refer to [Sec. 5.2 Street Design Standards](#)); and
  - 5. Any applicable provisions regarding [Subdivision Design Standards](#) (refer to [Section 5](#)).

**Sec. 4.2.5. Plan Criteria**

[Construction Plans](#) will comply with the general criteria contained in this section in addition to the criteria contained in the construction plan checklist, which is included in the construction plan application and updated outside these [Subdivision Regulations](#).

**A. Roadway Plan**

1. A [Roadway Plan](#) will provide the following information:
  - a. Street grades and elevations;
  - b. Vertical and horizontal curve information;
  - c. The ditch grades, design flow of water, design depth of water and design velocity of water; and
  - d. Typical street sections.
2. Roadway plans shall be no larger than a 1 inch = 50 feet scale, showing the location of the proposed pavement, ditches and drainage structures within the street right-of-way.
3. The profile of the street shall be no larger than a 1 inch = 50 feet scale horizontal and a 1 inch = 5 feet scale vertical; and
4. Street signage will comply with the [Manual on Uniform Traffic Control Devices](#).

**B. Drainage Plans**

1. A [Drainage Plan](#) will provide the following information:
  - a. The ditch grades, design flow of water, design depth of water and design velocity of water;
  - b. A plan and profile of all culverts under any street with the design flow of water, headwater and tail water depths and the water velocity;
  - c. The size of all driveways culverts to carry the design flow of water at each lot in the subdivision when the culvert is installed at the designed ditch grade;
  - d. Typical ditch sections;
  - e. The size of each lot in square feet and acreage.
  - f. The location, dimension, description, and flow line of existing and proposed drainage structures.
  - g. The existing drainage areas upstream of the proposed subdivision with drainage calculations confirming the amount of water coming into, across and leaving the subdivision and adjacent properties both upstream and downstream.
2. The plan of the drainage ditches shall be no larger than a 1 inch = 50 feet scale.
3. The profile of the drainage ditches in no larger than a 1 inch = 50 feet scale horizontal and a 1 inch = 5 feet scale vertical.
4. Drainage information shall be provided in enough detail to show any changes in the 100-year flood elevation as it pertains to the proposed subdivision and adjacent properties.

**C. Water Plans**

1. A [Water Plan](#) will provide the following information:
  - a. The location and size of all proposed water lines in relation to the right-of-way in which the lines are to be located;
  - b. The location of all appurtenances proposed to be installed; and
  - c. The minimum depth to which the water lines are to be installed.

2. Water plans shall be no larger than a 1 inch = 50 feet scale.
3. The profile of the water lines shall be no larger than a 1 inch = 50 feet scale horizontal, and a 1 inch = 5 feet scale vertical.

**D. Wastewater Plans**

1. A [Wastewater Plan](#) will provide the following information:
  - a. The location of all appurtenances proposed to be installed; and
  - b. The sewer line grades and elevations at all junction points.
2. Wastewater plans shall be no larger than a 1 inch = 50 feet scale, showing the location and size of all proposed sewer lines in relation to the right-of-way in which the lines are to be located.
3. The profile of the wastewater lines shall be no larger than a 1 inch = 50 feet scale horizontal, and a 1 inch = 5 feet scale vertical.

**E. Storm Water Pollution Prevention Plan (SWP3)**

1. A storm water pollution prevention plan will provide the following information:
2. A storm water pollution prevention plan shall govern the control measures necessary to prevent and control soil erosion, sedimentation, and water pollution, which may degrade receiving waters including rivers, stream, lakes, reservoirs, groundwater, or wetlands.
3. The control measures contained herein shall be installed and maintained through the construction contract, and coordinated with any permanent or temporary pollution control feature specified elsewhere on the plans and in the specification to ensure effective and continuous water pollution control throughout the construction and post construction periods. These control measures shall not be used as a substitute for the permanent pollution control measures, unless otherwise directed by the owner's representative in writing.
4. The control may include silt fences, straw bale dikes, rock berms, diversion dikes, interceptor swales, sediment traps and basins, pipe slope drains, inlet protection, stabilized construction entrances, seeding, sodding, mulching, soil retention blankets, or other structure or non-structural storm water pollution controls. Additional information regarding these controls can be found in the North Central Texas Council of Governments (NCTCOG) latest edition of the guidance manual entitled Storm Water Quality Best Management Practices for Construction Activities.
5. The Contractor is responsible for obtaining all permits required for storm water pollution prevention.

**F. Phasing Plan**

1. A [Phasing Plan](#) is required for a subdivision that will be constructed in phases. The purpose of the phasing plan is to show the timing and sequencing of when the lots and associated improvements will be constructed.
2. The [Commissioners Court Engineering Representative](#) will verify that [Developer](#) has planned adequate facilities for each phase in compliance with the [Minimum Standards](#) required by these subdivision regulations and as it pertains to the following:
  - a. Access to water and wastewater services;
  - b. Satisfactory drainage improvements; and
  - c. An adequate access and construction to a street system in compliance with the [County's Street Design Standards](#).

- G. The [Phasing Plan](#) will:
1. Clearly delineate the sequence in which each phase will be constructed (e.g., the first phase that will be constructed will be Phase One);
  2. Coincide with the sequence and timing of when each phase will be platted (e.g., Phase One will be the first area of the overall development that will be platted since it will be the first phase that will be constructed);
  3. Provide a north arrow and a graphic scale;
  4. Show the location of existing structures;
  5. Show the proposed lots with minimum square footage and acreages;
  6. Clearly delineate existing and proposed streets;
  7. Clearly show the water supply intended to serve each phase; and
  8. Clearly show the wastewater or disposal system intended to serve each phase;

**Sec. 4.2.6. Compliance with Other Plans and Regulations**

It is the responsibility of the developer's engineer to ensure the final design of site improvements are in conformance with the following as they exist or may be amended in the future:

- A. Rockwall County Thoroughfare Plan;
- B. Texas Department of Transportation (TxDOT) Access Management Manual;
- C. Texas Administrative Code, Title 30 (Texas Commission of Environmental Quality), Chapter 285 (On-Site Sewage Facilities);
- D. Stormwater Pollution Controls will comply "Stormwater Quality Best Management Practices for Construction Activities in North Central Texas;" by NCTCOG;
- E. Roadway plans, including street signage, will comply with the [Manual on Uniform Traffic Control Devices](#);
- F. Roads and Drainage structures will comply with "Standard Specifications for Public Works Construction," by NCTCOG;
- G. The [Rockwall County Fire Code](#) and any County adopted provisions from the latest International Fire Code; and
- H. Any other design and construction criteria included by reference in any of the six (6) executed interlocal agreements executed between Rockwall County and the following cities Fate; Heath; McLendon-Chisholm; Rockwall; Rowlett; and Royse City.

**Sec. 4.2.7. Easement Dedication**

**A. General Provisions**

1. Easement dedications for all property (including off-site property) that is needed for the construction of roadways, access, drainage, utilities (including water and wastewater), and any other infrastructure necessary to serve the development will be provided on the subdivision plat or by separate instrument (permitted for off-site improvements), and maintained by the property owner unless approved otherwise by the [Commissioners Court Engineering Representative](#).
2. The [Applicant](#) is responsible for contacting all utility providers prior to beginning construction, and for securing all necessary easements for same prior to [Final Plat](#) approval and recordation.

**B. Off-Site Easements**

1. The **Applicant** shall acquire all necessary off-site easements required for installation off-site public improvements to serve the development.
2. Off-site easements shall be conveyed and recorded by an instrument approved by the **County**.
  - a. If the **Applicant** is unable to acquire the necessary off-site easements, the **Applicant** may request assistance from the **County**. The Applicant shall provide the County with easements or right-of-way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the County may, at its option, acquire these easements either through negotiations, or in appropriate situations through eminent domain proceedings.
  - b. The **Applicant** shall reimburse the **County** for the costs of acquiring the necessary easements including attorney fees and other associated costs.

**C. Petroleum Pipeline Crossing**

If new roads are constructed over existing petroleum pipeline crossings, the pipelines must meet the following requirements:

1. Encased pipe must be at least three (3) feet below the deepest proposed ditch grade;
2. Non-cased pipe (of extra wall thickness meeting federal regulations) must be at least four (4) feet below the deepest proposed ditch; and
3. No road shall be accepted for maintenance by the **County** that contains a petroleum pipeline within the right-of-way, other than crossing pipelines.

**D. Utility Easements**

1. Utilities shall be placed within an easement at least fifteen (15) feet wide for utility construction, service, and maintenance and within private property (specifically property not maintained by the **County**).
2. Utilities (such as water mains, wastewater mains and other utilities) may only be placed within the public right-of-way with approval of the **Commissioners Court Engineering Representative**.
3. Utility lines crossing a road shall be installed a minimum of thirty-six (36) inches below the ditch line. All lines must be encased in metal or PVC schedule 40 pipes located a minimum of two (2) feet beyond the ditch line.
4. Easements having greater width dimensions may also be required by the **Commissioners Court Engineering Representative** along or across lots where engineering design or special conditions make it necessary for the installation of utilities and drainage facilities outside public **Right-of-Way**.
5. The following full statement of restrictions shall be placed in the dedication instrument as noted in **Sec. 3.1.5.D.4.h**:

*Easements: Any public utility, including the County, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements or right-of-way shown on the plat (or filed by separate instrument that is associated with said property); and any public utility, including the County, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone. Property owners*

*shall maintain easements. The County can remove trees or any other improvements and does not have the responsibility to replace them.*

**E. Drainage Easements**

Refer to [Sec. 5.7.6](#) for the dedication of drainage easements.

**F. Nonresidential Fire Lane Easement**

1. Emergency access and fire lane easements for nonresidential property shall be provided in locations required by the [Rockwall County Fire Code](#).
2. These easements shall have a minimum width of twenty-four (24) feet and a minimum height clearance of fourteen (14) feet.
3. All turns shall have a minimum inside radius of twenty-five (25) feet and a minimum outside radius of fifty (50) feet.
4. Any emergency access and fire lane easement more than one hundred and fifty (150) feet in length shall either connect at each end to a dedicated public road or private way or be provided with a cul-de-sac having one hundred (100) feet diameter of paving. A ten (10) foot pathways around permanent structures shall be free and clear of any obstructions.
5. These easements shall be maintained by the owner or the [Homeowners' or Property Owners' Association](#) and a statement shall appear on the face of the [Plat](#) indicating maintenance responsibility.
6. Fire lanes shall be paved and shall meet the construction specifications provided in [Sec. 5.2.3.B Construction Specifications for Local and Collector Streets](#), except that the pavement width for fire lanes will be a minimum of twenty four (24) feet or as required by the [County Fire Marshal](#).

**G. Sight Visibility Easements**

Triangular sight visibility easements are based on the intersection of **County** street types (refer to [Table 5.2-1: County Street Types](#)).

1. A **Local Street** intersecting with either a **Local Street** or a **Collector Street** shall provide a 15' x 15' sight visibility easement as shown in [Figure 4.2-1](#).
2. A **Collector Street** intersecting with either a **Local Street** or a **Collector Street** shall provide a 15' x 15' sight visibility easement as shown in [Figure 4.2-1](#).

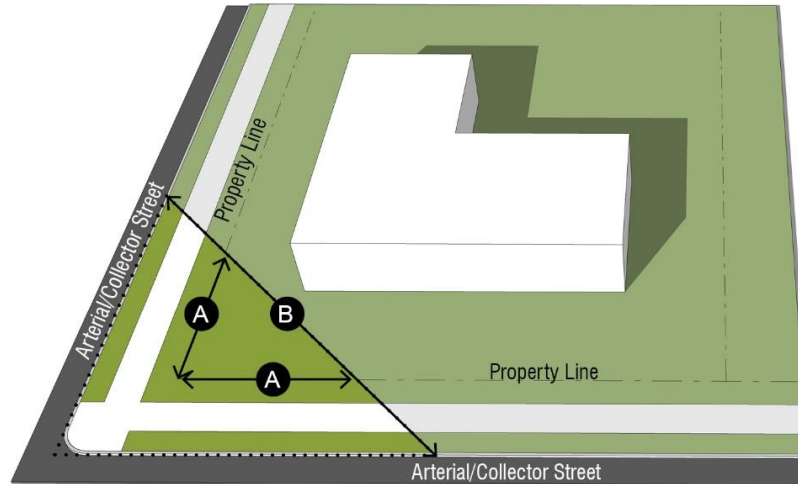
**FIGURE 4.2-1: 15' X 15' SIGHT VISIBILITY EASEMENT**



- A** 15 feet from property line
- B** Sight visibility line

3. A **Minor Arterial** intersecting with either a **Minor Arterial** or **Principal Arterial** shall provide a 30' x 30' sight visibility easement as shown in **Figure 4.2-2**.
4. A **Principal Arterial** intersecting with either a **Minor Arterial** or **Principal Arterial** shall provide a 30' x 30' sight visibility easement as shown in **Figure 4.2-2**.

FIGURE 4.2-2: 30' X 30' SIGHT VISIBILITY EASEMENT



- A** 30 feet from property line
- B** Sight visibility line

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### Sec. 4.3. Pre-Construction Meeting

#### Sec. 4.3.1. Purpose

- A. The purpose of the pre-construction meeting is to discuss administrative, communication, and operating procedures for project construction prior to construction plan release.
- B. A list of typical inspection items, procedures, and acceptance criteria for items in public [Right-of-Way](#) and easements will also be furnished to the [Applicant](#).

#### Sec. 4.3.2. Meeting Procedures

- A. The [Applicant](#) shall attend a pre-construction meeting with the [Commissioners Court Engineering Representative](#) if public improvements will be constructed with the project.
- B. The pre-construction meeting shall be scheduled following the approval of the construction plans and prior to commencement of any construction on the property.
- C. The [Applicant](#) shall be responsible for contacting the [Development Coordinator](#) or the [Commissioners Court Engineering Representative](#) to request a preconstruction meeting.
- D. After receiving a meeting request from the applicant, the [Commissioners Court Engineering Representative](#) shall promptly schedule a pre-construction meeting.

#### Sec. 4.3.3. Effect

Following the pre-construction meeting and full compliance with all pre-construction requirements, the [Commissioners Court Engineering Representative](#) shall release the project for construction.

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### Sec. 4.4. Construction Plan Release

#### Sec. 4.4.1. Eligibility

Upon approval of the construction plans, receipt of all required documentation, fees (if applicable), and after the pre-construction meeting with [Development Coordinator](#) and the [Commissioners Court Engineering Representative](#), the [Commissioners Court Engineering Representative](#) shall release the plans for the construction of public improvements if all [County](#) requirements pertaining to construction have been met.

#### Sec. 4.4.2. Expiration of Construction Release

The construction release shall remain in effect for a period of two (2) years from the date construction plans were approved or for the duration of construction of the project if progress or development of the project continues to be demonstrated.

#### Sec. 4.4.3. Extension of Construction Release

Expiration and extension of the construction release will comply with the submittal and approval procedures for the [Extension of Construction Plan Approval](#) (refer to [Sec. 2.3.2.H](#)).

## Sec. 4.5. Construction of Public Improvements

### Sec. 4.5.1. Timing of When Public Improvements will be Constructed

- A. The [Applicant](#) or [Developer](#) shall be able to record the [Final Plat](#) after public improvements have been constructed. Refer to [Figure 2.4-2: Platting Process](#).
- B. The final plat will be recorded when the applicant or [Developer](#) has completed the following items:
  1. Received a [Letter of Public Improvement Compliance](#) by the [Commissioners Court Engineering Representative](#) confirming that [Public Improvements](#) have been constructed to the satisfaction of the Commissioners Court; and
  2. Submitted a [Warranty Bond](#) to ensure roads, streets, utilities, drainage structures and all other construction required by these subdivision regulations will be maintained to the satisfaction of the Commissioners Court.

## Sec. 4.6. Inspection of Public Improvements

### Sec. 4.6.1. General Provisions

#### A. Applicability

1. Any Improvement, facility or service the County will ultimately assume maintenance responsibility will comply with inspection procedures required in this section ([Sec. 4.6 Inspection of Public Improvements](#)).
2. [Private Streets](#) or [Private Street Subdivisions](#) shall also comply with provisions of this section ([Sec. 4.6 Inspection of Public Improvements](#)) to ensure they comply with the [Street Construction Specifications](#) (refer to [Sec. 5.2.3](#)).

#### B. Hours of Inspection

1. Inspections shall be conducted during normal business hours, Monday through Friday, except as noted below.
2. Inspection During Non-Business Hours
  - a. Inspections may be conducted at times other than normal working hours with prior approval from the [Commissioners Court Engineering Representative](#).
  - b. After-hour inspections will require a minimum of forty-eight (48) hours' notice.
  - c. No inspections will be conducted on Sundays, holidays, and long holiday weekends. Holiday weekends are weekends with a holiday that lands on Monday or Friday of a given weekend.

#### C. Inspection Fees

1. The [Applicant](#) will be responsible for paying the County's inspections fees; or
2. The fee required for the [County](#) to hire a third party inspector to inspect the improvements required by the County for a subdivision or development.

### Sec. 4.6.2. Minimum Inspection Requirements

#### A. First Inspection Prior to Road Construction

All street paving must be inspected by the [Commissioners Court Engineering Representative](#) before the pavement is poured for road construction.

**B. Second Inspection After Construction of Improvements**

1. The [Applicant](#), upon completion of drainage, roads, streets, and other facilities intended for the use of the public, purchasers, or owners of lots fronting or adjacent there to, shall request from the County for a preliminary inspection.
2. The [Commissioners Court Engineering Representative](#) will inspect the completed work.
3. After preliminary inspection, the [County](#) will notify and provide the [Applicant](#) with a written punch list of any issues the [Applicant](#) must rectify for [Public Improvements](#) to comply with the approved [Construction Plans](#) or County standards.

**C. Final Inspection**

1. The [Applicant](#), upon rectifying the issues identified in the preliminary inspection punch list, shall request from the [County](#) a final inspection.
2. The [Commissioners Court Engineering Representative](#) will inspect the completed work jointly or separately for compliance.
3. After final inspection, the County will provide the applicant with a "[Letter of Improvement Compliance](#)," to confirm that the issues identified in the preliminary inspection punch list have been properly addressed and are in compliance with the approved [Construction Plans](#) and [County](#) standards.

**Sec. 4.6.3. Letter of Public Improvement Compliance**

**A. Issuance**

1. A [Letter of Improvement Compliance](#) is issued by the County after the final inspection of public improvements (refer to [Sec. 4.2.6.G](#)) when the County has confirmed that public improvements have been constructed to the approved [Construction Plans](#) and [County](#) standards.

**B. Effect**

The [Applicant](#) may submit a final plat for the subdivision in accordance with [Sec. 3.3](#) after receiving a [Letter of Improvement Compliance](#) from the County.

**Sec. 4.6.4. Submission of Record Drawings**

**A. Purpose**

1. Record drawings are required to show how public improvements were constructed in the field for record keeping.
2. Record drawings shall show all changes made in the [Construction Plans](#) during construction, and on each sheet, there shall be a “record” stamp bearing the signature of the engineer and date.
3. Digital files of all the Record Drawings shall be submitted by the [Applicant](#) in AutoCAD and Adobe PDF formats, as required by the [County](#).

**B. Timing**

The applicant shall submit record drawing after receiving a [Letter of Public Improvement Compliance](#) and prior to recording the final plat.

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## Sec. 4.7. Warranty Bond

### Sec. 4.7.1. Warranty Bond Purpose

- A. A [Warranty Bond](#) is required to ensure roads road signs, streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the [Commissioners Court](#) for a certain period of time after public improvements have been constructed.
- B. A Warranty Bond is only required for the public improvements that the County will accept for maintenance after a [Two Year Maintenance Inspection](#) (refer to [Sec. 4.8.1](#)) and an [Order of the Commissioners Court for Final Acceptance](#) (refer to [Sec. 4.8.2](#)).
- C. A Warranty Bond is not required for the public improvements listed in [Sec. 4.7.4 Warranty Bond Exceptions](#).
- D. A Warranty Bond shall be executed by a surety company authorized to do business in this state and made payable to the [County Judge](#).

### Sec. 4.7.2. Submission of a Warranty Bond

A Warranty Bond shall be submitted by the [Applicant](#) before a [Final Plat](#) application is submitted.

### Sec. 4.7.3. Warranty Bond Duration

The conditions of the Warranty Bond shall stipulate that the [Developer](#) shall guarantee to maintain, to the satisfaction the [County](#), all of the roads, road signs, streets, street signs, underground utilities, required drainage structures and all other construction is maintained to County specifications and is in a good state of repair for a period of two (2) years from the date of the [Letter of Public Improvement Compliance](#) (Refer to [Sec. 4.6.2.C Final Inspection](#)).

### Sec. 4.7.4. Warranty Bond Exceptions

- A. A [Warranty Bond](#) is not required for the construction of any [Local Streets](#), [Collector Streets](#), [Cul-de-Sacs](#) or [Private Streets](#).
- B. All [Local Streets](#), [Collector Streets](#), and [Cul-de-Sacs](#) will be designated as [Private Streets](#) on the plat and will either be maintained by the property owner, a [Homeowners' or Property Owners' Association](#), or a utility district.

### Sec. 4.7.5. Warranty Bond Amount

The Warranty Bond amount shall be equal to ten percent (10%) of the estimated cost of roads, road signs, streets, street signs, underground utilities, required drainage structures and all other construction.

### Sec. 4.7.6. Periodic Inspections

Periodic inspection of roads, road signs, underground utilities, required drainage structures and all other construction for which the Warranty Bond is held, will be made by the [Commissioners Court Engineering Representative](#) or [Development Coordinator](#) during the period of liability covered by the Warranty Bond.

### Sec. 4.7.7. County Redemption of Warranty Bond

In the event any or all of the roads, road signs, underground utilities, required drainage structures and all other construction are not being maintained in a good state of repair, the

owner will be so advised in writing and, if after a reasonable time, he or she fails or refuses to repair said items, the maintenance and repair of public improvements shall be completed using the Warranty Bond provided.

**Sec. 4.7.8. Warranty Bond Release**

- A. The release of the Warranty Bond shall be by order of the Commissioners Court.
- B. To request a release of the Warranty Bond, the [Developer](#) who posted the bond in question, shall present a written request to release said bond to the [Development Coordinator](#). The request shall include a copy of [Order of the Commissioners Court for Final Acceptance](#) and a set of record drawings. Refer to [Sec. 4.6.4 Submission of Record Drawings](#).
- C. The [Developer](#) may request the release of the Warranty Bond two (2) years from the date the [Letter of Public Improvement Compliance](#) was issued by the [County](#).

**Sec. 4.8. Acceptance of Public Improvements**

**Sec. 4.8.1. Two Year Maintenance Inspection**

**A. Purpose**

The [Commissioners Court Engineering Representative](#) shall be inspect the subdivision two (2) years from the date that the Warranty Bond became effective to ensure that all public improvements have been maintained to [County](#) specifications and are in a good state of repair for the County to accept for maintenance.

**B. Recommendation for Acceptance of Public Improvements**

The [Commissioners Court Engineering Representative](#) shall issue a recommendation to Commissioners Court to accept public improvements if he or she determines through the [Two Year Maintenance Inspection](#) that all improvements are completed, in good repair, and in conformance with [County](#) standards.

**C. Rejection of Public Improvements**

- 1. The [County](#) shall have the authority to reject [Public Improvements](#) that fail to comply with the County's standards and specifications at the time of the [Two Year Maintenance Inspection](#).
- 2. The [County](#) shall have the authority to redeem the [Warranty Bond](#) (refer to [Sec. 4.7.7](#)) to repair and ensure public improvements are improved to the County's standards.

**D. Effect of Recommendation**

The [Commissioners Court](#) may issue an [Order of the Commissioners Court for Final Acceptance](#) notifying to the [Applicant, Developer](#), or property owner, the County's acceptance of any dedications (including right-of-way and [Public Improvements](#)) offered on the final plat. The court order shall be recorded with a copy of the approved and recorded [Final Plat](#).

**Sec. 4.8.2. Order of the Commissioners Court for Final Acceptance**

**A. Purpose**

- 1. The [County](#) will accept maintenance of public improvements through an [Order of the Commissioners Court for Final Acceptance](#) after public improvements have been constructed (refer to [Sec. 4.5](#)), inspected (refer to [Sec. 4.6](#)), and a [Two Year Maintenance Inspection](#) (refer to [Sec. 4.8.1](#)) has been conducted by the

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[Commissioners Court Engineering Representative](#) confirming that all roads, road signs, underground utilities, required drainage structures, and all other construction have been maintained to County specifications and are in a good state of repair.

2. The [Order of the Commissioners Court for Final Acceptance](#) will exclude the maintenance of [Local Streets](#), [Collector Streets](#), and [Cul-de-Sacs](#).
  - a. These street types will be designated as [Private Streets](#) on the plat and will either be maintained by the property owner, a [Homeowners' or Property Owners' Association](#), or a utility district.

**B. Effect**

Acceptance of the public improvements shall mean that the [Developer](#) has transferred all rights to all the [Public Improvements](#) to the [County](#) for ownership and maintenance.

**C. Rejection**

The County shall reject those [Public Improvements](#) that fail to comply with the County's standards and specifications at the [Two Year Maintenance Inspection](#) (refer to [Sec. 4.8.1](#)).

**D. Acceptance Disclaimer**

1. Approval of a [Preliminary Plat](#), [Final Plat](#), or [Construction Plans](#) shall not constitute acceptance of any of the [Public Improvements](#).
2. A note shall be placed on each plat recorded with the County Clerk stating that [Public Improvements](#) (such as roads) are owned and maintained by the subdivision owner(s) and transfer of ownership and maintenance responsibilities only occurs with formal acceptance by the [County](#) through the [Order of the Commissioners Court for Final Acceptance](#) and that if the County does not accept, the ownership and maintenance responsibility remains with the subdivision owner or owners (refer to [Sec. 3.1.5.D.4.f](#)).
3. No public improvements shall be accepted for dedication by the [County](#) except in accordance with this section.

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## Sec. 4.9. Acceptance and Abandonment of Right-of-Way

### Sec. 4.9.1. Acceptance of Private or Public Road

#### A. Purpose

This section refers to the acceptance process of private and public streets (including roadways that are prescriptive) that were constructed prior to the adoption of these subdivision regulations. Any property owner wanting the [County](#) to accept maintenance of a public or private street shall meet the conditions of this section ([Sec. 4.9.1 Acceptance of Private or Public Road](#)).

#### B. Minimum Requirements

1. A property owner wanting the County to accept maintenance of a public or private street that is located in the [ETJ](#) of a municipality must first submit a petition to annex into the city prior to submitting a request to the County to maintain such roadway.
  - a. The County will only accept maintenance of a roadway if an annexation request is denied by the city council or a property is not eligible for annexation.
  - b. The property owner will either submit a letter of denial from the city or provide appropriate documentation from the city confirming that the property is not eligible for annexation.
2. Both public and private streets shall not be accepted by the [County](#) unless improved to the construction standards noted in [Street Construction Specifications](#) (refer to [Sec. 5.2.3](#)) and meeting the minimum right-of-way width dimensions noted in [Table 5.2-1: County Street Types](#).
  - a. The provision in [Sec. 5.3.7 \(Conversion of Private Streets to Public Streets\)](#) will apply for the conversion of private streets to public streets.
3. The [County](#) shall have the authority to inspect and confirm the conditions of the roadways prior to the request being considered by the Commissioners Court.

#### C. Application Procedures

Any property owner wanting the [County](#) to accept maintenance of a public or private street shall submit the following items to the [Development Coordinator](#) with the maintenance request:

1. A petition, signed by all property owners, who utilize the accessway, shall be submitted with the formal request to the County.
2. A legal description and survey boundary showing the entire limits of the roadway being requested to be accepted for maintenance by the [County](#) shall be submitted with the formal request to the County.

#### D. Dedication of a Roadway for Public Use

1. Property Owner or Applicant Initiation
  - a. The property owner is responsible for meeting with the [Development Coordinator](#) to initiate the request.
  - b. The property owner shall either formally dedicate the roadway for public use by either:

(i) Separate instrument containing a legal description and survey boundary signed and sealed by a Registered Professional Land Surveyor and recorded with the County Clerk; or

(ii) By a plat that is recorded with the County Clerk.

**2. Commissioner Court Action**

The Commissioners Court may approve a court order to accept maintenance of a roadway after the roadway has been dedicated by separate instrument or by plat as described in [Sec. 4.9.1.D.1](#).

**E. Acceptance Criteria**

1. The [Commissioners Court](#) is not obligated to accept maintenance of a roadway. The Commissioners Court can also choose to accept maintenance of a roadway for a temporary or limited period until such roadway is annexed into the incorporated areas of a city.
2. If the Commissioners Court chooses to accept maintenance of a public or private street, the Commissioners Court will approve a court order to accept maintenance of such roadway.

**Sec. 4.9.2. Abandonment Process for County Roads**

**A. Purpose**

The request to [Abandon, Vacate](#), or close a [County](#) maintained roadway shall meet the regulations set forth in the [Transportation Code Chapter 251](#) and shall required approval by the Commissioners Court.

**B. Authority of the Commissioners Court**

1. Per the [Transportation Code Section 251.051](#), the [Commissioners Court](#) shall have the authority to:
  - a. Order that public roads be laid out, opened, discontinued, closed, abandoned, vacated, or altered; and
  - b. Assume control of streets and alleys in a municipality that does not have an active de facto municipal government.
2. A unanimous vote of the Commissioners Court is required to:
  - a. Close, abandon, or vacate a public road; or
  - b. Alter a public road, except to shorten it from end to end.
3. The Commissioners Court may not discontinue, close, or abandon an entire first-class or second-class road unless the road has been vacated or unused for at least three (3) years.
  - a. Per the [Transportation Code Section 251.007](#), the Commissioners Court shall classify each public road in the [County](#) as a first-, second-, third- or fourth-class road.
    - (i) First- and Second-Class Roads  
Roadways between forty (40) and one hundred (100) feet wide with at least a sixteen (16) foot causeway (the raised roadbed).
    - (ii) Third-Class Roads  
Roadways between twenty (20) and forty (40) feet wide with a causeway between twelve (12) and sixteen (16) feet.
    - (iii) Fourth-Class Roads  
Neighborhood roadways that are between fifteen (15) to thirty (30) feet.
4. Per the [Transportation Code Section 251.058\(d\)](#), the Commissioners Court may close, abandon and vacate a public road or a portion of a public road by request of a property owner that abuts the portion of the road being closed, abandoned, and vacated. The [Commissioners Court](#) may require the owner to:
  - a. Pay all reasonable administrative costs incurred for processing the request and recording the court order signed by the County Judge (described in [Sec. 4.9.2.C](#)) to convey the tract of land vacated from the [County](#) to the owner of the abutting property. Refer to the [Transportation Code Sec. 251.058\(b\)](#).
  - b. Reimburse the County for the market value of any property interest conveyed to the owner.

**C. Conveyance of a Public Road Abandoned, Closed and Vacated**

1. Title to a public road or portion of a public road that is closed, abandoned, and vacated to the center line of the road vests on the date the order is signed by the County Judge in the owner of the property that abuts the portion of the road being closed,

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abandoned, and vacated (Refer to [Transportation Code Sec. 251.058\(b\)](#)). A copy of the order shall be filed in the deed records of the [County](#) and serves as the official instrument of conveyance from the County to the owner of the abutting property.

2. The order shall:
  - a. Include the name of each property owner who receives a conveyance under this section;
  - b. Include the dimensions of the property being conveyed to each property owner;
  - c. Be indexed in the deed records of the [County](#) in a manner that describes:
    - (i) The County conveying the property as grantor; and
    - (ii) The property owner receiving the conveyance as grantee; and
  - d. If a public utility or common carrier that has the right of eminent domain is using the property being conveyed for a right-of-way or easement purpose, state that the title to the property is subject to the right-of-way or easement and the continued use by the public utility or common carrier of utility infrastructure in existence on the date the order is signed.
    - (i) No later than the 30th day before the date an order is signed, the Commissioners Court shall notify a public utility or common carrier the proposal to close, abandon, and vacate the public road or portion of the public road.

**D. Application Procedures**

A property owner submitting a request to the [County](#) to abandon, vacate and close a public road shall submit the following items with the initial submittal of the request to the [Development Coordinator](#):

1. A letter describing the purpose of the request along with a petition signed by the persons who own the properties abutting the public road or the portion of the road being closed, abandoned and vacated;
2. Signed waiver of claims for abandonment by each person owning abutting property;
3. Legal description signed and sealed by a Registered Professional Land Surveyor;
4. A survey boundary exhibit signed and sealed by a Registered Professional Land Surveyor showing:
  - a. Abutting properties with the ownership whose names are also included in the request and application noted in [Sec. 4.9.2.D.1](#);
  - b. The location of existing utilities and associated easements located in the area being requested to be abandoned, vacated or closed; and
  - c. The center line and dimension of the road that will be conveyed to each property owner abutting the road or portion of the road being abandoned, vacated or closed.

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## Section 5. SUBDIVISION DESIGN STANDARDS

### Sec. 5.1. Adequate Public Facilities

#### Sec. 5.1.1. Services Required

Land proposed for development in the [County](#) and in the extraterritorial jurisdiction (ETJ) of a City must be served adequately by essential public facilities and services (refer to [Sec. 4.1 Required Infrastructure](#)), including water, wastewater, drainage, and roadway facilities.

#### Sec. 5.1.2. Timing of Construction

Adequate public facilities will be provided with the construction of a subdivision in accordance with [Section 4 Subdivision Construction Procedures](#). Refer to [Figure 2.4-2](#) to view a graphic overview of the platting and construction process.

### Sec. 5.2. Street Design Standards

#### Sec. 5.2.1. Minimum Right-of-Way Dedication

- A. The property owner shall ensure that the Subdivision is served by adequate roads and shall be responsible for the costs of [Right-of-Way](#) and road improvements in compliance with the [County's](#) street types provided in [Table 5.2-1: County Street Types](#) following policies and standards of the [Rockwall County Thoroughfare Plan](#).
- B. Additional right-of-way may be required for existing roads and intersections to accommodate utilities, sidewalks, traffic control devices and sight distances (refer to [Sec. 5.2.2.D Right-of-Way Dedication for Existing and Perimeter Streets](#)).
- C. A subdivider shall refer to the [Rockwall County Thoroughfare Plan](#) shown in [Map 5.2-1](#) to determine the type of County street(s) to construct with a new subdivision.
  1. Where roads are not shown within the [Rockwall County Thoroughfare Plan](#), roads shall be arranged to provide continuity of existing road in the surrounding areas; and
  2. The [Developer](#) shall provide a [Local Street](#) to serve a residential land use or a [Collector Street](#) to serve a nonresidential land use (refer to [Sec. 5.2.2.A](#) for street type descriptions or [Table 5.2-1](#) for County street types).

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**Sec. 5.2.2. Street Design Criteria**

**A. County Street Types**

All streets will comply with minimum right-of-way in accordance with the adopted County street types in [Table 5.2-1: County Street Types](#).

**1. Principal Arterial**

- a. The primary function of a [Principal Arterial](#) is to provide continuous and high-volume traffic movement between major traffic centers and freeways. This thoroughfare is typically spaced at 1-mile intervals. Since principal arterials carry high volumes of traffic, it is essential to have direct and continuous alignment with highways and freeways.
- b. Existing and proposed [Principal Arterial](#) are designated in the [Rockwall County Thoroughfare Plan](#) as provided in [Map 5.2-1](#). A subdivision that is adjoining undeveloped land or an existing street designated as a principal arterial in the thoroughfare plan will need to dedicate public [Right-of-Way](#) for the expansion or construction of such roadway.

**2. Minor Arterial**

- a. The primary function of a [Minor Arterial](#) is to collect and distribute traffic from [Collector Streets](#) to [Principal Arterials](#). These thoroughfares are typically spaced at ½ mile intervals unless terrain or barriers create a major deviation.
- b. Existing and proposed [Minor Arterial](#) are designated in the [Rockwall County Thoroughfare Plan](#) as provided in [Map 5.2-1](#). A subdivision that is adjoining undeveloped land or an existing street designated as a [Minor Arterial](#) in the thoroughfare plan will need to dedicate public [Right-of-Way](#) for the expansion or construction of such roadway.

**3. Collector Street**

- a. The primary function of a [Collector Street](#) is to collect and distribute traffic from a [Local Street](#) to a [Principal Arterial](#). More specifically, [Collector Streets](#) distribute traffic from neighborhoods to commercial areas, parks and schools.
- b. Existing and proposed collectors are designated in the [Rockwall County Thoroughfare Plan](#) as provided in [Map 5.2-1](#). A subdivision that is adjoining undeveloped land or an existing street designated as a collector in the thoroughfare plan will need to dedicate public [Right-of-Way](#) for the expansion or construction of such roadway.

**4. Local Street**

The primary purpose of a [Local Street](#) is to serve as internal street for residential subdivisions. Local street differs from a [Collector Street](#) in that it is limited to serving residential uses and discourages through traffic. Nonresidential uses, such as commercial uses, should use a collector street for primary access. Local streets are not designated in the [Rockwall County Thoroughfare Plan](#).

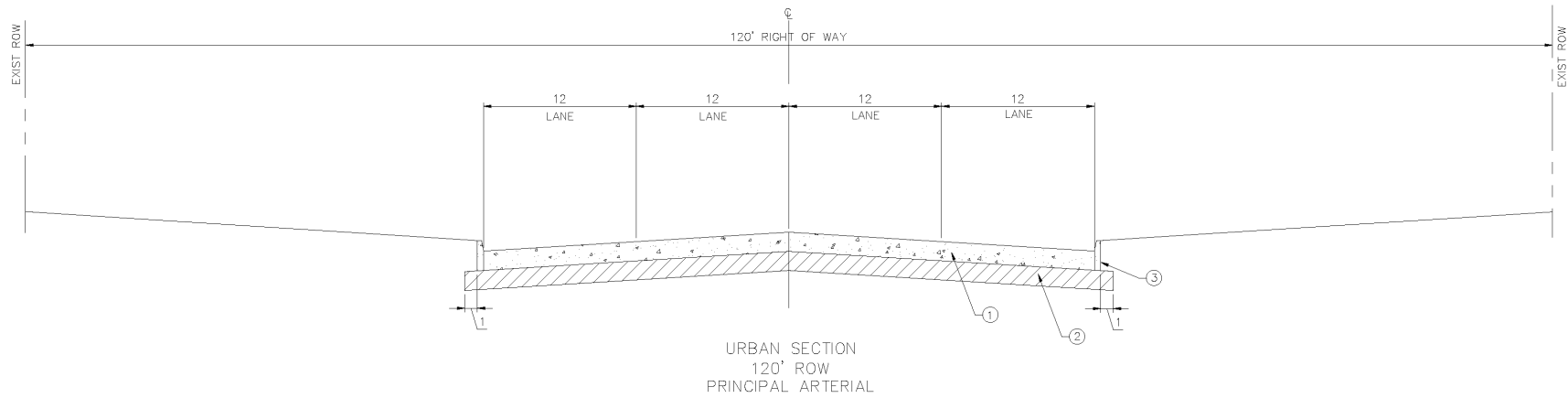
TABLE 5.2-1: COUNTY STREET TYPES

THOROUGHFARE TYPE	ROW [1]	PAVING [2]	LANES	SHOULDER WIDTH	PARKWAY [3]
<b>Principal Arterial</b>					
4-Lane Urban (with curb and gutter)	120'	48'	4 @ 12' ea.	-	72'
4-Lane Rural (with shoulder)	120'	64'	4 @ 12' ea.	2 @ 8' ea.	56'
<b>Minor Arterial</b>					
2-Lane Urban (with curb and gutter)	80'	24'	2 @ 12' ea.	-	56'
2-Lane Rural (with shoulder)	80'	40'	2 @ 12' ea.	2 @ 8' ea.	40'
<b>Collector (Private)</b>					
2-Lane Urban Private (with curb and gutter)	60'	24'	2 @ 12' ea.	-	36'
2-Lane Rural Private (with shoulder)	60'	32'	2 @ 12' ea.	2 @ 4' ea.	28'
<b>Local (Private)</b>					
2-Lane Urban Private (with curb and gutter)	50'	24'	2 @ 12' ea.	-	26'
2-Lane Rural Private (with shoulder)	50'	27'	2 @ 12' ea.	2 @ 1.5' ea.	23'

Requirements and Notes:

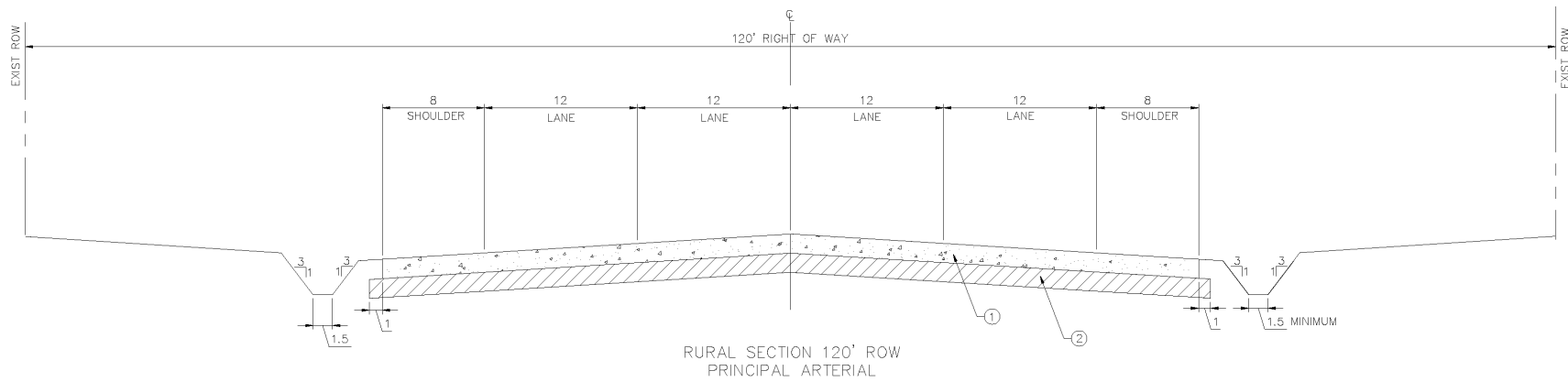
1. The total right-of-way width is composed of the paving width and the parkway width. The ultimate right-of-way width reserves land for the County to expand the roadway system in the future with more lanes, center turn lanes or medians.
2. An urban roadway constitutes a roadway with curb and gutter. The paving width is face of curb to face of curb. A rural roadway constitutes a roadway with no curb and instead plans extra room for a shoulder.
3. The parkway is reserved for sidewalks, drainage bar ditches and reserved land area for future roadway expansions.
4. The parkway length noted in the table is taking into consideration both sides of the street.
5. All Local Streets, Collector Streets, and Cul-de-Sacs will be designated as Private Streets and will either be maintained by the property owner, Homeowners' or Property Owners' Association, or special district.
6. For new subdivisions with lots less than 1.5 acres, the Urban **Collector Street** or Urban **Local Street** standard shall be used for all thoroughfare design. For new subdivisions with lots 1.5 acres or larger, either the Urban or Rural **Collector Street** or **Local Street** standards shall be used for all thoroughfare design.

FIGURE 5.2-1: PRINCIPAL ARTERIAL (URBAN SECTION)



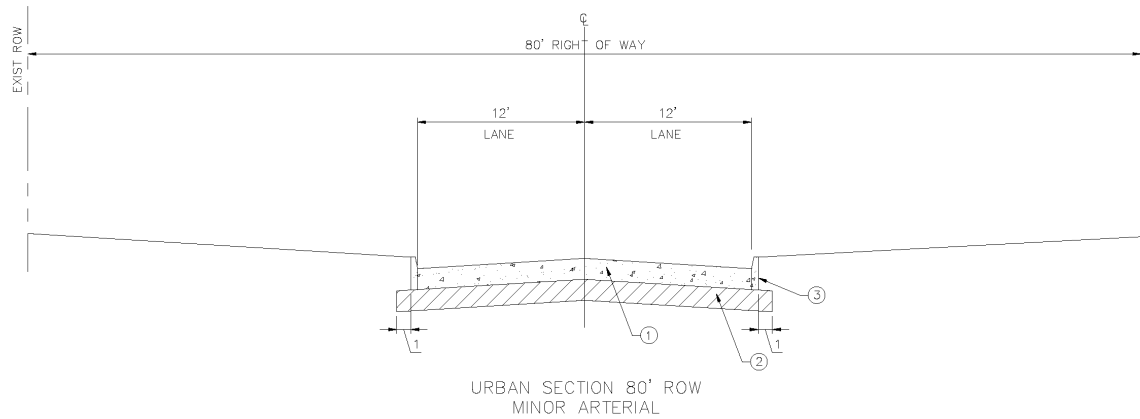
- ① 4000 PSI CONCRETE @ 28 DAYS
- ② 7% LIME STABILIZED SUBGRADE COMPACTED 95% STANDARD PROCTOR DENSITY
- ③ 18" CONCRETE CURB AND GUTTER  
6" CURB

FIGURE 5.2-2: PRINCIPAL ARTERIAL (RURAL SECTION)



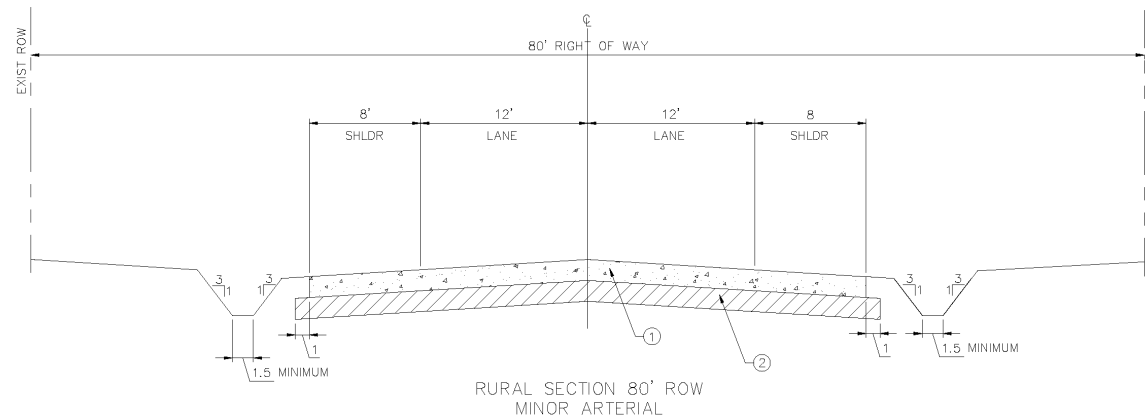
- ① 4000 PSI CONCRETE @ 28 DAYS
- ② 7% LIME STABILIZED SUBGRADE COMPACTED 95% STANDARD PROCTOR DENSITY

FIGURE 5.2-3: MINOR ARTERIAL (URBAN SECTION)



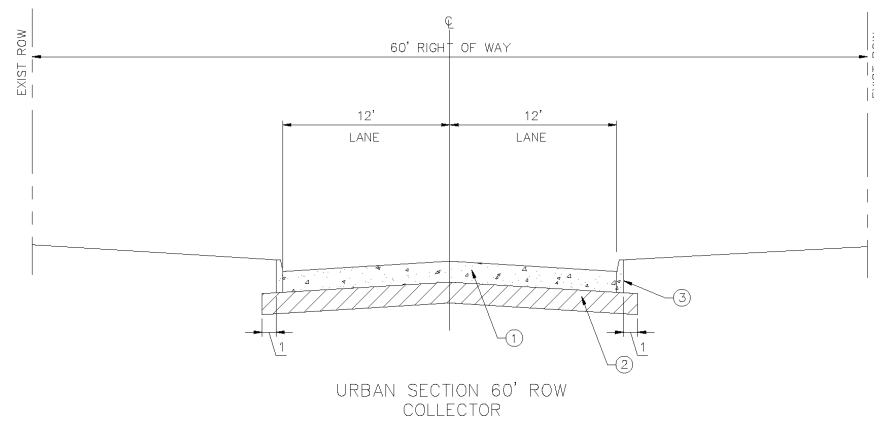
- ① 4000 PSI CONCRETE @ 28 DAYS
- ② 7% LIME STABILIZED SUBGRADE COMPACTED 95% STANDARD PROCTOR DENSITY
- ③ 18" CONCRETE CURB AND GUTTER  
6" CURB

FIGURE 5.2-4: MINOR ARTERIAL (RURAL SECTION)



- ① 4000 PSI CONCRETE @ 28 DAYS
- ② 7% LIME STABILIZED SUBGRADE COMPACTED 95% STANDARD PROCTOR DENSITY

FIGURE 5.2-5: COLLECTOR STREET (URBAN SECTION)



- ① 4000 PSI CONCRETE @ 28 DAYS
- ② 7% LIME STABILIZED SUBGRADE COMPACTED 95% STANDARD PROCTOR DENSITY
- ③ 18" CONCRETE CURB AND GUTTER  
6" CURB

FIGURE 5.2-6: COLLECTOR STREET (RURAL SECTION)

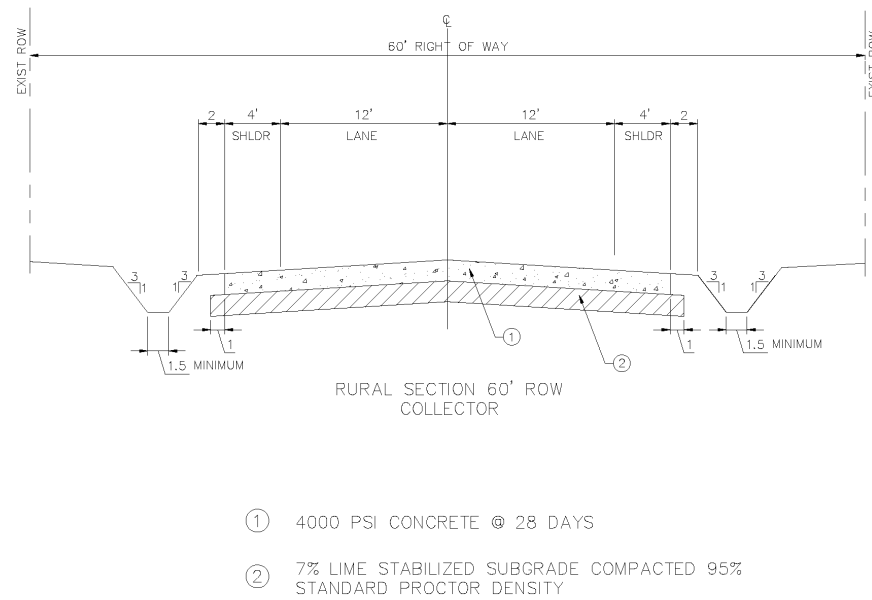
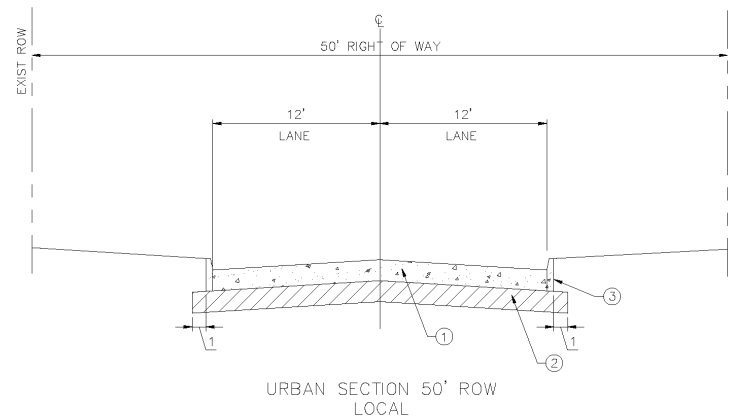
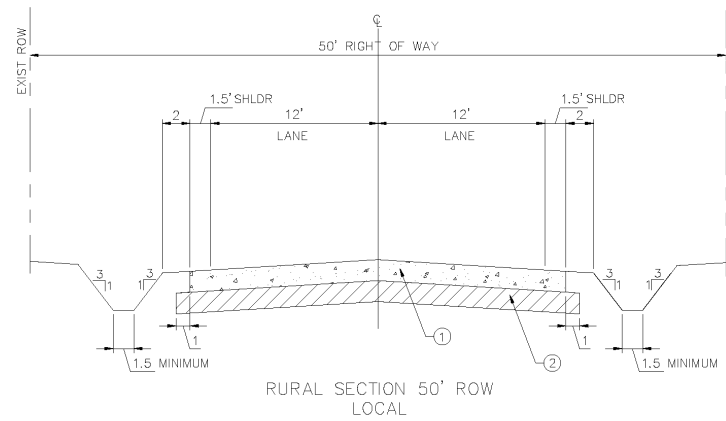


FIGURE 5.2-7: LOCAL STREET (URBAN SECTION)



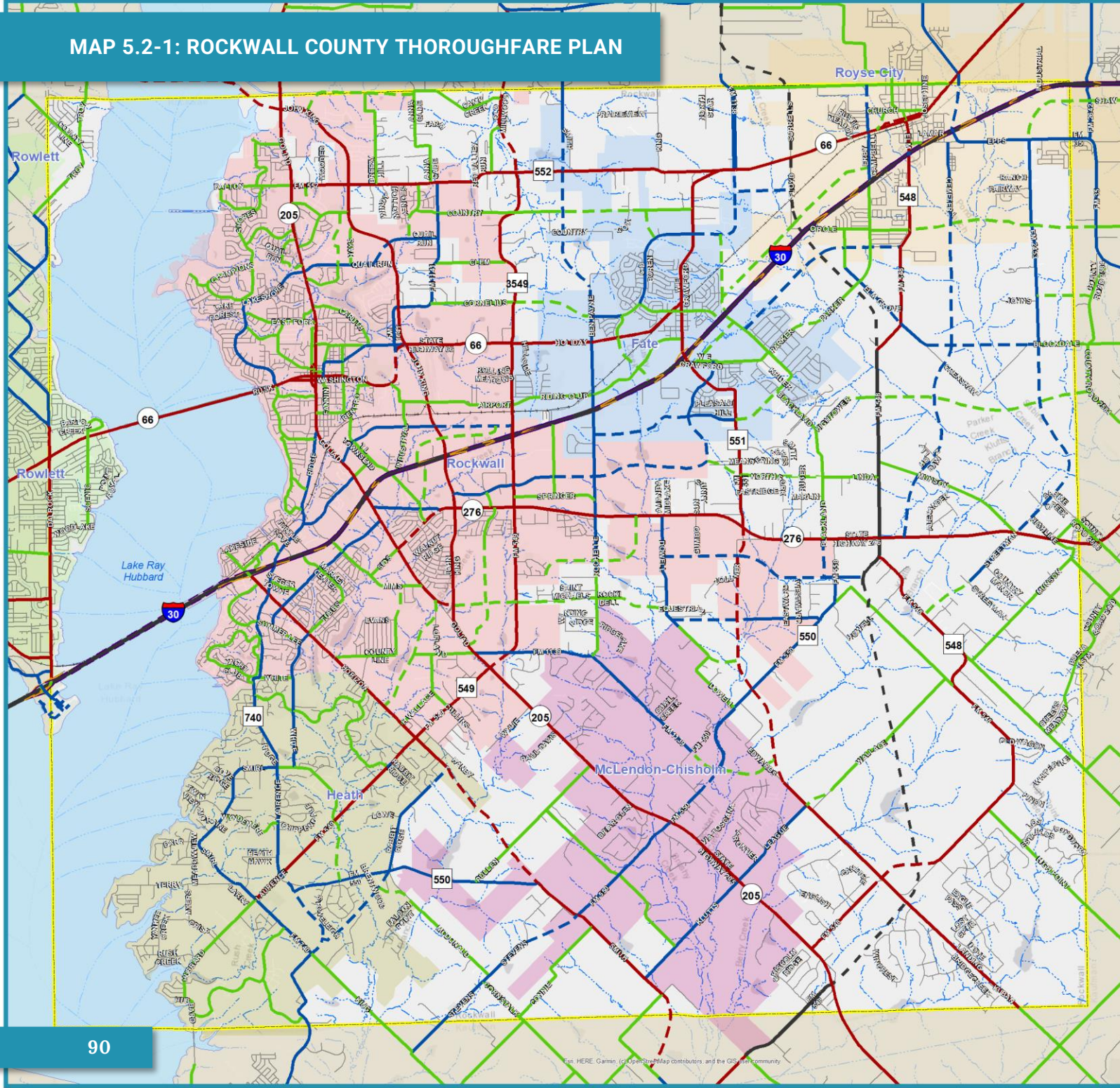
- ① 4000 PSI CONCRETE @ 28 DAYS
- ② 7% LIME STABILIZED SUBGRADE COMPACTED 95% STANDARD PROCTOR DENSITY
- ③ 18" CONCRETE CURB AND GUTTER  
6" CURB

FIGURE 5.2-8: LOCAL STREET (RURAL SECTION)



- ① 4000 PSI CONCRETE @ 28 DAYS
- ② 7% LIME STABILIZED SUBGRADE COMPACTED 95% STANDARD PROCTOR DENSITY

# 2018 Rockwall County Thoroughfare Network



### Functional Classifications

- Freeway or Toll Road (4-8 Lanes, 300'-500' ROW - Includes frontage roads and ramps)
- Freeway or Toll Road (proposed)
- Principal Arterial (2-6 Lanes, 100'-120' ROW)
- Principal Arterial (proposed)
- Minor Arterial (2-4 Lanes, 65'-100' ROW)
- Minor Arterial (proposed)
- Collector (2-3 Lanes, 60'-80' ROW)
- Collector (proposed)
- Ramps
- Ramps (proposed)
- Frontage Road
- Frontage Road (proposed)
- Railroad
- Rockwall County
- Streams
- Waterbodies



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**B. General Street Configuration**

1. A [Minor Arterial](#) and [Principal Arterial](#) may intersect with another [Collector Street](#), [Minor Arterial](#), and [Principal Arterial](#). A [Local Street](#) cannot in any circumstance intersect with a [Minor Arterial](#) or [Principal Arterial](#).
2. The intersection of an arterial and a collector street shall not vary from a ninety (90) degree angle of intersection by more than five (5) degrees and in no circumstance shall the curve have less than a twenty-five (25) foot radius.
3. Driveway cuts to residential uses shall not be allowed on [Minor Arterial](#) or [Principal Arterial](#).
4. All roads shall either be connected at both ends to a dedicated road, or be provided a cul-de-sac in conformance with [Sec. 5.2.2.G Cul-de-Sacs](#).
5. No decorative squares, trees, islands, ornamental entrances or any other obstruction to traffic shall be constructed or preserved within the [Right-of-Way](#) and within public property maintained by the [County](#).
6. The reservation of strips of land in private ownership (e.g., reserve strip) at the end of proposed or existing roads and intended solely or primarily for the purpose of controlling access to property not included in the [Subdivision](#) shall be prohibited (refer to [Figure 5.4-1: Example of a Reserve Strip](#)).

**C. General Street Maintenance**

1. All [Local Streets](#), [Collector Streets](#), and [Cul-de-Sacs](#) will be designated as [Private Streets](#) and will either be maintained by the property owner, a [Homeowners' or Property Owners' Association](#), or a utility district.
2. [Minor Arterials](#) or [Principal Arterials](#) will be accepted for maintenance by the County through an [Order of the Commissioners Court for Final Acceptance](#) as described in [Sec. 4.8.2](#).

**D. Right-of-Way Dedication for Existing and Perimeter Streets**

A [Subdivider](#) laying out and constructing new roads or whose subdivision includes any portion of or is adjacent to an existing road shall dedicate enough [Right-of-Way](#) to comply with the [County Street Types](#) in [Table 5.2-1](#).

**1. New Roads**

The [Developer](#) will dedicate the entire [Right-of-Way](#) width for a new street constructed with the subdivision.

**2. Existing Roads**

**a. Subdivision Along One Side of an Existing Street**

The [Developer](#) will dedicate half of the ultimate right-of-way width, as measured from the centerline of the existing roadway or as stated otherwise in [Sec. 5.2.2.E](#), if the subdivision is abutting an existing street along one side.

**b. Subdivision Along Both Sides of an Existing Street**

The [Developer](#) will dedicate full right-of-way width if the developer is developing both sides of the street.

**3. Substandard Roads**

The [County](#) may require the [Developer](#) to dedicate additional right-of-way for substandard roads to improve the safety, design, topography, and traffic conditions of a roadway.

**E. Dimension of Right-of-Way Dedication**

Existing roads may exist by reasons of plat, metes and bounds description or by prescription. The amount of right-of-way that will be dedicated by the [Developer](#) will be determined as follows:

1. Adjacent to a Platted Subdivision
  - a. The [Right-of-Way](#) dedication shall be based upon the distance from the platted Subdivision boundary.
  - b. Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.
2. Along a Right-of-Way Described by Metes and Bounds
  - a. The [Right-of-Way](#) dedication shall be based upon the geometric centerline of the right-of-way as described in the metes and bounds.
  - b. Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.
  - c. The [Developer](#) will dedicate their portion of the [Right-of-Way](#) with the subdivision plat.
3. Along a Prescriptive Right-of-Way
  - a. The [Right-of-Way](#) dedication shall be based upon the apparent centerline of the existing pavement or of the travel way, if unpaved.
  - b. Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.
  - c. The [Developer](#) will dimension the prescriptive right-of-way on the [Preliminary Plat](#) and [Final Plat](#).
  - d. The [Developer](#) will dedicate their portion of the [Right-of-Way](#) with the subdivision plat.

**F. Adequate Road Access**

1. Vehicular Paved Access to Subdivisions

All lots created by a subdivision must have access to a vehicular paved access, which is defined by these [Subdivision Regulations](#) as a public or private street constructed to the County's specification in [Street Construction Specifications](#) (refer to [Sec. 5.2.3](#)) and of appropriate design, traffic capacity, and service level rating to accommodate the present and anticipated traffic volumes to be generated from the subdivision.
2. Secondary Ingress and Egress
  - a. Subdivision containing more than thirty (30) one-family or two-family dwelling units shall have a platted and constructed secondary ingress and egress to a public street.
  - b. A multi-phase development shall ensure that each phase has a platted and constructed secondary entrance when more than thirty (30) residential units are proposed. This information shall be documented in the phasing plan as required in [Sec. 4.2.5.F Phasing Plan](#).

**G. Cul-de-Sacs**

1. A cul-de-sac street shall be platted and constructed with a turnaround area with a paved radius of forty (40) feet and a right-of-way diameter of at least one hundred (100) feet.

2. A cul-de-sac shall have a maximum length of six hundred (600) feet measured along the centerline.
3. All [Cul-de-Sacs](#) will be designated as a [Private Street](#) on a plat, and will be maintained by either the property owner, [Homeowners' or Property Owners' Association](#) or special district.

**H. Dead-End Streets**

1. Dead-end streets are prohibited unless the street design meets the above cul-de-sac ([Sec. 5.2.2.G](#)) requirements or unless the street is intended to be extended in the future and the dead-end design is only temporary in nature.
2. If a temporary dead-end street is permitted, turnaround pavement meeting the dimensions listed for cul-de-sacs in [Sec. 5.2.2.G \(Cul-de-Sacs\)](#) and a temporary turnaround easement meeting the dimensions listed for the right-of-way in section [Sec. 5.2.2.G](#) shall be provided on the Plat.
  - a. If the temporary dead-end street (as approved and shown on the [Final Plat](#)) is extended in the future, the portions of the temporary turnaround easement shall revert to the lot(s) abutting the temporary turnaround easement.

**I. Internal Roadway Connectivity**

1. Stub-Outs

[Local Streets](#) shall be extended or stubbed out to the tract boundary to provide future connection with adjoining unplatted land. In instances where the street stubs out would traverse an adjacent 100-year floodplain, the spacing of the street crossing shall not exceed one-half mile.
2. Street Extensions

[Subdivisions](#) shall connect to existing stub-out on adjoining tracts or as approved on a [Preliminary Plat](#) or [Final Plat](#) for an adjoining tract.

**J. Driveway Spacing Standards**

1. [Table 5.2-2](#) provides the maximum number of driveways for residential and nonresidential lots and the minimum spacing between driveways. These standards do not apply to state highways.
2. An additional driveway may be added for each additional five hundred (500) feet of lot width more than two hundred and fifty (250) feet.

**TABLE 5.2-2: DRIVEWAY SPACING**

LAND USE	LOT FRONTAGE WIDTH	MAX. NO. OF DRIVEWAYS PER LOT	MIN. SPACING BETWEEN DRIVEWAYS
Single-Family	90' or greater	2	20'
	Less than 90'	1	N/A
Single-Family (Attached) Multifamily	90' or greater	2	20'
	Less than 90'	1	N/A
Commercial Industrial	250' or more	2	100'
Commercial Industrial	Less than 250'	1	N/A

**K. Driveway Approach Standards**

[Table 5.2-3](#) provides minimum and maximum approach widths for residential and nonresidential uses.

**TABLE 5.2-3: DRIVEWAY APPROACH**

LAND USE	APPROACH WIDTH		PAVEMENT EDGE	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
Single-Family	10'	20'	5'	10'
Single-Family (Attached)	20'	24'	15'	30'
Multifamily				
Commercial	24'	30'	15'	30'
Industrial	24'	45'	25'	60'

Notes:

1. The minimum and maximum approach widths are for the point where pavement edge/curb radii (from the public street) end or the approach width at the right-of-way line.

**Sec. 5.2.3. Street Construction Specifications**

**A. Applicability**

1. The construction specifications in this section are required for new public and private streets created by the subdivision, including interior subdivision streets and [Perimeter Streets](#) that may also be classified as a County road.
2. Construction of road and drainage facilities in the subdivision shall conform to the latest edition of "Standard Specifications for Public Works Construction," published by NCTCOG.
3. These standards do not apply to state highways. State roads and highways will comply with TxDOT Standard Specification for Construction of Highways, Streets and Bridges. The [Developer](#) is responsible for coordinating construction and permitting with TxDOT for state highway construction.
4. Property owners that request the [County](#) to accept maintenance of a [Private Street](#), as described in [Sec. 4.9.1 Acceptance of Private or Public Road](#), must comply with the provisions of this section.

**B. Construction Specifications for Local and Collector Streets**

1. Minimum Right-of-Way  
[Local Streets](#) and [Collector Streets](#) will provide the minimum right-of-way shown in [Table 5.2-1](#).
2. Minimum Paving Width  
The minimum paving width will vary between an urban street versus a rural street as shown in [Table 5.2-1](#).
3. Subgrade  
The subgrade shall be lime stabilized with hydrated lime in the amount of seven (7) percent to a depth of six (6) inches throughout the pavement width plus two (2) feet behind the back of curb or shoulder. The [Commissioners Court Engineering Representative](#) will consider other types of and percentages of lime based on a geotechnical laboratory's tests, evaluations and recommendations described in an engineering report provided and paid for by the [Developer](#).
4. Surface  
The surface course shall be constructed of reinforced Portland cement concrete with a minimum compressive strength of 4,000 psi and a minimum pavement thickness of six (6) inches per Rockwall County specifications.
5. Minimum Grades  
[Local Streets](#) and [Collector Streets](#) shall have a minimum six (6) inch crown.

**C. Construction Specifications for Minor and Principal Arterials**

1. Minimum Right-of-Way

[Minor Arterials](#) and [Principal Arterial](#) will provide the minimum right-of-way shown in [Table 5.2-1](#).

2. Minimum Paving Width

The minimum paving width will vary between an urban street versus a rural street as shown in [Table 5.2-1](#).

3. Subgrade

The subgrade shall be lime stabilized with hydrated lime in the amount of seven (7) percent to a depth of six (6) inches throughout the pavement width plus two (2) feet behind the back of curb or shoulder. The [Commissioners Court Engineering Representative](#) will consider other types of and percentages of lime based on geotechnical laboratory's tests, evaluations and recommendations described in an engineering report provided and paid for by the [Developer](#).

4. Surface

The surface course shall be constructed of reinforced Portland cement concrete with a minimum compressive strength of 4,000 psi and a minimum pavement thickness of six (6) inches per Rockwall County specifications.

5. Minimum Grades

[Minor Arterials](#) and [Principal Arterial](#) shall have a minimum six (6) inch crown.

**Sec. 5.2.4. Street and Traffic Control Signs**

A. Street signs and all required traffic control signs shall be furnished and installed by the [Developer](#) for all areas within the [Subdivision](#).

B. Signage shall be delineated on the roadway plan (refer to [Sec. 4.2.5.A](#)) included with the [Construction Plans](#) and shall be reviewed and approved by the [Commissioners Court Engineering Representative](#).

C. Traffic control signs shall be installed in accordance with the prescribed type currently in use by the [Manual on Uniform Traffic Control Devices](#).

D. In subdivisions where drainage culverts and channels are placed on sides of the street, the [Developer](#) shall install signs to prohibit and restrict the stopping, standing, or parking of a vehicle to allow for free movement of traffic and limit the obstruction of drainage patterns.

**Sec. 5.2.5. Improvement and Maintenance of a Feeder Road**

**A. Purpose**

The County may require a [Developer](#) to pay for the cost to repair a [Feeder Road](#) if the [Feeder Road](#) is damaged during the construction of the Developer's subdivision.

**B. Applicability**

1. The [Commissioners Court Engineering Representative](#) will identify and assess the impacts of a feeder road at the time a preliminary plat or construction plan application is submitted to the County.
2. A preliminary plat or construction plan application involving a [Feeder Road](#) will require approval by the Commissioners Court.

**C. Developers Responsibility to Pay for Damages**

The Developer will be responsible for paying the cost to improve the [Feeder Road](#) to the condition before the [Feeder Road](#) was damaged.

**D. Pavement Condition Analysis Required**

1. The [Commissioners Court Engineering Representative](#) will perform a pavement condition analysis to determine the conditions of the [Feeder Road](#) before and after the construction of a subdivision. The applicant is responsible for paying for the pavement condition analysis.
2. After construction is complete, the [Commissioners Court Engineering Representative](#) or the Developer's engineer will provide a construction estimate to repair the [Feeder Road](#) to its prior condition.
3. The final plat may not be submitted until the damages to the [Feeder Road](#) have been improved or paid to the County.

**E. Development Agreement Required**

A development agreement will be executed before [Construction Plan Release](#) (refer to [Sec. 4.4](#)).

**F. Partnership Policy to Improve Feeder Roads**

It may be in the best interest of a [Developer](#) and the [County](#) to have a [Feeder Road](#) improved from its current condition or design to better serve residents of a new subdivision and other [County](#) residents. It is the desire of the [Commissioners Court](#) to partner with developers to offer residents quality roads in a manner that is mutually beneficial for the [Developer](#) and the [County](#). A [Developer](#) is encouraged to coordinate with the County to evaluate the feasibility of a partnership. A [Development Agreement](#) would be required to establish the details for the partnership.

**Sec. 5.2.6. Street Names**

**A. General Provision**

1. Roads shall be named to provide continuity with existing roads.
2. Names of new roads shall not duplicate or cause confusion with the names of existing roads.
3. Names of public roads shall begin with the designation of "C.R."
4. Names for [Private Street](#) shall begin with the designation of "P.S."

**B. Official Street Names**

A list of street names chosen by the [Developer](#) shall be submitted to the [County](#) with the initial submittal of the [Final Plat](#) application, which will be subject to review and approval by the 911 Addressing Coordinator or the [Development Coordinator](#). Street names shall be approved prior to the plat being recorded with the [County](#). Addressing will be assigned by the 911 Addressing Coordinator after the [Final Plat](#) has been recorded (refer to [Sec. 7.2.2](#)).

### Sec. 5.3. Subdivision with Gated Entries and Private Streets

#### Sec. 5.3.1. General Provisions

- A. The general provisions of these [Subdivision Regulations](#) as they relate to land development, roads, and utilities will apply to a gated or private street development.
- B. All streets within a gated community shall be [Private Streets](#).
- C. All [Cul-de-Sacs](#), [Local Streets](#) and [Collector Streets](#) shall be designated as private streets and will comply with the provisions of this section.
- D. [Private Streets](#) shall be constructed to the County's [Street Design Criteria](#) in [Sec. 5.2.2](#) and [Street Construction Specifications](#) in [Sec. 5.2.3](#).
- E. A gated or private street subdivision will comply with the [Subdivision Design Standards](#) in [Section 5](#).

#### Sec. 5.3.2. Minimum requirements

- A. A [Private Street](#) must provide access for emergency vehicles, public and private utility maintenance and service personnel, the US Postal Service, and other government governmental employees in pursuit of their official duties.
- B. A [Private Street](#) that has an access control gate or cross arm must have a minimum uninterrupted pavement width of 24 feet at the location of an access control device. If an overhead barrier is used, it must be a minimum of 14 feet in height above the road surface.
- C. A [Private Street](#) that has an access control gate shall also provide a turnout or turnaround area outside the gated perimeter pursuant to the County's transportation design criteria and specifications.
- D. A [Private Street](#) that has an access control gate shall also provide a knox box subject to review and approval by the [County Fire Marshal](#).
- E. A [Private Street](#) that has an access control gate shall also provide two stacking spaces (10 feet in width by 20 feet in length) dimensioned at the location of the keypad. Vehicles waiting to enter the private street development cannot stack in the public right-of-way.
- F. The [County Fire Marshal](#) or their designated representative shall approve the installation of access gates, which shall meet the [Rockwall County Fire Code](#) and the latest version of the International Fire Code adopted by the [County](#) for emergency operation. The type of gate or control access mechanism is also subject to review and approval by the County Fire Marshal and shall be maintained by the [Homeowners' or Property Owners' Association](#).
- G. A vehicular turn around shall be provided at entry gates to allow vehicles that have been denied entry the ability to exit without having to backup.
- H. All plans consisting of [Private Streets](#) shall be subject to review and approval by the [County](#).

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**Sec. 5.3.3. County Authority**

- A. All roads, gates, and other fire protection features, signage, and equipment must be repaired immediately if found to be in a condition of disrepair or inadequate for public access.
- B. In the event that at any time any gate does not promptly and automatically open for an emergency vehicle utilizing a traffic signal preemption device, the emergency responders shall be privileged to remove, disable or destroy any locking device, gate or piece of a gate in order to gain access. The **County** and its emergency providers will be held harmless from all claims or damages arising from the property or homeowners association's failure to maintain the gate to this standard or for the removal or destruction of such gates or devices.

**Sec. 5.3.4. Homeowners' or Property Owners' Association Required**

- A. A gated and **Private Street** must establish a **Homeowners' or Property Owners' Association** to own and maintain private streets and appurtenances in accordance with **Sec. 5.6**.
- B. The Homeowners' or Property Owners' Association documents shall:
  - 1. Establish a reserve fund for the maintenance of roads and other improvements; and
  - 2. Convey membership in the association and provide dues and assessments required by the association in property deeds.
- C. The **Homeowners' or Property Owners' Association** may not be dissolved without the prior written consent of the County. No portion of the association documents pertaining to the maintenance of the gated or **Private Street** may be amended without the written consent of the **County**.
- D. The association documents shall be reviewed and approved by the County to ensure that they conform to this and other applicable **County** standards. The legal documentation of the **Homeowners' or Property Owners' Association** shall be filed and recorded prior to the **Final Plat** being recorded with the County.

**Sec. 5.3.5. Construction of Utilities**

A gated or **Private Street Subdivision** shall comply with the **County's** platting procedures as contained in **Section 3 Subdivision Plats**. Water, sewer, drainage facilities, and signs placed within the **Private Street** and shall be installed to County standards in accordance with the County's **Subdivision Construction Procedures** contained in **Section 4**.

**Sec. 5.3.6. Minimum Plat Requirements**

- A. **Private Streets** shall be dimensioned, named, and designated as a common area, but not public right-of-way.
- B. The **Plat** shall show pre-existing easements unaffected by the platting process.
- C. The **Plat** shall provide utility and drainage easements containing utilities or drainage improvements.
- D. The **Plat** shall provide an access easement for utility service providers, safety and emergency services, postal service, and any other service personnel that may need to access the development to perform routine maintenance.
- E. The notes in **Sec. 3.1.5.D.5.a** shall be included on the **Plat**.

**Sec. 5.3.7. Conversion of Private Streets to Public Streets**

- A. Should the **County** elect to accept the roads as public, the **County** may inspect the **Private Streets** and assess the **Homeowners' or Property Owners' Association** or lot owners for the expense of needed repairs concurrent with the County's acceptance of the roads and alleys. The **County** will be the sole judge of whether repairs are needed.
  - 1. Per **TLGC Section 253.003**, the **Commissioners Court** may propose to assess all or part of the costs of the improvement pro rata against the record owners of the real property of the subdivision.
- B. The **Homeowners' or Property Owners' Association** documents (if applicable) shall allow the association to request the County accept private streets and alleys and the associated property as public streets and **Right-of-Way** upon written notice to all association members and to convey the same to the **County** upon the consent by written signatures of the owners of seventy-five (75) percent of the affected lots on the road. However, in no event shall the County be obligated to accept said **Private Street** as public.
- C. The **County** may also require, at the **Homeowners' or Property Owners' Association's** expense, the removal of guard booths, access control devices, landscaping or other aesthetic amenities located within the road. The association documents shall provide for the County's right to such assessment. Those portions of the association documents pertaining to the subject matter contained in this paragraph shall not be amended without the written consent of the County.

## Sec. 5.4. Lot Type and Design

### Sec. 5.4.1. Minimum Lot Size

The minimum lot size shall be limited to 1.5 acres if an on-site sewage facility is planned for the lot. The minimum lot size shall not include any [Right-of-Way](#), drainage easement, utility easement or floodplain area.

### Sec. 5.4.2. Lot with an OSSF System

A [Subdivider](#) must comply with the [On-Site Sewage Facility Rules and Regulations](#) contained in [Sec. 7.7.3](#) and will apply for a site development permit in accordance with [Section 7 Site Development Permit](#).

### Sec. 5.4.3. Lot Frontage

- A. Pursuant to the authority of [TLGC Section 232.103](#), the [County](#) may require a minimum lot frontage of one hundred and fifty (150) feet along an existing County road.
- B. Residential lots may only front onto a [Minor Arterial](#) or [Principal Arterial](#) provided that such lot is a minimum of one hundred and fifty (150) feet in width or greater at the building setback line and contains a circular access drive with head-out egress subject to review and approval of the [Commissioners Court Engineering Representative](#). Otherwise, primary access shall be restricted along the arterial street and access shall be provided through means of a [Local Street](#) or a [Collector Street](#) (refer to [Table 5.2-1: County Street Types](#)).
- C. It is recognized that certain nonresidential developments may contain lots that cannot achieve access to a public street. The [Commissioners Court](#) may grant a waiver if adequate access including required fire lanes are provided through a non-revocable dedicated public access easement from a public street.

### Sec. 5.4.4. Lot Arrangement

- A. Residential lots shall be platted to provide two-tiers of residential lots where single family residential lots back up to the rear of another residential lot, undeveloped tract of land or open space and fronts onto a [Local Street](#) or [Collector Street](#).
- B. Double frontage lots shall adhere to a front building setback in accordance with [Table 5.4-1: Building Setbacks from Roadways](#) along both street frontages. Lots shall be subject to the minimum lot frontage requirement in [Sec. 5.4.3.B](#), if one side of the lot is fronting a [Minor Arterial](#) or [Principal Arterial](#).

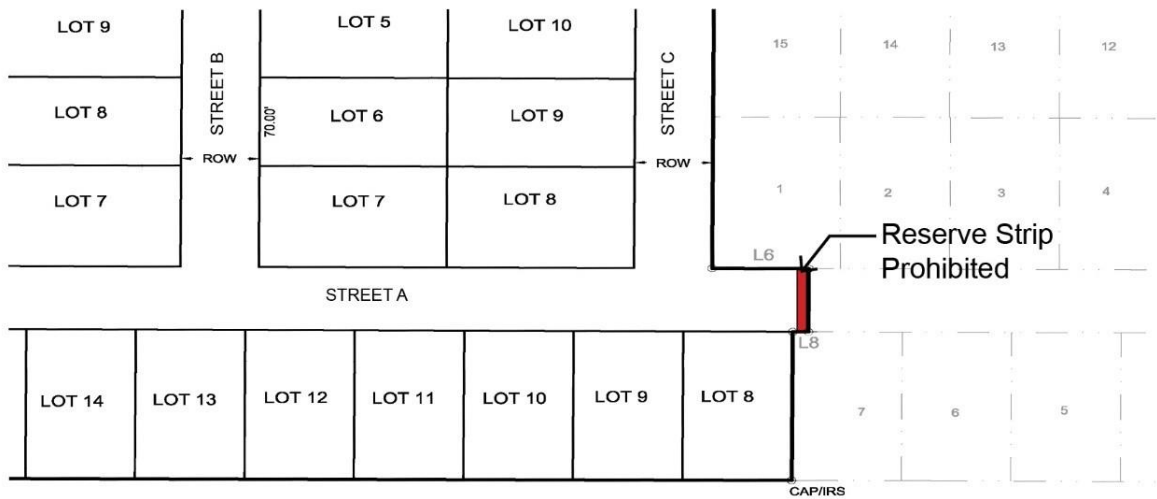
### Sec. 5.4.5. Lot Lines

- A. Side lots lines should normally be at a ninety (90) degree angle to the street.
- B. All straight lines shall clearly show the length of the line and the plat shall show enough information to readily determine the bearing of all lot lines.
- C. All curved lot lines shall clearly show the length of the arc and the radius of the curve or show enough information on the plat to readily determine the radius of the curve.

**Sec. 5.4.6. Prohibition of Reserve Strips**

- A. A [Subdivision](#) or addition showing a [Reserve Strip](#), which is intended to block or control access to public right-of-way or an adjoining property, shall be prohibited. Refer to [Figure 5.4-1](#).
- B. The intent of this provision is to encourage connectivity and to allow for the continuation of roadways to undeveloped parcels that may be developed in the future, and to prevent a property owner from landlocking an undeveloped parcel by limiting its access to public right-of-way.
- C. The [Development Coordinator](#) and the [Commissioners Court](#) will have the final discretion on whether a reserve strip is or is not being provided with the subdivision.

**FIGURE 5.4-1: EXAMPLE OF A RESERVE STRIP**



**Sec. 5.4.7. Flag Lots**

- A. A flag lot smaller than two (2) acres is prohibited unless a [Subdivision Waiver](#) that meets the conditions below is approved by the [Commissioners Court](#):
  - 1. The proposed lot configuration is needed to abate an unusual property accessibility constraint not created by the [Applicant](#),
  - 2. The property has acute topographical conditions and constraints, or
  - 3. The unusual adjacent property boundary configuration constrains the arrangement of an otherwise standard lot configuration.
- B. The [Commissioners Court](#) may grant a [Subdivision Waiver](#) to allow a flag lot provided the following conditions are met:
  - 1. The [Subdivision Waiver](#) does not circumvent the normal platting of streets for public and emergency access;
  - 2. The [Subdivision Waiver](#) does not prevent the extensions of streets to adjacent unsubdivided property;
  - 3. The lot frontage is no less than seventy-five (75) feet in width along the frontage of an existing County road or curves in a road; and

4. The tracts of land included in the subdivision or adjoining properties are not landlocked or limited in access to public right-of-way.

**Sec. 5.4.8. Building Setbacks**

Pursuant to the authority granted in [TLGC Section 232.104](#) and [TLGC Section 233.032](#), building setback lines shall be fifty (50) feet from the edge of the right-of-way on all major highways and roads, and twenty-five (25) feet on all public streets other than major highways and roads in accordance with [Table 5.4-1: Building Setbacks from Roadways](#).

**TABLE 5.4-1: BUILDING SETBACKS FROM ROADWAYS**

STREET TYPE	MIN. BUILDING SETBACK
Principal Arterial	50'
Minor Arterial	50'
Collector	50'
Local Street	25'

**Sec. 5.5. Mailboxes**

**Sec. 5.5.1. Community Mailboxes**

Clustered and community mailboxes are encouraged whenever possible to reduce collision hazards.

**Sec. 5.5.2. Mailbox Placement**

A mailbox shall generally be placed at least forty-one (41) inches and no more than forty-five (45) inches above the ground and no part of the mailbox may be closer than eight (8) inches behind the back of the curb (refer to [Figure 5.5-1](#)).

**Sec. 5.5.3. Mailbox Requirement**

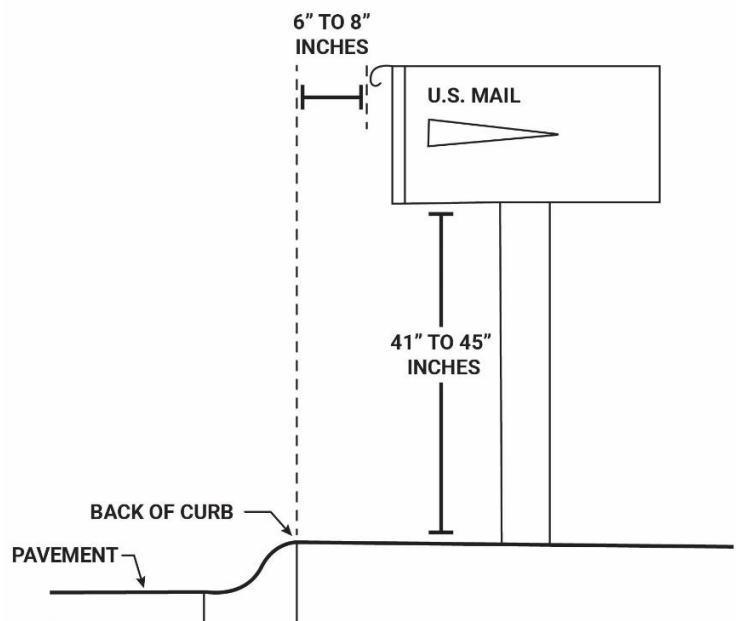
It shall be the responsibility of the [Developer](#) or property owner to contact the local post office to ensure the placement of a single or community mailbox follows the requirements of the United States Post Office.

**Sec. 5.5.4. Conflicting Provisions**

If standards for mailboxes set forth by the Texas Department of Transportation conflict with those of the Post Office, the more stringent of the two shall apply.

**Sec. 5.5.5. Site Development Permit Required**

A [Culvert, Driveway and Right-of-Way Construction Permit](#) (refer to [Sec. 7.8](#)) is required for the installation of a mailbox or clustered mailbox.



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## Sec. 5.6. Formation of Homeowners' or Property Owners' Associations

### Sec. 5.6.1. Applicability

- A. When a [Subdivision](#) contains common areas, private streets or improvements not intended to be owned and maintained by the [County](#), a [Homeowners' or Property Owners' Association](#) shall be created, and the duties and responsibilities shall be established in a declaration consistent with State laws.
- B. As a substitute for creating a [Homeowners' or Property Owners' Association](#), a special district may be created to accept the dedication and maintenance responsibilities of any roads or common areas.

### Sec. 5.6.2. Dedication

The common areas shall be shown on the [Preliminary Plat](#) or [Final Plat](#) along with an adequate form for dedication thereof. This dedication form shall:

- A. Save the title to common area properties for the benefit of the [Homeowners' or Property Owners' Association](#); and
- B. Express a definite undertaking by the Subdivider to convey the common properties to the [Homeowners' or Property Owners' Association](#).

### Sec. 5.6.3. Membership

A [Homeowners' or Property Owners' Association](#) shall be an incorporated organization operating under recorded land declarations through which:

- A. Each lot owner in a described land area is automatically a member; and
- B. Each lot is automatically subject to a charge for a proportionate share of the expenses for the [Homeowners' or Property Owners' Association's](#) activities, such as maintenance of common areas, common open spaces or the provision and upkeep of common recreational facilities.

### Sec. 5.6.4. Legal Requirements

To ensure the establishment of a permanent [Homeowners' or Property Owners' Association](#), including its financing and the rights and responsibilities of the homeowners in relation to the use, management and ownership of common areas, the [Subdivision](#) plat, dedication documents, covenants, and other recorded legal agreements must:

- A. Legally create an automatic membership into a [Homeowners' or Property Owners' Association](#);
- B. Place title to the common areas with the [Homeowners' or Property Owners' Association](#) or give definite assurance that it automatically will be so placed within a reasonable, definite time;
- C. Place responsibility for operation and maintenance of the common areas in with the [Homeowners' or Property Owners' Association](#);
- D. Provide for or place an association charge or assessment on each lot in a manner that will ensure enough association funds to maintain the common areas or improvements;
- E. Identify the land area within the association's jurisdiction including, but not limited to, the following:

1. The property to be transferred to public agencies;
2. The individual residential lots;
3. The common properties to be transferred by the [Developer](#) to the [Homeowners' or Property Owners' Association](#); and
4. Other parcels.

**Sec. 5.6.5. Protective Covenants**

Protective covenants shall be developed that shall make the [Homeowners' or Property Owners' Association](#) responsible for, including, but not limited to, the maintenance and operation of all common areas, and include provisions for assessments, to be enforced by lien.

**Sec. 5.6.6. Procedure**

Prior to filing the plat, the subdivider shall:

- A. Draft the articles of incorporation of the [Homeowners' or Property Owners' Association](#), its bylaws, and the restrictive covenants;
- B. Submit draft articles, bylaws, and covenants to the [Development Coordinator](#);
- C. Create the appropriate legal entity following approval;
- D. Record approved covenants at the County Clerk's office, which automatically make every lot owner a member of the association, give him/her the right to use the common areas, and establish their voting rights and their obligations to pay assessments; and
- E. Provide evidence of the recorded articles, bylaws, and the restrictive covenants prior to [Final Plat](#) approval.

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## Sec. 5.7. Drainage Standards

### Sec. 5.7.1. Applicability

All drainage must be designed in accordance with generally accepted engineering standards subject to review and approval by the [Commissioners Court Engineering Representative](#).

### Sec. 5.7.2. Maintenance Responsibility

The [County](#) does not provide maintenance for drainage or drainage easement that are located on private property or without an express order of the [Commissioners Court](#).

### Sec. 5.7.3. Drainage Capacity

- A. Bar ditches shall be designed to carry a ten (10) year frequency runoff;
- B. Cross road culverts shall be designed to carry a twenty-five (25) year frequency runoff;
- C. Drainage channels shall be designed to carry a one hundred (100) year frequency runoff;
- D. The entire subdivision shall be designed so that no flooding of buildings will occur with a one hundred (100) year frequency runoff.

### Sec. 5.7.4. Topography

Streets should conform to existing topography to promote suitable drainage.

### Sec. 5.7.5. Natural Drainage

Streets should follow natural drainage patterns to form a collection system for surface waters.

### Sec. 5.7.6. Drainage Easements

- A. The area identified as a drainage easement will be subtracted from the raw lot size in determination of acceptable lot size for construction.
- B. Drainage easements shall generally be located along the existing drainage way, and shall meet the following standards:
  - 1. Open channels with top widths from zero (0) to fifty (50) feet require top width plus twenty-five (25) feet;
  - 2. Open channels with top widths greater than fifty (50) feet require top width plus twenty-five (25) feet on each side;
  - 3. Enclosed pipes require twenty (20) feet minimum width; and
  - 4. All easements shall be designed to allow maintenance equipment to enter the easement and perform the necessary work.

### Sec. 5.7.7. installation of Culverts

#### A. Review Process

- 1. [Culverts Within a Subdivision](#) will be reviewed by the County with the submission of [Drainage Plans](#) (refer to [Sec. 5.7.9](#)).
- 2. [Culverts Along a County Road](#) will require a [Culvert, Driveway and Right-of-Way Construction Permit](#) (refer to [Sec. 5.7.7.C](#)).

#### B. Culverts Within a Subdivision

1. Culverts shall be designed and sized by a registered professional engineer and a map or list designating the size and location of all culverts including driveway culverts will be provided with the submission of [Drainage Plans](#) (refer to [Sec. 5.7.9](#)).
2. The subdivider shall be responsible for notifying builders and lot owners of this requirement and ensuring that they are designed and installed properly.
3. Drainage ditches shall be seeded or sodded within fourteen (14) days of final grading. All erosion control measures will be maintained in good working order. Disposal areas and stockpiles shall not be in any wetland, water body or streambed. The contractor shall clean paved surfaces as necessary to remove sediment that has accumulated on the roadway. The [County](#) reserves the right to inspect any construction site and require changes to a storm water pollution prevention plan if the site is causing pollution to the environment.
4. In subdivisions, where drainage culverts and channels are placed on sides of the street, the [Developer](#) shall install signs to prohibit and restrict the stopping, standing, or parking of a vehicle to allow for free movement of traffic and limit the obstruction of drainage patterns.

**C. Culverts Along a County Road**

1. A property owner proposing to install a culvert along a County road must receive approval of a [Culvert, Driveway and Right-of-Way Construction Permit](#) (refer to [Sec. 5.7.7.C](#)).
2. The County will conduct an initial site visit to inform the property owner of the appropriate diameter size, material type and construction standard for the culvert.
  - a. A property owner may not install a culvert along a County road before the County conducts the initial site inspection.
3. The County will conduct a second site visit to ensure that the culvert was sized and installed appropriately satisfying the County's standards.
4. The property owner will be responsible for all culvert maintenance and installation costs.
5. The County is authorized to charge an inspection fee for the initial, second, and subsequent site inspections.

**Sec. 5.7.8. Detention and Retention Ponds**

The [Commissioners Court](#) and the [Commissioners Court Engineering Representative](#) may require on-site detention, if the Preliminary Drainage Plan shows any significant change in runoff that could adversely impact the subject property and adjacent properties due to the proposed development.

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**Sec. 5.7.9. Drainage Plans**

**A. Preliminary Drainage Plan**

1. A preliminary drainage plan will be provided with a [Preliminary Plat](#).
2. The [Commissioners Court Engineering Representative](#) may waive the requirement for a preliminary drainage plan if:
  - a. The development is not anticipated to cause any significant change in runoff characteristics from a previously accepted drainage study; or
  - b. The development is situated within an area of the County where no drainage problems are anticipated.
3. A preliminary drainage plan will comply with the criteria in [Sec. 4.2.5.B](#).

**B. Drainage Plan Included with Construction Plans**

1. A drainage plan is required as part of the construction plan application (refer to [Sec. 4.2.4](#)).
2. [Construction Plans](#) must be approved before the [Developer](#) constructs any drainage facilities.
3. Construction plans are submitted to the [County](#) after a [Preliminary Plat](#) application is approved.
  - a. Refer to [Sec. 4.2 Construction Plans](#) to review the construction plan review process and refer to [Figure 2.4-2](#) to view graphic overview of the County's platting process, including the construction of [Public Improvements](#).

**C. Drainage Construction Plans**

[Drainage Plans](#) are also required with the construction plan application. Refer to [Sec. 4.2 Construction Plans](#).

**Sec. 5.7.10. Completion of Drainage Facilities Prior to Roadway Acceptance**

Roadways will not be accepted for maintenance by the [County](#) until all stormwater management facilities have been constructed per the specifications of the [Construction Plans](#) approved by the [Commissioners Court Engineering Representative](#) and/or the [Commissioners Court](#).

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## Sec. 5.8. Floodplain Management

### Sec. 5.8.1. Floodplain Management Court Order

The latest version of the Floodplain Management Court Order, adopted and as amended by the [Commissioners Court](#), shall be incorporated into these subdivision regulations. Copies of the latest Floodplain Management Court Order can be obtained from the [Development Coordinator](#).

### Sec. 5.8.2. Compliance

- A. No building or structure shall be erected in any of portion of the designated floodplain until the [Applicant](#) has received approval of a Floodplain Development Permit in accordance with [Sec. 7.2.2](#).
- B. A subdivision plat will provide the criteria required in [Sec. 3.1.4 Subdivisions Located in or Adjacent to a Floodplain](#).
- C. A lot in a FEMA-designated [Areas of Special Flood Hazard](#) shall not be platted until the [Applicant](#) has received approval of a floodplain development permit in accordance with [Sec. 7.2.2](#) and a LOMR (Letter of Map Revision) has been received from FEMA.

### Sec. 5.8.3. Floodplain Development Permit

Development in [Areas of Special Flood Hazard](#) is prohibited. Any development in the floodplain requires a [Floodplain Development Permit](#) in accordance with [Sec. 7.9](#).

## Sec. 5.9. Water and Wastewater Services

### Sec. 5.9.1. Purpose

- A. This section shall ensure that adequate water and wastewater is available to serve the proposed development. The [Developer](#) shall be required to submit water and wastewater plans and a certified letter from the utility service provider to show that the development can be furnished with required water and wastewater utilities. Refer to minimum plan criteria for water ([Sec. 4.2.5.C](#)) and wastewater ([Sec. 4.2.5.D](#)) plans.
- B. The [County](#) will not provide maintenance for water or wastewater facilities located on private property. All water and wastewater utilities shall be situated within a private easement on private property to be maintained either by the utility provider or the property owner.
- C. Water and wastewater services will not be permitted in the public right-of-way or on County maintained property unless it is approved by the [Commissioners Court](#) through a court order (refer to [Sec. 7.8 Culvert, Driveway and Right-of-Way Construction Permit](#)).

### Sec. 5.9.2. Minimum Water and Wastewater Requirements

- A. All subdivisions shall provide plans for water and wastewater distribution systems connected to either a public water or wastewater supply corporation, or privately owned water (individual well) or wastewater system (on-site sewage facility) in conformance with all applicable [County](#) regulations.
- B. In the absence of specific standards, all water supply, distribution, pumping, and storage improvements shall be designed in accordance with the most current criteria included in the [Texas Administrative Code, Chapter 290](#).
- C. The [County](#) may reject a plat if it finds that the Subdivision will not have adequate water or wastewater services or that the proposed system will negatively impact the existing supply or distribution.

### Sec. 5.9.3. Ground Water Certification

Per [Texas Administrative Code Title 30, Chapter 230.3](#), if water is not provided by a service provider (such as a city, water district, etc.) then groundwater certification is required. The Texas Commission on Environmental Quality by rule shall establish the appropriate form and content of a certification to be attached to a plat application under this section.

#### A. Certification Criteria

The certification required by [Texas Administrative Code Title 30, Chapter 230.3](#) must be prepared by a Texas licensed professional engineer or a Texas licensed professional geoscientist.

#### B. Submission of Information to External Agencies

The Texas Commission on Environmental Quality, in consultation with the Texas Water Development Board, by rule shall require a person who submits a plat application and intends to use groundwater to submit to the Texas Water Development Board and any Groundwater Conservation District a copy of the subdivision plat and any other information that would be useful in:

1. Performing groundwater conservation district activities;
2. Conducting regional water planning;

3. Maintaining the state's groundwater database; or
4. Conducting studies for the state related to groundwater.

**C. Submission to the County**

The **Applicant** shall submit to the **County** a copy of the Groundwater Certification for the area reflected in the subdivision plat obtained from the Texas Water Development Board or the Groundwater Conservation District.

**Sec. 5.9.4. Fire Suppression Systems**

Per **TLGC Section 233.061**, the **Commissioners Court** may adopt a fire code. The subdivider is responsible with complying with the **Rockwall County Fire Code**.

**A. Fire Hydrants**

1. If fire hydrants are provided, fire hydrants shall be spaced no greater than five hundred (500) feet apart for a residential development and spaced no greater than three hundred (300) feet apart for a nonresidential development.
  - a. Alternative spacing may be approved by the **County Fire Marshal**.
  - b. Fire hydrants provided for residential uses shall conform to the standards of the water service provider.
  - c. If fire hydrants are provided, fire hydrant shall be placed at the entrance of all cul-de-sacs.

**B. Limited Fire Suppression System**

1. Per **TLGC Section 232.109**, a subdivision that is not served by fire hydrants as part of a centralized water system certified by the Texas Commission on Environmental Quality as meeting minimum standards for water utility service, the Commissioners Court may require a limited fire suppression system that requires a **Developer** to construct:
  - a. For a subdivision of fewer than fifty (50) houses: 2,500 gallons of storage; or
  - b. For subdivision of fifty (50) or more houses: 2,500 gallons of storage with a centralized water system or 5,000 gallons of storage.
2. A limited fire suppression system shall only be used in circumstances in which the subdivision is not within a reasonable proximity to tap into a public water system to provide fire hydrants, subject to review and approval of the Commissioners Court.

**Sec. 5.9.5. Preliminary Water and Wastewater Plan**

**A. Applicability**

Concurrent with the submission of a [Preliminary Plat](#) (refer to [Sec. 3.2](#)) in which the modification or extension of public utilities is proposed, the [Developer](#) shall submit a preliminary water and wastewater plan showing the location and size of water and wastewater utility mains that will provide adequate service to the lots shown on the plat.

**B. Exceptions**

Preliminary utility plans are not required for private water (individual well) or wastewater system (on-site sewage facility), however the subdivider is responsible for providing to the [County](#) with a plat application the [Ground Water Certification](#) (refer to [Sec. 5.9.3](#)) from the responsible agencies to show proof of water services and receive approval of an [On-Site Sewage Facility \(OSSF\) Permit](#) (refer to [Sec. 7.2.2](#)) to show proof of wastewater services.

**C. Plan Criteria**

A preliminary water and wastewater plan shall comply with the provision of this section and shall show the criteria required in [Sec. 4.2.5](#).

**D. Construction of Water and Wastewater Facilities**

[Construction Plans](#) must be approved before the [Developer](#) constructs water and wastewater facilities. Construction plans can be submitted to the [County](#) after a [Preliminary Plat](#) application is approved. Refer to [Sec. 4.2 Construction Plans](#) to review the construction plan review process and refer to [Figure 2.4-2](#) to view a graphic overview of the County's platting process including the construction of [Public Improvements](#).

**Sec. 5.9.6. Water and Wastewater Construction Plans**

Water and wastewater plans are also required with the construction plan application. Refer to [Sec. 4.2 Construction Plans](#).

## Sec. 5.10. Apportionment of County Infrastructure Costs

The following section is adopted into the [County](#) Subdivision Regulations pursuant to the authority of [TLGC Section 232.110](#).

### Sec. 5.10.1. Developer's Portion of the Costs of County Infrastructure Improvements

- A. The [County](#) requires, including under an agreement under Chapter [242](#), as a condition of approval for a property development project that the developer bear a portion of the costs of [County Infrastructure](#) improvements by the making of dedications, the payment of fees, or the payment of construction costs.
- B. The developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter [1001](#), Occupations Code, and is retained by the [County](#).
- C. The [County's](#) determination shall be completed within thirty days following the submission of the developer's application for determination under this subsection.

### Sec. 5.10.2. Developer Dispute and Appeal to Commissioner Court

- A. A developer who disputes the determination made under Subsection [Sec. 5.10.1](#) may appeal to the [Commissioners Court](#).
- B. At the appeal, the developer may present evidence and testimony under procedures adopted by the [Commissioners Court](#).
- C. After hearing any testimony and reviewing the evidence, the [Commissioners Court](#) shall make the applicable determination within 30 days following the final submission of any testimony or evidence by the developer.

### Sec. 5.10.3. Appeal of Commissioner Court Determination

A developer may appeal the determination of the [Commissioners Court](#) to a [County](#) or district court of the [County](#) in which the development project is located within 30 days of the final determination by the [Commissioners Court](#).

### Sec. 5.10.4. Requiring Waivers Prohibition

The [County](#) may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.

### Sec. 5.10.5. Costs and Fees

A developer who prevails in an appeal under this section is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees.

### Sec. 5.10.6. Miscellaneous

- A. This [Sec. 5.10](#) does not diminish the authority or modify the procedures specified by Chapter [395](#).
- B. This [Sec. 5.10](#) does not increase or expand, and shall not be interpreted to increase or expand, the authority of the [County](#) to regulate plats or subdivisions under this chapter.

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## Section 6. SUBDIVISION RELIEF PROCEDURES

### Sec. 6.1. Subdivision Waiver

#### Sec. 6.1.1. Purpose

A [Subdivision Waiver](#) may be granted by the [Commissioners Court](#) if the requirement requested is in harmony with the general purpose and intent of these [Subdivision Regulations](#) so that the public health, safety and welfare is secured.

#### Sec. 6.1.2. Applicability

A [Subdivision Waiver](#) grants the property owner relief of one or multiple provisions of these [Subdivision Regulations](#) with either a [Plat](#) or construction plan application. A petition for a subdivision waiver can be submitted with the initial submittal of the following applications:

- A. Preliminary plat (refer to [Sec. 3.2](#));
- B. Final plat (refer to [Sec. 3.3](#));
- C. Amending plat (refer to [Sec. 3.4](#));
- D. Plat vacation (refer to [Sec. 3.5](#));
- E. Replat (refer to [Sec. 3.6](#));
- F. Construction plans (refer to [Sec. 4.2](#)).

#### Sec. 6.1.3. Notice of Public Hearing

The [Development Coordinator](#) will issue a written notice by mail to the property owners of lots located within two hundred (200) feet of the subject property based on the most recently approved County tax roll upon which the property reflected in the application is located. Refer to [Sec. 3.1.3](#) for issuance procedures and notice content.

#### Sec. 6.1.4. Request Procedures

The [Applicant](#) must submit with an application a written request for the [Subdivision Waiver](#). No subdivision waiver may be considered or granted unless the applicant has made such written request.

#### Sec. 6.1.5. Approval Criteria

##### A. Consideration Factors

No [Subdivision Waiver](#) shall be granted unless the [Commissioners Court](#) finds:

1. That there are special circumstances or conditions affecting the land involved or other physical conditions of the property such that the strict application of the provisions of these [Subdivision Regulations](#) would deprive the [Applicant](#) of the reasonable use of their land;

2. That the [Subdivision Waiver](#) is necessary for the preservation and enjoyment of a substantial property right of the [Applicant](#) and that the granting of the [Subdivision Waiver](#) will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and
3. That the granting of the [Subdivision Waiver](#) will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of these [Subdivision Regulations](#).

**B. Supporting Documentation**

1. The [Applicant](#) must demonstrate the burden that the subdivision provision imposes on the application by providing proof to the [County](#).
2. Any falsification of information by the [Applicant](#) shall be cause for the [Subdivision Waiver](#) request to be denied.

**Sec. 6.1.6. Action by the Commissioners Court**

The Commissioners Court shall:

- A. Review the findings of the [Development Coordinator](#) documented in the staff report and determine whether the petition of a subdivision waiver is warranted based on the [Approval Criteria](#) in [Sec. 6.1.5](#) and whether it complies with the intent stated in [Sec. 6.1.1](#);
- B. Act within thirty (30) calendar days following the date the application has passed the completeness check (refer to [Sec. 2.3.1.A](#)), unless the applicant submits a [Waiver of Right to 30-Day Action](#) as outlined in [Sec. 2.2.4](#).
  1. If no decision is rendered by the [Commissioners Court](#) within the thirty (30) day period as described above or such longer period as may have been agreed upon, the final plat, as submitted, shall be deemed approved by the Commissioners Court.
- C. Take one of the following actions with the reason(s):
  1. Approve the subdivision waiver with or without conditions; or
  2. Deny the subdivision waiver with petition deficiencies.

**Sec. 6.1.7. Effects of Approval**

Following the granting of a [Subdivision Waiver](#), the [Applicant](#) may submit or continue the processing of a [Plat](#) or [Construction Plans](#), as applicable.

**Sec. 6.1.8. Expiration**

The [Subdivision Waiver](#) granted shall remain in effect for the period the [Plat](#) or [Construction Plans](#) are in effect and shall expire upon expiration of either or both of those applications.

**Sec. 6.1.9. Extensions**

Extension of those applications shall also result in extension of the [Subdivision Waiver](#).

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## Sec. 6.2. Subdivision Proportionality Appeal

### Sec. 6.2.1. Purpose

A property owner may submit a subdivision proportionality appeal to exempt a subdivision from either the dedication of land for an existing/future public facility or the construction of a public facility required by these [Subdivision Regulations](#). The [Commissioners Court](#) may grant approval of the appeal if there is a disproportionate burden on the property owner. The [County](#) shall take into consideration the impact of the proposed development on the County's roadway and public facility systems to determine whether an appeal should be denied or approved.

### Sec. 6.2.2. Applicability

An [Applicant](#) may file a petition for relief under this [Sec. 6.2](#) to contest any requirement to dedicate land or to construct public improvements as required by these [Subdivision Regulations](#) with either a [Plat](#) or construction plan application.

### Sec. 6.2.3. Required Documentation

#### A. Written Request

The [Applicant](#) must submit with an application a written request for the subdivision proportionality appeal. No subdivision proportionality appeal may be considered or granted unless the applicant has made such written request.

#### B. Supporting Documentation

The [Applicant](#) shall provide a study in support of the petition for relief that addresses the following information:

##### 1. Capacity Utilized

- a. Total capacity of the County's water, wastewater, storm drainage, or roadway system to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development.
- b. If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed.

##### 2. Capacity Supplied

- a. Total capacity to be supplied to the County's water, wastewater, storm drainage, or roadway system by the proposed dedication of an interest in land or construction of public improvements.
- b. If the application is part of a phased development, the information shall include any capacity supplied by prior dedications or construction of public improvements.

**3. Other Information**

Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the dedication or construction requirement imposed by the [County](#).

**Sec. 6.2.4. Action by the Commissioners Court**

The [Commissioners Court](#) with support of the [Commissioners Court Engineering Representative](#) shall consider the following criteria in reviewing a subdivision proportionality appeal:

- A.** The [Commissioners Court](#) shall determine whether the application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed development on the County's water, wastewater, storm drainage, or roadway system, and whether the application of the standard or condition reasonably benefits the development.
- B.** In making such determination, the [Commissioners Court](#) shall consider the evidence submitted by the [Applicant](#) and the recommendation of the [Commissioners Court Engineering Representative](#) in the staff report.
- C.** The [Commissioners Court](#) shall determine whether the applicant bears the [Supporting Documentation](#) in [Sec. 6.2.3.B](#) to demonstrate that the application of a dedication or construction requirement that is uniformly applied imposes a disproportionate burden on the property owner.

**Sec. 6.2.5. Effects of Relief**

The [Development Coordinator](#) or the [Commissioners Court Engineering Representative](#) may require the [Applicant](#) to submit a modified application or supporting materials consistent with the relief granted by the [Commissioners Court](#).

**Sec. 6.2.6. Expiration**

The relief granted on the petition shall remain in effect for the period the application is in effect and shall expire upon expiration of the plat or related application.

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## Section 7. SITE DEVELOPMENT PERMIT

### Sec. 7.1. Authority

The site development standards are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically including [Chapter 232](#) (County Regulation of Subdivisions), [Chapter 233](#) (County regulation of Housing and Other Structures), [Chapter 243](#) (Municipal and County Authority to Regulate Sexually Oriented Business) of the Texas Local Government Code (TLGC), as amended and [Chapter 285](#) (On-Site Sewage Facilities) of the Texas Administrative Code.

### Sec. 7.2. Site Development Review Procedures

#### Sec. 7.2.1. Applicability

The development activities listed [Sec. 7.2.2 Summary of Permit Types](#) below require approval by the [County](#) prior to constructing or engaging in such development activities. The [Subdivider](#) is recommended to schedule a [Pre-Application Meeting](#) (refer to [Sec. 2.2.1](#)) to coordinate with the [Development Coordinator](#) and determine whether a development permit should be submitted before, concurrent with, or after the approval of a [Subdivision Plat](#). The [Construction or Expansion of a Residential Use Notice](#) does not constitute a permit, but will serve as a [County](#) notice requirement.

#### Sec. 7.2.2. Summary of Permit Types

A [Site Development Permit](#) is required for the following development activities:

##### A. 911 Addressing Permit

Official addresses are assigned to each lot created by a subdivision plat by the 911 Addressing Coordinator after a [Final Plat](#) has been recorded with the [County](#) and with the submittal of a [911 Addressing Permit](#). Refer to [Sec. 7.3](#) to view permit requirements.

##### B. Screening of Certain Nonresidential Uses Permit

A permit is required for an [Automotive Wrecking and Salvage Yard](#), [Demolition Business](#), [Flea Market](#), [Junkyard](#), or an [Outdoor Resale Business](#) to ensure compliance with the County's [Screening Requirements](#) for such uses. Refer to [Sec. 7.4](#) to view permit requirements.

##### C. Regulated Land Use Permit

A permit is required for sexually oriented land uses to ensure compliance with the County's [Location Restrictions](#) for such uses. Refer to [Sec. 7.5](#) to view permit requirements.

##### D. Manufactured Home Park Permit

A permit is required for a [Manufactured Home Park](#) to ensure compliance with [Manufactured Home Park Requirements](#) required by these [Subdivision Regulations](#). Refer to [Sec. 7.6](#) to view permit requirements.

##### E. On-Site Sewage Facility (OSSF) Permit

A permit is required for an on-site sewage facility to ensure compliance with the County's [On-Site Sewage Facility Rules and Regulations](#). Refer to [Sec. 7.7](#) to view permit requirements.

**F. Culvert, Driveway, and County Right-of-Way Improvement Permit**

A permit is required for any development activity in the [County](#) public right-of-way, such as culverts, driveways and utility installations. Refer to [Sec. 7.8](#) to view permit requirements.

**G. Floodplain Development Permit**

A permit is required for all construction or development within the floodplain or [Areas of Special Flood Hazard](#) within jurisdiction of Rockwall County. Refer to [Sec. 7.9](#) to view permit requirements.

**H. Commercial and Multifamily Building Permit**

A building permit is required for the construction or substantial improvement of a commercial, public, or multifamily building (consisting of four units or more) to ensure compliance with the [Rockwall County Fire Code](#). Refer to [Sec. 7.10](#) to view permit requirements.

**I. Construction or Expansion of a Residential Use Notice**

Notice is required for new residential construction as defined in [Sec. 7.11.3.A](#). Refer to [Sec. 7.11](#) to view permit requirements.

**Sec. 7.2.3. Application Processing**

A [Site Development Permit](#) will be subject to the application processing procedures in [Section 2 Administration and Review Procedures](#) specifically [Sec. 2.3.3 Review and Action for Development Permits](#).

**Sec. 7.2.4. Expiration**

A [Site Development Permit](#) or [County](#) authorization associated with the permit will expire one (1) year from the date the permit was approved by the County.

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## Sec. 7.3. 911 Addressing Permit

### Sec. 7.3.1. Purpose

A 911 addressing permit is required for a property owner or developer to receive an official 911 address for a lot from the County.

### Sec. 7.3.2. Applicability

A 911 addressing permit is submitted after a [Final Plat](#) is recorded with the County Clerk. Although preliminary street names are approved with the [Preliminary Plat](#), the official address for each lot created by a subdivision plat is not assigned until after the [Final Plat](#) is recorded with the County Clerk.

### Sec. 7.3.3. Official 911 Addresses

The [Applicant](#) is required to submit a list of street names and a set of alternative street names with the [Preliminary Plat](#) for the 911 addressing coordinator to review and reserve street names for the subdivision until the final plat is recorded. Official 911 addresses for each lot created by a subdivision will be assigned by the 911 addressing coordinator after the [Final Plat](#) is recorded with the County Clerk.

### Sec. 7.3.4. Required Documentation

The [Applicant](#) will submit with this permit application a copy of the recorded plat and any other information required on the permit application.

### Sec. 7.3.5. Action by the Decision-Making Authority

The [Development Coordinator](#) or the 911 addressing coordinator shall either:

- A. Approve the site development permit if the applicant provides the [Required Documentation](#) in [Sec. 7.4.4](#); or
- B. Deny the site development permit if the applicant does not provide the [Required Documentation](#) in [Sec. 7.4.4](#);

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## Sec. 7.4. Screening of Certain Non-Residential Uses Permit

### Sec. 7.4.1. Purpose

A site development permit is required for any [Automotive Wrecking and Salvage Yard](#), [Demolition Business](#), [Flea Market](#), [Junkyard](#), [Outdoor Resale Business](#), and [Recycling Business](#) for screening.

### Sec. 7.4.2. Authority

[TLGC Chapter 234.002](#) permits the [County](#) to require screening for any [Automotive Wrecking and Salvage Yard](#), [Demolition Business](#), [Flea Market](#), [Junkyard](#), [Outdoor Resale Business](#), or [Recycling Business](#) before a property owner develops, alters or expands such uses. A nonconforming establishment shall have twelve (12) months from date the subject property is cited for noncompliance by the [County](#) to bring such operating business into compliance with these standards.

### Sec. 7.4.3. Applicability

The following land uses shall be screened on all sides from view from the right-of-way and from adjacent residential property:

- A. Automotive wrecking and salvage yards;
- B. Demolition businesses;
- C. Flea markets,
- D. Junkyards;
- E. Outdoor resale businesses; and
- F. Recycling businesses.

### Sec. 7.4.4. Screening Requirements

A permit for the screening of certain nonresidential uses will be approved if the [Applicant](#) complies with the following requirements:

#### A. Screening Placement

A screening device shall be constructed and placed in a location that will screen the land use from view of public right-of-way and adjacent residential uses. The screening device shall be placed on all side and rear property lines where the land use abuts the existing residential uses. The screening cannot be placed in the public right-of-way or in [County](#) maintained property.

#### B. Screening Height and Materials

1. Screening devices shall be a minimum eight (8) feet in height.
2. The screening device shall achieve a solid barrier and can be one or a combination of the following materials masonry exterior finishing materials or wood fencing materials.

#### C. Screening Maintenance

The property owner shall be responsible for constructing, maintaining and repairing the required screening.

### Sec. 7.4.5. Required Plans

The [Applicant](#) shall provide a plan with the permit application showing the following items:

- A. The property boundary with bearings, distances and dimension of each property line;
- B. Existing and proposed structures;
- C. Internal circulation of the development such as fire lanes or accessways;
- D. Include the location and name of adjacent public right-of-way;
- E. A call out of existing residential land uses adjacent to the subject property; and
- F. The height, material and placement of the proposed screening on the subject property.

**Sec. 7.4.6. Action by the Development Coordinator**

The [Development Coordinator](#) shall either:

- A. Approve the site development permit if it complies with the [Screening Requirements](#) in [Sec. 7.4.4](#); or
- B. Deny the site development permit if it does not comply with the [Screening Requirements](#) in [Sec. 7.4.4](#).

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## Sec. 7.5. Regulated Land Use Permit

### Sec. 7.5.1. Purpose

A site development permit is required for a [Sexually Oriented Business](#) to ensure it complies with the minimum distance requirements from the establishments listed in [Sec. 7.5.3](#).

### Sec. 7.5.2. Authority

[TLGC Section 243.003](#) permits the [County](#) to establish location restrictions for sexually oriented land uses.

### Sec. 7.5.3. Location Restrictions

- A. No [Sexually Oriented Business](#) may be located within one thousand five hundred (1,500) feet from a:
  - 1. Child Care Facility,
  - 2. Church or place of worship,
  - 3. Dwelling,
  - 4. Hospital,
  - 5. Public park,
  - 6. Public building,
  - 7. School, or
  - 8. Building in which any type of alcoholic beverages is sold.
- B. Any [Sexually Oriented Business](#) must be at least one (1) mile from a penal institution as defined by the Penal Code, including a halfway house.
- C. Distance Measurements  
Measurements shall be made in a straight line from the nearest portion of the building used by the [Sexually Oriented Business](#) to the nearest portion of the building or facility listed in [Sec. 7.5.3.A](#).

### Sec. 7.5.4. Required Plans

The [Applicant](#) shall provide a plan with the site development permit application showing the following items:

- A. The property boundary with bearings, distances and dimension of each property line;
- B. The location and name of adjacent public right-of-way(s); and
- C. A call out with the approximate distances of the land uses listed in [Sec. 7.5.3.A](#) from the sexually oriented land use.

**Sec. 7.5.5. Action by the Development Coordinator**

The [Development Coordinator](#) shall either:

- A. Approve the site development permit if it complies with the [Location Restrictions](#) in [Sec. 7.5.3](#); or
- B. Deny the site development permit if it does not comply with the [Location Restrictions](#) in [Sec. 7.5.3](#).

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## Sec. 7.6. Manufactured Home Park Permit

### Sec. 7.6.1. Purpose

A site development permit is required for a [Manufactured Home Park](#) to ensure it complies with the County's [Manufactured Home Park Requirements](#) in [Sec. 7.6.6](#).

### Sec. 7.6.2. Authority

Per [TLGC Section 232.007](#), a [Manufactured Home Park](#) shall not be required to plat, but shall be required to provide adequate infrastructure to serve the development. An infrastructure development plan shall be submitted to show that the [Manufactured Home Park](#) complies with the [Minimum Standards](#) required by these subdivision regulations in [Sec. 4.1.1](#) and the [Manufactured Home Park Requirements](#) provided in [Sec. 7.6.6](#).

### Sec. 7.6.3. Purpose

The purpose of this Section is to achieve orderly [Manufactured Home Park](#) development to promote the use of land to ensure the best possible community environment and to protect and promote health, safety and general welfare of the residents of Rockwall County.

### Sec. 7.6.4. Certificate of Compliance Required

A utility provider shall not provide utility services to a [Manufactured Home Park](#), including water, sewer, gas, and electric services, unless the property owner provides the utility with a copy of the [Certificate of Compliance](#) issued by the [Development Coordinator](#). A Certificate of Compliance is issued after the property owner has provided plans and shown compliance with the County's [Minimum Standards](#) and after **the installation of the on-site sewage facility if the property owner is proposing to service the manufactured home park with an on-site sewage facility.**

### Sec. 7.6.5. Required Plans and Documentation

#### A. Certified Letter from the Utility Provider

##### 1. Water and Wastewater Services

The [Applicant](#) shall provide a ["Will Serve" Letter](#) from the water and wastewater utility providers with the [Site Development Permit](#) to show that minimum water (refer to [Sec. 4.1.1.B.1](#)) and wastewater ([Sec. 4.1.1.B.2](#)) services can be provided to each lot of the [Manufactured Home Park](#) as required by these [Subdivision Regulations](#) (refer to [Sec. 4.1.1](#)).

##### 2. Electrical Services

The [Applicant](#) shall provide a certified letter from the electric service provider with the permit application to show that electrical services can be provided to each lot or space proposed for the manufactured home park.

#### B. On-Site Sewage Facility Permit

The [Applicant](#) will apply for an [On-Site Sewage Facility \(OSSF\) Permit](#) (refer to [Sec. 7.7](#)) concurrently with a [Manufactured Home Park Permit](#) if the property owner is proposing to utilize an on-site sewage facility. The property owner will need to provide an on-site sewage facility study prepared in accordance with the County's rules and regulations. A [Certificate of Compliance](#) will be issued after the installation of the on-site sewage facility.

**C. 911 Addressing Permit**

The **Applicant** shall apply for a **911 Addressing Permit** after receiving approval of a **Manufactured Home Park Permit**.

**D. Tax Certificate**

The **Applicant** will provide a certified tax certificate from the Rockwall County Tax Assessor's Office to certify that there are no delinquent taxes on the **Manufactured Home Park**.

**E. Infrastructure Development Plan Set**

1. An infrastructure development plan set will consist of the following sheets:

- a. Roadway Plan including the elements required in **Sec. 4.2.5.A Roadway Plan**.
- b. Drainage Plan including the elements required in **Sec. 4.2.5.B Drainage Plans**.
- c. Water Plan including the elements required in **Sec. 4.2.5.C Water Plans**.
- d. Wastewater Plan including the elements required in **Sec. 4.2.5.D Wastewater Plans**.

2. The infrastructure development plan will comply with the following section of the subdivision regulations:

- a. Water and Wastewater Services (refer to **Sec. 5.9**);
- b. Drainage Standards (refer to **Sec. 5.7**);
- c. Floodplain Management (refer to Section **Sec. 5.8**); and
- d. Street Design Standards (refer to **Sec. 5.2.1**);

3. Infrastructure Development Plan Criteria

The infrastructure development plan set will address the following criteria:

- a. Show the location of existing and proposed water and wastewater mains;
- b. Provide the net lot size for each proposed lot if proposing to use an on-site sewage facility system (refer to **Sec. 7.7.3.C Minimum Land Area for an OSSF**);
- c. Drainage structures;
- d. Public access to the **Manufactured Home Park** and internal street circulation;
- e. Proposed parking;
- f. Location of the 100 year floodplain based on current FEMA FIRM maps and the base flood elevation (as required in **Sec. 3.1.4 Subdivisions Located in or Adjacent to a Floodplain**);
- g. Proposed property lines for each manufactured home lot;
- h. Existing and proposed easements;
- i. Location of on-site rental office building or other auxiliary buildings not associated with a residential manufactured home space;
- j. Each sheet will provide the following information:

- (i) Name, address and contact information of the surveyor or professional engineer who prepared the plan;
- (ii) Name, address, and contact information of the property owner;
- (iii) Contain the required notes for a private street subdivision as provided in [Sec. 3.1.5.D.5.a](#); and
- (iv) The following purpose statement in the notes section:  
*"A manufactured home park must provide the minimum infrastructure standards required by the Rockwall County Subdivision and Land Development Regulations but is not required to plat."*
- (v) Legal description of the property boundary; and
- (vi) Title block on the lower right-hand corner of the page including:
  - (1) Community name;
  - (2) Labeled as a "private street subdivision;"
  - (3) Legal description of the community;
  - (4) Acreage;
  - (5) Total number of lots; and
  - (6) Date the plan was prepared.

**Sec. 7.6.6. Manufactured Home Park Requirements**

**A. Street and Access Requirements**

1. Roads and streets shall be constructed to the County's minimum street standards provided in [Sec. 5.2.1](#) and shall be constructed to the County's street specifications provided in [0](#).
2. Roads shall be designed for safe and convenient flow of traffic within the manufactured home park and from adjacent public streets and will provide access for emergency vehicles to all individual lots.
3. Minimum right-of-way will comply with local street standards as provided in [Table 5.2-1: County Street Types](#).
4. There will be no direct ingress or egress to the [County](#) or State right-of-way or road from the [Manufactured Home Park](#) except through interior roadways.
5. Each manufactured home lot or space containing a manufactured home will front or have direct access onto a local street with safe and convenient access to such road.
6. Cul-de-Sacs will comply with the dimensions provided in [Sec. 5.2.2.G](#).
7. Dead-end streets are prohibited.
8. [Manufactured Home Parks](#) will provide adequate road access as provided in [Sec. 5.2.2.F](#).
9. The property owner of a [Manufactured Home Park](#) is responsible for providing and maintaining street signage in compliance with the [Manual on Uniform Traffic Control Devices](#).
10. Each space for a manufactured home or motor vehicle shall be a minimum area of sixteen (16) feet by twenty (20) feet.

**B. Fire Code Compliance**

A [Manufactured Home Park](#) is subject to the provisions of the [Rockwall County Fire Code](#).

**C. Building Setbacks**

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A [Manufactured Home Park](#) will comply with the building setbacks required in [Table 5.4-1: Building Setbacks from Roadways](#).

**D. Clustered Mailboxes**

An area for cluster mailboxes (U.S. Postal Service) shall be provided with the adequate off-street parking for the pick-up of mail and deliveries and property egress and ingress onto the road.

**E. Water, Sewer and Drainage Facilities**

It shall be the responsibility of the property owner to coordinate with the utility service provider to provide easements for proposed utilities. The property owner will comply with [Easement Dedication](#) requirements as provided in [Sec. 4.2.7](#).

**F. Drainage and Erosion Control**

Drainage and erosion control plans shall identify the drainage area and improvements intended to accommodate the runoff based on a 25-year storm frequency. Vegetative growth shall be established to prevent soil erosion within the manufactured home park and to maintain the integrity of the drainage system. Temporary erosion control methods shall be provided during the construction phase of the development until vegetative growth and or permanent erosion control facilities are established. Erosion control methods shall comply with generally accepted engineering standards and as approved by the Texas Department of Transportation.

**G. Subdivision Waiver Requests**

A [Subdivision Waiver](#) will be filed in accordance with the [Subdivision Relief Procedures](#) in [Sec. 6.1](#).

**Sec. 7.6.7. Action by the Development Coordinator**

The [Development Coordinator](#) shall either:

- A. Approve the site development permit if the [Applicant](#) provided the [Required Plans and Documentation](#) in [Sec. 7.6.5](#) and has shown compliance with [Manufactured Home Park Requirements](#) in [Sec. 7.6.6](#); or
- B. Deny the site development permit if the [Applicant](#) failed to provide [Required Plans and Documentation](#) in [Sec. 7.6.5](#) and show compliance with [Manufactured Home Park Requirements](#) in [Sec. 7.6.6](#).

**Sec. 7.6.8. Effect of Approval**

The [Development Coordinator](#) will issue a [Certificate of Compliance](#) after the installation of the on-site sewage facility if the property owner is proposing to service the [Manufactured Home Park](#) with an on-site sewage facility. The [Applicant](#) may continue with developing the manufactured home park in accordance with approved plans after the issuance of a [Certificate of Compliance](#).

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## Sec. 7.7. On-Site Sewage Facility (OSSF) Permit

### Sec. 7.7.1. Purpose

A site development permit is required for the installation of an on-site sewage facility (OSSF) to ensure it complies with the County's [On-Site Sewage Facility Rules and Regulations](#) in [Sec. 7.7.3](#).

### Sec. 7.7.2. Authority

Per the [Texas Administrative Code, Title 30, Subchapter B, Rule 285.10](#), the [County](#) may enforce more stringent standards than those required by TCEQ and contained in TAC, Title 30, Chapter 285. Lots served by a septic tank or OSSF shall conform to standards contained in this section and shall require an [On-Site Sewage Facility \(OSSF\) Permit](#).

### Sec. 7.7.3. On-Site Sewage Facility Rules and Regulations

#### A. Incorporation by Reference

The latest version of the on-site sewage facilities court order is hereby adopted by reference as it currently exists and may be amended by the [Commissioners Court](#) in the future. Copies of the latest on-site sewage facilities court order can be obtained from the [Development Coordinator](#).

#### B. Construction and Operation of an OSSF

1. A permit to construct and operate an OSSF must be obtained from the [County](#) prior to commencing the construction and installation of an OSSF.
2. The design, construction, and installation of any new OSSF will meet the minimum standards provided in the latest version of the on-site sewage facilities court order.

#### C. Minimum Land Area for an OSSF

No [Subdivision Waiver](#) will be granted for the minimum lot size requirement unless natural site conditions prohibit the accommodation of such lot area and the engineer or registered sanitarian can show that the OSSF system can operate without causing threat to the existing and proposed water supply, public health or cause pollution. A [Subdivision Waiver](#) will be subject to the decision of the [Commissioners Court](#) in accordance with [Sec. 6.1 Subdivision Waiver](#).

#### D. OSSF Location Restrictions

In no event shall an OSSF be installed within ten (10) feet of the lot or tract's property lines.

#### E. Discharge of OSSF

1. The effluent from an OSSF, whether using an aerobic or anaerobic treatment unit, must be discharged on site into a property designed with a constructed disposal system or allowed to be surface discharged in accordance with state law, policies and administrative rules established by TCEQ and the Texas Department of Health. There shall be no off-site discharge of effluent.
2. Injection wells, pit privies and cesspools used to dispose of sewage, and any system utilizing naturally or artificially produced holes, cavities or drilled wells to ease the disposal of sewage are specifically prohibited from being installed or licensed.

#### F. OSSF Installation Inspection

1. Each new OSSF shall be inspected and approved by the [County](#) prior to the final covering of the facility.
  - a. The [Applicant](#) or registered installer will notify the [County](#) at least five (5) business days before the date of when the inspection is needed.
  - b. The County inspector may require assistance from the applicant or registered installer when conducting the inspection.
  - c. The [Applicant](#) or the registered installer must be present during the inspection.
2. Following the OSSF installation inspection, the [County](#) will either issue or deny a license to operate an OSSF in accordance with [Sec. 7.7.3.G](#).

**G. Issuance of a License to Operate an OSSF**

1. The County Inspector shall issue a license to operate the OSSF within five (5) business days of the [OSSF Installation Inspection](#) in the following circumstances:
  - a. The [County Inspector](#) finds that the OSSF will not cause pollution, impact public health, or cause a nuisance in conflict with the County's rules and regulations; and
  - b. The owner of the OSSF has executed a maintenance contract and provided a copy of the maintenance contract in accordance with [Sec. 7.7.3.I Maintenance Contracts for an OSSF](#).
2. If the County Inspector does not issue a license to operate the OSSF, the County will notify the applicant within five (5) business days of the reason a license to operate was not issued.

**H. Duration of the License to Operate an OSSF**

1. A license to operate an OSSF will be issued for an indefinite period and can be transferred to the succeeding property owner contingent upon the prospective property owner providing the following items:
  - a. Proof of ownership;
  - b. A written statement that the OSSF has not been altered from its original construction and installation; and
  - c. Confirmation that the OSSF will be maintained in accordance with [Sec. 7.7.3.I Maintenance Contracts](#).
2. The repair, modification, or expansion of an existing OSSF will require a new OSSF permit.

**I. Maintenance Contracts for an OSSF**

**1. Maintenance Requirements**

Any person who owns the tract of land in which the OSSF is located is responsible for the maintenance of the OSSF treatment and disposal system in accordance with the following provisions.

- a. Sewage treatment and disposal systems shall always be maintained to prevent seepage or discharge of sewage or effluent to the surface of the ground or to the surface waters;
  - b. Sewage treatment and disposal systems shall be checked, and the content of the septic tank removed as often as is required to ensure proper operation of the system; and
  - c. All mechanical components shall always be maintained in properly functional condition.
-

**2. Requirement for a Maintenance Contracts**

Maintenance contracts will be required for the following types of systems:

- a. All systems utilizing pumps or siphons;
- b. Filtration systems;
- c. Aerobic Treatment Units;
- d. Drip emitter systems; and
- e. Any other component required by the [County](#).

**3. Execution of a Maintenance Contract**

A maintenance contract will be executed between the OSSF system owner and a professional maintenance company. A copy of the maintenance contract will be provided to the [County](#) before a license to operate is issued.

**4. Maintenance Contract Criteria**

The maintenance contract will address the following criteria:

- a. The OSSF system for which maintenance is being provided;
- b. The frequency in which the maintenance company will inspect the OSSF system and provide inspection results to the [County](#); and
- c. Confirmation that the maintenance company will inspect the OSSF system in accordance with state and County regulations.

**5. Noncompliance with Maintenance Requirements**

Failure to comply with the maintenance provisions of this section may result in the enforcement and penalties in [Sec. 7.7.4](#).

**J. Routine OSSF County Inspections**

The [County](#) may routinely inspect on-site sewage facilities to ensure continued compliance with the County OSSF rules and regulations. Property owners will be subject to [Enforcement and Penalties](#) in [Sec. 7.7.4](#) if noncompliance is determined by the County.

**K. Existing OSSF Systems**

An existing OSSF is not required to obtain a license to operate an OSSF unless the OSSF is a nuisance or is impacting public health in its existing conditions. In such circumstances, the owner of the OSSF will apply for an OSSF permit.

**Sec. 7.7.4. Enforcement and Penalties**

**A. Enforcement**

1. The **County** may inspect any OSSF that is reasonably believed to be causing pollution, a threat to the public health or nuisance conditions or is modified in a manner inconsistent with County's OSSF rules and regulations.
2. The **County** shall notify the owner in writing with the issues of the OSSF in that must be addressed to bring the OSSF in compliance with the County's OSSF rules and regulations. The County will give the property owner reasonable time to address the issue before the County conducts another inspection of the OSSF.
3. The property will either address the issues regarding the OSSF or provided by the **County** or will face criminal penalties in [Sec. 7.7.4 Enforcement and Penalties](#).

**B. Offense**

An offense under this section is a misdemeanor punishable by the standards set forth in [Sec. 7.7.4.C Criminal Penalties](#).

1. An offense is committed if a person who is not registered as an OSSF installer by the state of Texas installs an OSSF.
2. An offense is committed when a person constructs, alters, repairs or extends and OSSF without an OSSF permit.
3. An OSSF emergency repair is not considered an offense in the following circumstances:
  - a. The repair is made for the purpose of abatement of an immediate health hazard;
  - b. The repair meets minimum state construction standards;
  - c. The **County** is notified of the repair within forty-eight (48) hours of the emergency repair; and
  - d. The repair was inspected in accordance to the County's Inspection standards in [Sec. 7.7.3.F](#).

**C. Criminal Penalties**

An offense in [Sec. 7.7.4.B](#) is a misdemeanor punishable by a fine of no less than \$50 nor more than \$100 unless it is shown that the defendant has previously been convicted of a similar offense, in which case the offense is punishable by:

1. A fine no less than \$125 or more than \$5,000; or
  2. Confinement in jail for a period not to exceed one (1) month;
- Each day the violation occurs will constitute as a separate offense.

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**Sec. 7.7.5. Required Plans and Documentation**

**A. Required Plan**

The **Applicant** will provide a survey of the property or tract in which an OSSF is proposed with the following information:

1. Property boundary with bearings and distances of each property line;
2. Legal description of the property;
3. A location map;
4. North arrow and scale;
5. Title block on the lower right-hand corner of the page including:
  - a. Subdivision name (if applicable);
  - b. Legal description of the community;
  - c. Acreage;
  - d. Total number of lots; and
  - e. Date the plan was prepared.
6. Name, address and contact information of the surveyor or professional engineer who prepared the plan;
7. Name, address, and contact information of the property owner;
8. Proposed lots;
9. Existing and proposed structures;
10. Existing and proposed easements;
11. Location of the 100-year floodplain based on current FEMA FIRM maps and the base flood elevation (as required in [Sec. 3.1.4 Subdivisions Located in or Adjacent to a Floodplain](#));
12. Net acreage satisfying the minimum lot acreage in [Sec. 7.7.3.C Minimum Land Area for an OSSF](#);
13. Existing and proposed streets or access;
14. Surface waters;
15. Watersheds;
16. Existing and proposed private water supply (e.g., water wells);
17. Existing and proposed organized disposal systems;
18. Preliminary locations and distances between sewage generating units, disposal units, water wells, and lot boundaries;
  - a. These distances shall be shown between these items on each lot and to any existing or proposed water supply wells on adjacent lots;
19. The plan will show areas of the property where the groundwater table is less than six (6) feet below the surface as the surface exists or as it will be after grading and filing that may be required in the subdivision development.

**B. Supporting Information**

The **Applicant** will provide in a letter the following information:

1. Building type(s), maximum square footage for each building and number of bedrooms for each building;
2. Based on the maximum square footage and occupancy of the building noted in **Sec. 7.7.5.B.1**, the applicant will:
  - a. Provide average daily wastewater volume to be generated by the maximum construction size; and
  - b. Provide capacity and the size of the treatment (tank) and disposal (drain field) units. The disposal area size shall be calculated assuming a specific type of drain field using adequately document site analysis taken at the drain field location.
3. The **County** may require the application to provide one or more geological cross sections to illustrate the geologic formations that make up the subsurface below the subdivision down to the first aquifer that supplies or may be used to supply drinking water in the area. This determination will be based on the maximum square footage and occupancy of the building noted in **Sec. 7.7.5.B.1**. These cross sections shall illustrate the primary dip and characteristics (permeable, impermeable, water bearing, etc.) of each formation and the elevation of any water table.

**Sec. 7.7.6. Action by the Development Coordinator**

The **Development Coordinator** shall either:

- A. Approve the site development permit if the **Applicant** provided the **Required Plans and Documentation** in **Sec. 7.7.5** and has shown compliance with **On-Site Sewage Facility Rules and Regulations** in **Sec. 7.7.3**; or
- B. Deny the site development permit if the applicant failed to provide **Required Plans and Documentation** in **Sec. 7.7.5** and show compliance with **On-Site Sewage Facility Rules and Regulations** in **Sec. 7.7.3**.

**Sec. 7.7.7. Effect of Approval**

- A. The **Applicant** will have **County** approval to construct and install an OSSF after receiving approval of an OSSF permit, however the applicant will contact the **County** to inspect the OSSF before the facility is covered or buried (refer to **Sec. 7.7.3.F OSSF Installation Inspection**).
- B. Approval of an OSSF Permit does not constitute issuance of license to operate an OSSF. A license to operate an OSSF will be issued after the **OSSF Installation Inspection** contingent upon the **Applicant** satisfying the conditions in **Sec. 7.7.3.G.1**.

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**Sec. 7.8. Culvert, Driveway and Right-of-Way Construction Permit**

**Sec. 7.8.1. Purpose**

- A. A site development permit is required for the installation of a culvert, driveway, utility or other any other improvement in the County right-of-way or County maintained property.
- B. The purpose of this section is to:
  - 1. Ensure County [Right-of-Way](#) and other County maintained property is maintained or repaired to its original condition by the [Developer](#) or utility company performing any new construction or maintenance of improvements located on the County maintained property;
  - 2. Ensure that all culverts are constructed in adequate size and capacity to allow water to flow, at its natural rate at its normal peak level, from one side of the driveway to the other in accordance with the [Drainage Standards](#) in [Sec. 5.7](#) of these [Subdivision Regulations](#); and
  - 3. Ensure driveways comply with the County's [Driveway Spacing](#) and [Driveway Approach](#) requirements.

**Sec. 7.8.2. Applicability**

- A. County [Right-of-Way](#) and County maintained property shall be defined as the following:
  - 1. Real property owned by the County or any subdivision of the [County](#);
  - 2. Public roadways or access easement maintained by the County; and
  - 3. Facilities and structures that occupy real property and are owned and operated by the [County](#).
- B. A [Culvert, Driveway and Right-of-Way Construction Permit](#) is required for the following development activities:
  - 1. Culverts along a County Road (refer to [Sec. 5.7.7.A](#));
  - 2. Driveways;
  - 3. Mailboxes;
  - 4. Landscaping;
  - 5. New Utility placement in County maintained right-of-way;
  - 6. Repair and maintenance of existing utility in County maintained right-of-way;
  - 7. Signage;
  - 8. Encroachments; and
  - 9. Any other construction or disturbance of County maintained property.

**Sec. 7.8.3. Utility Location Restrictions**

- A.** The installation of utilities, including franchise utilities, may be installed in the public right-of-way, but are prohibited underneath the pavement of a County road.
- 1.** Public Water or Wastewater Utility Providers
    - a.** A developer or utility company wanting to install a water or wastewater utility line in the right-of-way between the edge of pavement and the [County](#) public right-of-way property line, and not underneath the pavement of a County road, may be administratively reviewed and approved by the [Development Coordinator](#).
    - b.** A developer or utility company wanting to install a new water or wastewater utility line underneath the road pavement must receive the approval of the [Commissioners Court](#), and may be held liable for any [County Road Repair Fees](#) required in [Sec. 7.8.4](#).
    - c.** A developer or a utility company wanting to repair or maintain an existing water or wastewater utility line underneath the pavement of County road that was installed prior to the adoption of these regulations may continue to repair or maintain such utilities, however will require approval of the [Development Coordinator](#) or the [Commissioners Court](#) to conduct such maintenance or repairs, and may be liable for any [County Road Repair Fees](#) in [Sec. 7.8.4](#).
  - 2.** Franchise Utility Providers
    - a.** Franchise utility providers, such as gas, electric, antenna, and cable television facilities, do not require approval by the [Development Coordinator](#) or the [Commissioners Court](#), but are required to comply with the following provisions:
      - (i)** Franchise utilities cannot be placed under pavement of a County road;
      - (ii)** Providers must give notice to the [Development Coordinator](#) at least ten (10) business days before commencing the installation, repair or maintenance of such utility in the County right-of-way or maintained property; and
      - (iii)** Providers may be subject to [County Road Repair Fees](#) in [Sec. 7.8.4](#).
- B.** All utility providers, including franchise utilities, may not commence any work in the public right-of-way without either:
- 1.** Receiving the approval of the [Development Coordinator](#) or the [Commissioners Court](#) (applicable to [Public Water or Wastewater Utility Providers](#)); or
  - 2.** Giving notice to the [Development Coordinator](#) (applicable to [Franchise Utility Providers](#)).
- C.** All utilities that are placed in the public right-of-way, including franchise utilities, will require a private easement to designate maintenance of such utility to the utility service provider. Under no circumstance will the County assume maintenance of any utility in the public right-of-way without the issuance of a commissioners court order.

**Sec. 7.8.4. County Road Repair Fees**

Per [TLGC Section 240.907 \(Fee for Cutting a County Road\)](#), the [County](#) may impose a fee in addition to the permit fee for each cut of a County road during or as an incident to the installation, maintenance or repair of any utilities or facilities within the public right-of-way to provide funds for the future inspection, repair and maintenance of a cut road. A cut road is the act of excavating or cutting the surface of a county road.

**Sec. 7.8.5. Culvert and Driveway Requirements**

**A. Culverts**

1. Culverts shall be designed with the [Drainage Capacity](#) in [Sec. 5.7.3](#) and the design criteria in [Sec. 5.7.7](#).
2. [Culverts Within a Subdivision](#) do not require a site development permit and will be reviewed as part of the construction plan application for a subdivision (refer to [Sec. 5.7.7.B](#)).
3. [Culverts Along a County Road](#) require a site development permit and will comply with the procedures in [Sec. 5.7.7.C](#).

**B. Driveways**

A driveway shall comply with the [Driveway Spacing](#) in [Sec. 5.2.2.J](#) and [Driveway Approach](#) in [Sec. 5.2.2.K](#) required by these subdivision regulations.

**Sec. 7.8.6. Site Development Permit Exceptions**

- A. These regulations do not apply to [County](#)-owned properties or facilities wholly under the operational control of the federal or state government, a political subdivision of the State of Texas or a special district or entity established by the Texas Legislature.
- B. [County](#) approval is not required for use of designated County property for activities conducted by authorized law enforcement, public safety and emergency service agencies and officers operating within the scope of their duties during an emergency condition. Advance notice of such uses by authorized law enforcement, public safety and emergency services agencies and officers shall be provided to the County.

**Sec. 7.8.7. Required Plans and Documentation**

An [Applicant](#) will provide the following plans and documents with a [Culvert, Driveway and Right-of-Way Construction Permit](#).

**A. Letter of Intent**

The [Applicant](#) will provide a letter stating the purpose of this request, the location of the development activity, and any other project details that would justify the [Commissioners Court](#) approval of the permit.

**B. Plan**

The [Applicant](#) will provide a plan providing the following information:

1. Property boundary with bearings and distances of each property line;
2. Legal description of the property;
3. Location map;
4. North arrow and scale;
5. Location of existing and proposed utilities; and
6. Proposed construction, repair or modification of existing or proposed utilities subject to the review of this permit.

**Sec. 7.8.8. Action of the Decision-Making Authority**

**A. Permits Regarding New Construction or Repair of a Driveway or Culvert in the Right-of-Way**

1. The [Development Coordinator](#) may approve a site development permit for a Driveway or Culvert, if the applicant complies with the following conditions:
  - a. Provides the [Required Plans and Documentation](#) in [Sec. 7.8.7](#); and
  - b. Shows compliance with the [Culvert and Driveway Requirements](#) in [Sec. 7.8.5](#).
2. The [Development Coordinator](#) may deny the site development permit for a Driveway or Culvert, if the applicant fails to comply with the following conditions:
  - a. Provides the [Required Plans and Documentation](#) in [Sec. 7.8.7](#); or
  - b. Shows compliance with the [Culvert and Driveway Requirements](#) in [Sec. 7.8.5](#).

**B. Permits Regarding the Repair of an Existing Utility in County Right-of-Way**

1. The [Development Coordinator](#) may approve a site development permit to repair an existing utility in the County right-of-way, if the applicant complies with the following conditions:
  - a. Provides the [Required Plans and Documentation](#) in [Sec. 7.8.7](#); and
  - b. Shows compliance with the [Utility Location Restrictions](#) in [Sec. 7.8.3](#).
2. The [Development Coordinator](#) may deny the site development permit to repair an existing utility in the County right-of-way, if the applicant fails to comply with the following conditions:
  - a. Provides the [Required Plans and Documentation](#) in [Sec. 7.8.7](#); or
  - b. Shows compliance with the [Utility Location Restrictions](#) in [Sec. 7.8.3](#) or [Culvert and Driveway Requirements](#) in [Sec. 7.8.5](#).

**C. Permits Regarding the Installation of a Utility Underneath the Road Pavement**

1. The [Commissioners Court](#) may approve the site development permit to install a utility underneath the road pavement, if the applicant complies with the following conditions:
  - a. Provides the [Required Plans and Documentation](#) in [Sec. 7.8.7](#);
  - b. Shows compliance with and [Utility Location Restrictions](#) in [Sec. 7.8.3](#);
  - c. Presents a unique hardship or site constraint that prevents the utility line from being placed outside the roadway pavement; or
  - d. Presents a unique circumstance in which the utility line must be located underneath the road pavement to protect the welfare and public health of the [County](#);

2. The [Commissioners Court](#) may deny the site development permit to install a utility underneath the road pavement, if the applicant fails to comply with the following conditions:
  - a. Provides the [Required Plans and Documentation](#) in [Sec. 7.8.7](#);
  - b. Shows compliance with and [Utility Location Restrictions](#) in [Sec. 7.8.3](#); or
  - c. Presents a unique hardship or site constraint that prevents the utility line from being placed outside the roadway pavement;

**Sec. 7.8.9. Effect of Approval**

Following permit approval, the [Applicant](#) may proceed with the development activity permitted by the [Culvert, Driveway and Right-of-Way Construction Permit](#). The development activity is subject to [County Road Repair Fees](#) in [Sec. 7.8.4](#) if the County determines that damage has been done to a County road during or as an incident to the installation, maintenance or repair of any facilities within the public right-of-way.

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## Sec. 7.9. Floodplain Development Permit

### Sec. 7.9.1. Purpose

A site development permit is required for any subdivision or development proposed in the floodplain.

### Sec. 7.9.2. Authority

Per [TLGC Section 232.030](#), the [County](#) may also require the [Subdivider](#) to comply with standards for flood management, which may exceed the minimum standards set forth by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Sections 4001 through 4127) Floodplain Management Requirements.

### Sec. 7.9.3. Floodplain Management Requirements

Development in the [County](#) will comply with the County's floodplain management requirements provided in [Sec. 5.8 Floodplain Management](#).

### Sec. 7.9.4. Required Plans and Documents

Development in [Areas of Special Flood Hazard](#) is prohibited. However, a property owner desiring to develop within a flood hazard area delineated by the current [Flood Insurance Rate Map \(FIRM\)](#) as provided by FEMA will be required to provide a flood study, which will be provided at the owner's expense. The flood study will be subject to review and approval by the [Commissioners Court](#) with assistance of the [Commissioners Court Engineering Representative](#) or the [Development Coordinator](#).

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## Sec. 7.10. Commercial and Multifamily Building Permit

### Sec. 7.10.1. Purpose

- A. A site development permit is required for the construction or substantial improvement of a commercial, public, or multifamily building (consisting of four units or more) to ensure compliance with the [Rockwall County Fire Code](#).
- B. A building intended for these uses may not be occupied until the [County](#) issues a [Certificate of Occupancy](#) (refer to [Sec. 7.10.4](#)).

### Sec. 7.10.2. Applicability

#### A. Substantial Improvement

A substantial improvement consists of the following:

- 1. The repair, restoration, reconstruction, improvement, or remodeling of a building for which the cost exceeds fifty (50) percent of the building's value according to the certified tax appraisal roll for the county for the year preceding the year in which the work was begun; or
- 2. A change in occupancy classification involving a change in the purpose or level of activity in a building, including the renovation of a warehouse into a loft apartment.

#### B. Fire Code Compliance

- 1. The fire code applies only to the following buildings constructed in an unincorporated area of the [County](#):
  - a. A commercial establishment;
  - b. A public building; and
  - c. A multifamily residential dwelling consisting of four or more units.
- 2. The fire code does not apply to an industrial facility having a fire brigade that conforms to requirements of the Occupational Health and Safety Administration.

### Sec. 7.10.3. Required Plans and Documents

The [Applicant](#) will provide a plan with the [Commercial and Multifamily Building Permit](#).

#### A. The plan will show the following information:

- 1. Property boundary with bearings and distances of each property line;
- 2. Legal description of the property;
- 3. Location map;
- 4. North arrow and scale;
- 5. Existing and proposed access to the site including modes of ingress and egress;
- 6. Existing and proposed structures;
- 7. Location of existing and proposed utilities, drainage or on-site sewage facilities; and
- 8. Any information deemed necessary by the [Development Coordinator](#) to show compliance with the [Rockwall County Fire Code](#).

**Sec. 7.10.4. Inspection Requirements**

The [County](#) will issue a [Certificate of Occupancy](#) when the [Development Coordinator](#) or [County Inspector](#) has inspected the construction or substantial improvement and deemed that the completed work complies with the [Rockwall County Fire Code](#).

**A. General County Inspection Authority**

1. The [Development Coordinator](#) or [County Inspector](#) will inspect the building either before or after the construction or substantial improvement is completed.
2. The [Development Coordinator](#) or [County Inspector](#) shall have the authority to enter and perform the inspection at a reasonable time at any stage of the building's construction or substantial improvement and after completion of the building.

**B. Property Owner Initiated Inspection Request**

The property owner shall request an inspection from the County before or on the date the construction or substantial improvement is completed.

**Sec. 7.10.5. County Inspection Procedures**

The [County](#) will inspect the construction or substantial improvement within five (5) business days after receiving the property owner inspection request.

- A. If the County does not conduct the inspection within the required timeframe then the inspection is automatically approved.

**Sec. 7.10.6. Approval Criteria for an Inspection**

The [Development Coordinator](#) or [Commissioners Court Engineering Representative](#) will either:

- A. Issue a [Certificate of Occupancy](#) if the construction or substantial improvement is determined to comply with the [Rockwall County Fire Code](#) after the inspection; or
- B. Deny issuance of a [Certificate of Occupancy](#) if the building or substantial improvement does not comply with the [Rockwall County Fire Code](#).

**Sec. 7.10.7. Effect of a Certificate of Occupancy**

- A. If approved, the building for a commercial, public or multifamily use as defined in [Sec. 7.10.2.B](#) may be occupied after receiving a [Certificate of Occupancy](#).
- B. If denied, the property owner may request another inspection until the construction or substantial improvement passes the inspection to receive a [Certificate of Occupancy](#).
- C. The property owner will need to apply for a [Commercial and Multifamily Building Permit](#) in the future if another substantial improvement is performed on the structure refer to [Sec. 7.10.2.A](#).

**Sec. 7.10.8. Penalties**

**A. Injunctive Relief**

The [County Attorney](#) may seek injunctive relief in the District court to prevent the violation or threatened violation of the fire code.

**B. Violations and Fines**

The [County Attorney](#) may file a civil action in a court of competent jurisdiction to recover from a person who violates the [Rockwall County Fire Code](#) a civil penalty in an amount not to exceed \$200 for each day on which the violation exists. In determining the amount of the penalty, the court shall consider the seriousness of the violation.

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## Sec. 7.11. Construction or Expansion of a Residential Use Notice

### Sec. 7.11.1. Purpose

A property owner or developer must give notice to the County of new residential construction as defined in [Sec. 7.11.3](#) to ensure it complies with the latest version of the international residential code adopted by the County.

### Sec. 7.11.2. Authority

- A. Per [TLGC Section 233.153](#), the [County](#) may require new residential construction (as defined in [Sec. 7.11.3.A](#)) to comply with the latest version of the International Residential Code adopted by the County.
- B. Per [TLGC Section 233.154](#), the [County](#) may also require inspections for new residential construction to ensure building code compliance (refer to [Sec. 7.11.4 Residential Inspection Requirements](#)).

### Sec. 7.11.3. Applicability

- A. New residential construction shall include:
  - 1. Construction of a single-family house or duplex on a vacant lot; and
  - 2. Construction of an addition to an existing single-family house or duplex if the addition will increase the square footage or value of the existing residential building by more than fifty (50) percent.
- B. The property owner is responsible for complying with the following provisions:
  - 1. Providing notice to the [County](#) of the new residential construction within the time frames required in [Sec. 7.11.4.C Timing of Residential Inspections](#);
  - 2. Complying with the [Residential Inspection Requirements](#) in [Sec. 7.11.4](#); and
  - 3. Ensuring residential inspections are performed by qualified personnel as required in [Sec. 7.11.4.B](#).

### Sec. 7.11.4. Residential Inspection Requirements

- A. Required Number of Inspections
  - 1. New residential construction on a vacant lot will provide a minimum of three (3) inspections, which will be performed during following stages of construction (as applicable):
    - a. The foundation stage, before the placement of concrete;
    - b. The framing and mechanical systems stage, before covering with drywall or another interior wall covering; and
    - c. Upon completion of construction of the residence;
  - 2. New residential construction of an addition to an existing residence will perform inspections as necessary or based on the scope of work of the construction project.

- B.** Residential Inspections will be performed by one of the following professionals:
  - 1. A licensed engineer;
  - 2. A registered architect;
  - 3. A professional inspector licensed by the Texas Real Estate Commission;
  - 4. A plumbing inspector employed by a municipality and licensed by the Texas State Board of Plumbing Examiners;
  - 5. A building inspector employed by a political subdivision; or
  - 6. An individual certified as a residential combination inspector by the international code council.
- C.** Timing of Residential Inspections
  - 1. Notice Required Before Commencing New Residential Construction

The property owner will provide notice to the County of new residential construction by using a form prescribed by the County to provide the following information:

    - a. The location of the new residential construction;
    - b. The approximate date by which the new residential construction will commence; and
    - c. The version of the International Residential Code that will be used to construct the new residential construction before commencing construction.
  - 2. Notice Required for Final Inspection Results

The property owner shall submit the results of that final inspection, no later than ten (10) calendar days from the last inspection was conducted, confirming whether the new residential construction showed compliance or failed to comply with the building code standards.

**Sec. 7.11.5. Penalties**

Failure to comply with the [Residential Inspection Requirements](#) provided in [Sec. 7.11.4](#) is subject to a Class C misdemeanor.

Section 8. **DEFINITIONS**

**Terms Beginning With "A" Through "E"**

1. **Abandon**  
To relinquish the public's right-of-way and use of the road.
2. **Abutting**  
Adjacent, adjoining and contiguous to. It may also mean having a lot line in common with a right-of-way or easement, or with a physical improvement such as a street, waterline, park, or open space.
3. **Access**  
A means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase "pedestrian access easement").
4. **Alley**  
A public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting a street.
5. **Alluvial Flooding**  
Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.
6. **Amending Plat**  
An amending plat applies minor revisions to a recorded plat consistent with provisions of state law (Refer to [Sec. 3.4 Amending Plat](#)).
7. **Apex**  
A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
8. **Applicant**  
The person or entity responsible for the submission of an application. The applicant must be the actual owner of the property for which an application is submitted or shall be a duly authorized representative of the property owner. Also refer to [Developer](#).
9. **Application**  
The package of materials, including but not limited to an application form, plat, completed checklist, tax certificate, construction plans, special drawings or studies, and other informational materials that are required by the County to initiate County review and approval of a development project.

10. **Application Form**

The written form (as provided by and as may be amended by the [Development Coordinator](#)) that is filled out and executed by the [Applicant](#) and submitted to the County along with other required materials as a part of an [Application](#).

11. **Approval**

- Approval constitutes a determination by the official, board, commission or Commissioners Court responsible for such determination that the application follows the minimum provisions of these [Subdivision Regulations](#).
- Such approval does not constitute approval of the engineering or surveying contained in the plans, as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.

12. **Appurtenant Structure**

A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

13. **Area of Future Conditions Flood Hazard**

The land area that would be inundated by the one (1) percent annual chance (100-year) flood based on future conditions hydrology.

14. **Area of Shallow Flooding**

A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

15. **Areas of Special Flood Hazard**

The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, or V.

16. **Automotive Wrecking and Salvage Yard**

Per [TLGC 234.001.\(1\)](#), a business other than a business classified as a salvage pool operator under [Chapter 2302, Occupations Code](#) that stores three or more wrecked vehicles outdoors for the purpose of:

- Selling the vehicles whole; or
- Dismantling or otherwise wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business.

17. **Basement**

Any area of the building having its floor subgrade (below ground level) on all sides.

18. **Base Flood**

The flood having a one (1) percent chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency Management Agency) guidelines and as shown in the current effective Flood Insurance Study.

19. **Breakaway Wall**

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

20. **Building**

Any structure built for support, shelter or enclosure of persons, animals, personal property, records or other movable property and when separated in a manner enough to prevent fire, each portion of such building shall be deemed a separate building.

21. **Certificate of Compliance**

An official certificate issued by the County that indicates conformance with the County's rules and regulations and that authorizes legal use of the premises and permit utility services providers to provider service to the property. Refer to [Sec. 7.6.4 Certificate of Compliance Required](#).

22. **Certificate of Occupancy**

A certificate of occupancy is issued by the County when a property owner applies for a [Commercial and Multifamily Building Permit](#) (refer to [Sec. 7.10](#)) and has shown compliance with the [Rockwall County Fire Code](#).

23. **Collector Street**

A street designed or used to carry traffic from [Local Streets](#) to [Collector Streets](#). Refer to [Map 5.2-1](#) to review the streets classified as [Collector Streets](#) in the Rockwall County Thoroughfare Plan. Refer to [Table 5.2-1: County Street Types](#) for the street dimension criteria for [Collector Streets](#).

24. **Commissioners Court**

The duly elected governing body of Rockwall County, Texas.

25. **Commissioners Court Engineering Representative**

The person(s) or firm of licensed professional consulting engineers so designated by the Commissioners Court to serve as the Engineer.

26. **Construction Plans**

A set of drawings and specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the [County](#) for review in conjunction with a subdivision or a development.

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27. **County**  
Rockwall County, Texas, together with all its governing and operating bodies.
28. **County Attorney**  
The person(s) so designated by the [Commissioners Court](#) to provide oversight for and have legal responsibility for the County. This term shall also include any licensed attorney designated by the County Attorney.
29. **County Clerk**  
The person(s) designated to provide clerical and official services for the County.
30. **Critical Feature**  
An integral and readily identifiable part of a Flood Protection System, without which the flood protection provided by the entire system would be compromised.
31. **County Fire Marshal**  
The person appointed by the Commissioners Court to enforce the [Rockwall County Fire Code](#) and the latest version of the International Fire Code.
32. **County Inspector**  
The person appointed by the Commissioners Court to inspect a project site to ensure compliance with the subdivision regulations and the County's construction standards.
33. **County Judge**  
The constitutional County Judge of Rockwall County, Texas.
34. **Cul-de-Sac**  
A short, residential street having only one vehicular access to another street and terminated on the opposite end with a vehicular turnaround.
35. **Date of Adoption**  
The date of adoption of these subdivision regulations shall be the date the court order becomes effective.
36. **Dead-End Street**  
A street, other than a cul-de-sac, with only one outlet.
37. **Decision-Maker**  
The County official or group, such as the [Commissioners Court](#) or the [Development Coordinator](#) responsible for deciding an Application authorized by these subdivision regulations.
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38. **Demolition Business**

Per [TLGC 234.001.\(2\)](#), a business that demolishes structures, including houses and other buildings in order to salvage building materials and that stores those materials before disposing of them.

39. **Designated Representative**

An individual who holds a valid license issued by the permitting authority according to [Texas Administrative Code \(TAC\), Title 30, Part 1, Chapter 30, Subchapter G](#)), and who is designated by the authorized agent (Rockwall County) to review permit applications, site evaluations, or planning materials, or conduct inspections of on-site sewage facilities.

40. **Developer**

- A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, developments, or improvement of land and other activities covered by these [Subdivision Regulations](#).
- The word [Developer](#) is intended to include the terms [Subdivider](#), property owner, and, when submitting platting documents, [Applicant](#).

41. **Development**

Any manmade change to improved or unimproved real estate, including buildings and other structures, paving, drainage, utilities, storage, and agricultural activities.

42. **Development Agreement**

Agreement between the [County](#) and a [Subdivider](#) or [Developer](#), which includes provisions for construction of public improvements, County participation, pro rata agreements, escrow deposits, and other provisions for the development of land.

43. **Development Coordinator**

The person(s) so designated by the [Commissioners Court](#) to provide oversight for and have responsibility of the County's Development Services Department. This term shall also include any designee of the Rockwall County Health Coordinator. Also, this term shall be inclusive of any future variations of the term, as deemed appropriate by the [Commissioners Court](#).

44. **Discontinue**

To discontinue the maintenance of the road.

45. **Drainage Plan**

A plan to show compliance with the County's drainage standards refer to [Sec. 4.2.5.B Drainage Plans](#) for details.

46. **Driveway Approach**

The area between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to a definite area of the private property (e.g., parking area or driveway) and used for ingress and egress of vehicles.

47. **Dwelling Unit**

One or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single-family or group of persons living together as a family or by a single person.

48. **Easement**

- Authorization by a property owner for another to use any designated part of the owner's property for a specified purpose or use and evidenced by an instrument or plat filed with the County Clerk. Among other things, easements may be used to install and maintain utility lines, drainage ditches or channels, or for other County or public services.
- An area established for public purposes on private property upon which the County shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance, or efficiency of County systems.

49. **Elevated Building**

For insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

50. **Engineer**

A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare construction plans and specifications for public works improvements.

51. **Engineering Plans**

Refer to [Construction Plans](#).

52. **ETJ**

Refer to [Extraterritorial Jurisdiction](#).

53. **Existing Manufactured Home Park or Subdivision**

A Manufactured Home park or subdivision for which the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the [Floodplain Management](#) adopted by a community.

54. **Existing Structure**

For the purposes of determining rates, structures for which the "Start of Construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing structures" may also referred to as "Existing construction."

**55. Expansion to an Existing Manufactured Home Park or Subdivision**

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**56. Extraterritorial Jurisdiction**

The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of a City, the outer limits of which are measured from the extremities of the corporate limits of the City outward for the distance as stipulated in [Chapter 42 of the Texas Local Government Code](#), according to the inhabitants of the City. The extraterritorial jurisdiction of the following cities (Fate, Rockwall, Royse City, McLendon-Chisholm, and Heath) are situated in Rockwall County.

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### Terms Beginning With "F" Through "J"

57. **Fee Schedule**

A listing of fees for various County applications, which is prepared by the [Development Coordinator](#) and approved by the [Commissioners Court](#) and may be amended periodically. The fee schedule is approved separately from these [Subdivision Regulations](#).

58. **Feeder Road**

An existing County road serving the function of a collector road that residents of a new subdivision will utilize to access another collector road, an arterial road or highway.

59. **Filing Plat**

Refer to [Final Plat](#).

60. **Final Acceptance**

The acceptance by the County of all infrastructure improvements constructed by the [Developer](#) in conjunction with the development of land.

61. **Final Plat**

- The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a Surveyor or Engineer with the subdivision location referenced to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references.
- The [Filing Plat](#) of any lot, tract, or parcel of land shall be recorded in the Plat Records of Rockwall County, Texas.
- A Final Plat may also be referenced as a [Record Plat](#) or [Filing Plat](#).

62. **Flea Market**

Per [TLGC 234.001.\(3\)](#), an outdoor market for selling secondhand articles or antiques.

63. **Floodplain**

The area subject to be inundated by water from the Base Flood.

64. **Floodway**

A natural drainage area that accommodates the base flood for existing creeks and open drainage ways without cumulatively increasing the water surface elevation more than a designated height.

65. **Floodplain Administrator**

The [Development Coordinator](#) will serve as the Floodplain Administrator to administer and implement the provisions of the [Subdivision Regulations](#) as it pertains to Floodplain Management and enforce the Floodplain Management Court Order, and other Sections of 44 CFR (Emergency

Management and Assistance – National Flood Insurance Program Regulations) pertaining to floodplain management.

66. **Flood Elevation Study**

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding Water Surface Elevation, or an examination, evaluation and determination of mudslide (i.e., mudflow) and or flood related erosion hazards.

67. **Floodplain Management Court Order**

The court order, including any and all subsequent amendments or revisions, approved by the Commissioners Court adopting floodplain regulations in order to participate in the National Flood Insurance Program (NFIP) through the Federal Emergency Management Agency (FEMA) and govern the type of development that can occur with the County’s unincorporated floodplain areas.

68. **Flood or Flooding**

- A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters.
- The unusual and rapid accumulation or runoff of surface waters from any source.

69. **Flood Insurance Rate Map (FIRM)**

An official map of a community, on which the Federal Emergency Management Agency has delineated both the [Areas of Special Flood Hazard](#) and the risk premium zones applicable to the community.

70. **Flood Insurance Study (FIS)**

Refer to [Flood Elevation Study](#).

71. **Floodplain Management**

The operation of an overall program of corrective and preventive measures for reducing flood damage, including emergency preparedness plans, flood control works and [Floodplain Management Regulations](#).

72. **Floodplain Management Regulations**

Regulations will include [Subdivision Regulations](#), building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

73. **Flood Proofing**

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

74. **Flood Protection System**

The physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

75. **Frontage**

All the property abutting on one (1) side of the street, or between two (2) intersecting streets, measured along the street line.

76. **Functionally Dependent Use**

A use that cannot perform its intended purpose unless it is located or carried out near water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

77. **Highest Adjacent Grade**

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

78. **Historic Structure**

A structure that is:

- Listed individually in the National Register of Historic places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  - By an approved state program as determined by the Secretary of the Interior or;
  - Directly by the Secretary of the Interior in states without approved programs.

79. **Homeowners' or Property Owners' Association**

A formal organization operating under recorded land agreements through which:

- Each lot or property owner in a specific area is automatically a member; and
  - Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of areas; and
  - The charge, if unpaid, becomes a lien against the nonpaying member's property.
-

**80. HUD-Code Manufactured Home**

Per the [Texas Occupations Code Chapter 1201.003\(12\)](#), HUD-Code Manufactured Home:

- Is a structure:
  - Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
  - Built on a permanent chassis;
  - Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
  - Transportable in one or more sections; and
  - In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet;
- Includes the plumbing, heating, air conditioning, and electrical systems of the home; and
- Does not include a [Recreational Vehicle \(RV\)](#) as defined by [24 C.F.R. Section 3282.8\(g\)](#).

**81. Improvement**

Any man-made fixed item that becomes part of or placed upon real property refer to [Public Improvement](#).

**82. Industrialized Housing**

Per the [Texas Occupations Code Chapter 1202.002](#),

- Industrialized housing is a residential structure that is:
  - Designed for the occupancy of one or more families;
  - Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
  - Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
- Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.
- Industrialized housing does not include:
  - A residential structure that exceeds four stories or 60 feet in height;
  - Housing constructed of a sectional or panelized system that does not use a modular component; or (note: [per Texas Occupations Code Chapter 1202.001](#) "modular component" means a structural part of housing or a building constructed at a location other than the building site in a manner that prevents the construction from being adequately inspected for code compliance at the building site without damage or removal and reconstruction of a part of the housing or building; or
  - A ready-built home constructed in a way the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

83. **Infrastructure**

All streets, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other similar facilities.

84. **Integrated Stormwater Management Manual for Site Development and Construction**

A document published by the North Central Texas Council of Government (NCTCOG) establishing stormwater management related development regulations. The documents address how to manage the water quality, streambank protection, stormwater conveyance, and flood control issues associated with development and redevelopment.

85. **Junkyard**

Per [TLGC 234.001.\(4\)](#), a business that stores, buys, or sells materials that have been discarded or sold at a nominal price by a previous owner that keeps all or part of the materials outdoors until disposing of them.

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**Terms Beginning With “K” Through “O”****86. Land Planner**

A person(s), other than a surveyor or engineer, who also possesses and can demonstrate a valid proficiency in the planning of residential, commercial, industrial and other related developments; such proficiency often having been acquired by education in the field of urban planning, landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning.

**87. Landing Platform**

A landing provided as the top step of a stairway accessing a loft.

**88. Letter of Improvement Compliance**

A letter from the [Development Coordinator](#) or the [Commissioners Court Engineering Representative](#) to a [Developer](#), applicant, or property owner that is responsible for the construction of public improvements related to a Plat. The letter indicates that the County has completed preliminary and final inspections of the public improvements and that the public improvement meet County standards.

**89. Levee**

A man made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water to provide protections from temporary flooding.

**90. Levee System**

A [Flood Protection System](#) which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**91. Local Street**

A Local Street is a street used primarily for access to abutting property especially residential areas. Local streets also provide secondary or minor access and circulation to community facilities (school, parks, etc.) and other traffic generators such as commercial and industrial areas. Refer to [Table 5.2-1: County Street Types](#) for the street dimension criteria for a Local Street.

**92. Lot**

Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under these subdivision regulations and having its principal frontage upon a street or officially approved place.

**93. Lot, Corner**

- A lot situated at the junction of two or more streets.
- A corner lot shall be deemed to front on the street on which it has its smallest dimensions.

94. **Lot, Depth**

The mean distance from the front street line to the rear line.

95. **Lot, Interior**

A lot, the sideline of which does not abut any street.

96. **Lot, Key**

A corner lot that is designed such that the lots located directly behind it face the side street of the corner lot and are not separated by an alley.

97. **Lot, Through**

An interior lot having frontage on two streets.

98. **Lot Lines**

The lines bounding a lot as defined herein.

99. **Lot of Record**

A lot that is part of a subdivision, a map of which has been recorded in the office of the County Clerk.

100. **Lot Width**

The mean distance between side lines measured at right angles to the depth.

101. **Lowest Floor**

The lowest floor of the lowest enclosed area (including a basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of [Section 60.3 of the National Flood Insurance Program regulations](#).

102. **Major Road**

A major road is a street designation within the [Rockwall County Thoroughfare Plan](#) consisting of highways and freeways.

103. **Manual on Uniform Traffic Control Devices**

The Manual on Uniform Traffic Control Devices, or MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and Private Street open to public traffic. The MUTCD is published by the [Federal Highway Administration \(FHWA\) under 23 Code of Federal Regulations \(CFR\), Part 655, Subpart F](#).

104. **Manufactured Home**

Manufactured Home or "manufactured housing" means a [HUD-Code Manufactured Home](#) or a [Mobile Home](#).

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**105. Manufactured Home Park**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**106. Manufactured Home Rental Community**

Per the [TLGC Section 232.007](#), a "manufactured home rental community" means a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

**107. Marginal Access Street**

A street parallel to and adjacent to an arterial street, and primarily provides access to abutting properties and protection from through traffic.

**108. Mean Sea Level**

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood elevations shown on a community's [Flood Insurance Rate Map \(FIRM\)](#) are referenced.

**109. Minor Arterial**

The primary function of a minor arterial is to collect and distribute traffic from a [Collector Street](#) to a [Principal Arterial](#). Refer to [Map 5.2-1](#) to review the streets classified as minor arterials in the [Rockwall County Thoroughfare Plan](#). Refer to [Table 5.2-1: County Street Types](#) for the street dimension criteria for minor arterials.

**110. Mobile Home**

Per the [Texas Occupations Code Chapter 1201.003\(20\)](#), Mobile Home:

- Is a structure:
  - Constructed before June 15, 1976;
  - Built on a permanent chassis;
  - Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
  - Transportable in one or more sections; and
  - In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and
- Includes the plumbing, heating, air conditioning, and electrical systems of the home.

**111. Modular Home**

Refer to [Industrialized Housing](#).

**112. New Construction**

For the purpose of determining insurance rates, structures for which the "[Start of Construction](#)" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For [Floodplain](#)

[Management](#) purposes, "[New Construction](#)" means structures for which the "Start of Construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

113. **New Manufactured Home Park or Subdivision**

A [Manufactured Home Park](#) for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of Floodplain Management Regulations adopted by a community.

114. **Official Submission Date**

The date a completed plat application is received by the Commissioners Court or the [Development Coordinator](#).

115. **Outdoor Resale Business**

Per [TLGC 234.001.\(5\)](#), a business that sells used merchandise other than automobiles, logging equipment, or other agricultural equipment and store or displays the merchandise outdoors.

116. **Order of the Commissioners Court for Final Acceptance**

An express order of the Commissioners Court, entered of record into the minutes of the Commissioners Court of Rockwall County, Texas, which states that all public improvements are completed, inspected, tested (if applicable), and determined by the County to be in conformance with both these [Subdivision Regulations](#) and the County's design and engineering standards and therefore are accepted by the County.

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### Terms Beginning With "P" Through "T"

117. **Pavement Width**

The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the face of the curbs.

118. **Paving Plan**

A plan detailing road requirements refer to [Sec. 4.2.5.A Roadway Plan](#).

119. **Perimeter Street**

A street that abuts a parcel of land to be subdivided on one side.

120. **Person**

Person means an individual, firm, association, organization, partnership, trust, foundation, company or corporation.

121. **Phasing Plan**

A phasing plan is required for a subdivision that will be constructed in phases. The purpose of the phasing plan is to show the timing and sequencing of when lots and associated improvements will be constructed. A phasing plan, if applicable, is a sheet provided as part of the construction plan set.

122. **Plat**

- A map or chart of the subdivision, lot or tract of land.
- It shall include the term plan, plat or re-plat, in both singular and plural.

123. **Plat, Amending**

Refer to [Amending Plat](#).

124. **Plat, Final**

Refer to [Final Plat](#).

125. **Plat, Preliminary**

Refer to [Preliminary Plat](#).

126. **Preliminary Drainage Plan**

This plan shows the watershed affecting the development and how the runoff from the fully developed watershed will be conveyed to, through, and from the development refer to [Sec. 4.2.5.B Drainage Plans](#) for details.

127. **Preliminary Plat**

- The graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in a plan view existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of the proposed development.
- The [Preliminary Plat](#) shall serve as a means for the County to review and study the proposed division of land and/or improvements refer to [Sec. 3.2 Preliminary Plat](#).

128. **Principal Arterial**

A Principal Arterial is designed to provide continuous and high-volume traffic movement between major traffic centers and freeways. Refer to page [90](#) to review the streets classified as Principal Arterial in the [Rockwall County Thoroughfare Plan](#). Refer to [Table 5.2-1: County Street Types](#) for the street dimension criteria for a Principal Arterial.

129. **Private Street**

Refer to [Street, Private](#).

130. **Private Street Subdivision**

A subdivision developed with [Private Streets](#) instead of public streets, and are maintained by a [Homeowners' or Property Owners' Association](#). Private streets must be constructed to the County's [Street Construction Specifications](#) (refer to [Sec. 5.2.3](#)).

131. **Proportionality Assessment**

The [Developer's](#) portion of the costs of an exaction or [Public Improvement](#).

132. **Public Improvements**

Any Improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation or storm drainage for which the County ultimately assumes the responsibility, upon an [Order of the Commissioners Court for Final Acceptance](#) being issued, for maintenance, operation and/or ownership.

133. **Record Drawings**

A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements that have been verified by the contractor as their installation or construction occurs during development. The [Record Drawings](#) shall reflect the [Construction Plans](#) (or working drawings) used, corrected, and/or clarified in the field.

134. **Record Plat**

Refer to [Final Plat](#).

135. **Recycling Business**

A business that is primarily engaged in:

- Converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value;
- Using raw material products of that kind in the production of new products or
- Obtaining or storing ferrous or nonferrous metals or other materials for a purpose described by lines(a) or (b) above.

**136. Recreational Vehicle (RV)**

Per [24 C.F.R. Section 3282.8\(g\)](#), a vehicle that is:

- Built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projections;
- Self-propelled or permanently towable by a light duty truck; and
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**137. Regulatory Floodway**

The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the [Base Flood](#) without cumulatively increasing the [Water Surface Elevation](#) more than a designated height.

**138. Reserve Strip**

Is a tract of land, adjacent to existing or future public right-of-way, intended to control access to or egress from surrounding properties.

**139. Residential Street**

A street that is intended primarily to serve traffic within a neighborhood and that is used primarily for access to abutting properties.

**140. Residential Use**

Residential use means use of a structure as a residence.

**141. Replat**

A plat that re-subdivides or revises any part or all of a recorded plat.

**142. Right-of-Way**

- A parcel of land occupied or intended to be occupied by a public street or alley.
- A right-of-way may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use.
- The use of right-of-way shall also include parkways and medians outside of pavement.
- For platting purposes, the term "right-of-way" shall mean that every right-of-way shown on a [Final Plat](#) is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

**143. Riverine**

Relating to, formed by, or resembling a river (including tributaries), stream, brook, or similar body of water.

**144. Roadway Plan**

A plan detailing street requirement, please refer to [Sec. 4.2.5.A Roadway Plan](#) for details.

**145. Rockwall County Fire Code**

Rockwall County Fire Code will consist of the County's fire guidelines adopted through a court order by the Commissioners Court and as amended.

**146. Rockwall County Thoroughfare Plan**

The plan that guides the development of adequate circulation within the County and connects the County street system to regional traffic carriers. Also, referred to as the Thoroughfare Plan or Master Thoroughfare Plan. The Rockwall County Thoroughfare Plan is shown on [Map 5.2-1](#).

**147. Security**

The financial guarantee provided by an Applicant that secures the construction of [Public Improvement](#) and any other contractual obligations stated within a [Development Agreement](#).

**148. Sexually Oriented Business**

Per [TLGC Chapter 243](#), a "sexually oriented business" means a sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

**149. Site Development Permit**

A Site Development Permit is required by the County for the development of certain land uses, specifically those listed in [Sec. 7.2.2 Summary of Permit Types](#). The Site Development Permit application process is provided in [Section 7 Site Development Permit](#).

**150. Start of Construction**

- Consists of the date the building permit was issued, provided the actual Start of Construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The start of construction shall mean:
  - Either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or
  - Any work beyond the stage of excavation; or
  - The placement of a [Manufactured Home](#) on a foundation.

- Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footing, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- For a [Substantial Improvement](#), the actual [Start of Construction](#) means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

151. **Street**

A public [Right-of-Way](#) that provides vehicular traffic access to adjacent lands.

152. **Street, Private**

A privately-owned street within a Subdivision for which the private owners assume full responsibility for maintenance and controls and that has not been dedicated to the use of the public.

153. **Street Right-of-Way Width**

The shortest distance between the property or easement lines that delineates the [Right-of-Way](#) of a street.

154. **Structure**

Anything constructed or erected that requires location on the ground or attached to something having a location on the ground, including, but not limited to advertising signs, billboards and poster panels, but exclusive of customary fences or boundary of retaining walls, sidewalks and curbs.

- For [Floodplain Management](#) purposes, a walled and roofed building, including a gas or liquid storage tank, that is primarily above ground, as well as a [Manufactured Home](#).

155. **Subdivider**

- Any person or any agent thereof, dividing or proposing to divide land to constitute a subdivision.
- In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land to be subdivided.

156. **Subdivision**

The division of a tract or parcel of land into two or more parts or lots for the purpose of sale or building development or transfer of ownership except for transfer to heirs of an estate and shall include re-subdivision. Any other subdivision or re-subdivision of land contemplated by the provisions of the [Texas Local Government Code \(TLGC\) Chapter 232](#).

157. **Subdivision Regulations**

The adopted subdivision regulations of the County, as may be amended in the future, and may be referred to as "these regulations."

**158. Subdivision Plat**

A plat (i.e., preliminary plat, final plat, or amending plat) established in [TLGC Chapter 232](#) involving the subdividing of land in two (2) or more parts or the amending of a recorded Plat.

**159. Subdivision Waiver**

A waiver of a standard or requirement of the [Subdivision Regulations](#).

**160. Substantial Damage**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**161. Substantial Improvement**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before "[Start of Construction](#)" of the improvement. This term includes structures which have incurred "[Substantial Damage](#)", regardless of the actual repair work performed. The term does not, however, include either:

- Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions or
- Any alteration of a "[Historic Structure](#)", provided that the alteration will not preclude the structure's continued designation as a "[Historic Structure](#)."

**162. Surveyor**

A licensed State Land Surveyor or a Registered Public Land Surveyor, as authorized by the State to practice the profession of surveying.

**163. Thoroughfare**

- A street designated as a [Thoroughfare](#) within the [Rockwall County Thoroughfare Plan](#).
- A principal traffic-way continuous across the County or areas adjacent thereto and shall act as a principal connecting street with highways as indicated in the [Rockwall County Thoroughfare Plan](#).
- Refer to the [Rockwall County Thoroughfare Plan](#) for detailed standards.

**164. Traffic Impact Analysis (TIA)**

The purpose of a Traffic Impact Analysis (TIA) is to assess the effects of the specific development activity on existing and planned roadway system.

**165. TxDOT Access Management Manual**

The [TxDOT Access Management Manual](#) is published by the Texas Department of Transportation that is applicable to state highways and outlines the criteria for general thoroughfare planning such as shared access, cross access, thoroughfare spacings, etc.

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**Terms Beginning With “U” Through “Z”**

**166. Utility Easement**

Refer to [Easement](#).

**167. Vacate**

To terminate the existence of the road by direct action of the Commissioners Court of a County.

**168. Variance**

A grant of relief from the terms of the [Floodplain Management Regulations](#).

**169. Vested Right**

A right of an Applicant requiring the County to review and decide the application under standards in effect prior to the effective date of the standards of these subdivision regulations in accordance with [Chapter 245, TLGC](#).

**170. Violation**

Failure to comply with standards of these subdivision regulations.

**171. Wastewater Plan**

A plan detailing wastewater utility requirement refer to [Sec. 4.2.5.D Wastewater Plans](#) for details.

**172. Water Plan**

A plan detailing water utility requirement refer to [Sec. 4.2.5.C Water Plans](#) for details.

**173. Water Surface Elevation**

The height, in relation to the National Geodesic Vertical Datum (NGVD) or 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**174. “Will Serve” Letter**

A “will serve” letter is be requested by the County or the [Development Coordinator](#) at time a Developer, Property Owner, or the Property Owner’s Designated Representative submits a construction plan application or subdivision plat application in which the subdivider proposes to furnish water or wastewater to a subdivision provided by a public utility service provider. A “will serve” letter is a certified letter ensuring that a public water or wastewater service provider has adequate facilities and capacity to serve the proposed subdivision. A “will serve” letter is required in [Sec. 4.1.1 Minimum Standards](#).

**175. Yard**

- An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- In measuring to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

**176. Yard, Front**

A yard across the full width of a lot extending from the front line of the main building to the front street line of the lot.

**177. Yard, Rear**

A yard across the full width of the lot extending from the rear line of the main building to the rear line of the lot.

**178. Yard, Side**

A yard between the building and the sideline of the lot and extending from the front yard to the required minimum rear yard.

Section 9. **HEADING 1**

**Sec. 9.1. Heading 2**

Heading 2 Text

**Sec. 9.1.1. Heading 3**

Heading 3 Text

**A.** Heading 4

**B. Heading 4 Character Style**

Heading 4 Text

**1.** Heading 5

Heading 5 Text

**a.** Heading 6

Heading 6 Text

**(i)** Heading 7

Heading 7 Text

**(1)** Heading 8

Heading 8 Text

**(a)** Heading 9

Heading 9 Text

**BILL ANALYSIS**

Senate Research Center

S.B. 873  
By: Lindsay  
Intergovernmental Relations  
6/5/2001  
Enrolled

**DIGEST AND PURPOSE**

Current law allows cities to make certain requirements in the development of infrastructure for subdivisions. No such provision exists for counties. S.B. 873 grants counties the authority to: adopt subdivision regulations, including lot size and setback limitations; enforce a major thoroughfare plan and establish right of way; require possession of a plat compliance certificate before utility hookups; and enact other regulations relevant to responsible development.

**RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioners court in SECTION 1 (Section 232.101, Local Government Code) of this bill.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 232, Local Government Code, by adding Subchapter E, as follows:

**SUBCHAPTER E. INFRASTRUCTURE PLANNING PROVISIONS IN CERTAIN URBAN COUNTIES**

Sec. 232.100. **APPLICABILITY.** Provides that this subchapter applies only to the subdivision of land that meets certain requirements.

Sec. 232.101. **RULES.** Authorizes the commissioners court, by an order adopted and entered in the minutes of the commissioners court, and after a notice is published in a newspaper of general circulation in the county, to adopt rules governing plats and subdivisions of land within the unincorporated area of the county for certain stated purposes. Sets forth aspects of building in the unincorporated area that the commissioners court is prohibited from regulating under this section except as otherwise authorized by state law. Provides that the authority granted under this section is subject to the exemptions to plat requirements provided for in Section 232.0015.

Sec. 232.102. **MAJOR THOROUGHFARE PLAN.** Authorizes the commissioners court, under certain conditions, to establish certain requirements regarding major thoroughfares.

Sec. 232.103. **LOT FRONTAGES.** Authorizes the commissioners court, under certain conditions, to adopt reasonable standards for minimum lot frontages on existing county roads, and establish reasonable standards for the lot frontages in relation to curves in the road.

Sec 232.104. **SET-BACKS.** Authorizes the commissioners court, under certain conditions, to establish building and set back lines as provided by Chapter 233 (Authority of Counties to Establish Building and Set-Back Lines) without the limitation period provided by Section 233.004(c).

Sec. 232.105. **DEVELOPER PARTICIPATION CONTRACTS.** (a) Authorizes a commissioners court, without complying with the competitive sealed bidding procedure of Chapter 262 (Purchasing and Contracting Authority of Counties), to make a contract

SRC-JEC, SEW S.B. 873 77(R)

**EXHIBIT 2**

with a developer of a subdivision or land in the unincorporated area of the county for certain purposes. Provides that, if the contract does not meet the requirements of this subchapter, Chapter 262 applies to the contract if the contract would otherwise be governed by that chapter.

(b) Requires the developer, under the contract, to construct the improvements and requires the county to participate in the cost of the improvements.

(c) Requires the contract to establish the limit of participation by the county at a level not to exceed 30 percent of the total contract price. Authorizes the contract to allow participation by the county at a level not to exceed 100 percent of the total cost for any oversizing of improvements required by the county, including but not limited to increased capacity of improvements to anticipate other future development in the area. Provides that the county is liable only for the agreed payment of its share, which is required to be determined in advance either as a lump sum or as a factor or percentage of the total actual cost as determined by an order of the commissioners court.

(d) Requires the developer to execute a performance bond for the construction of the improvements to ensure completion of the project. Requires the bond to be executed by a corporate surety in accordance with Chapter 2253, Government Code (Public Work Performance and Payment Bonds).

(e) Authorizes the county, in the order adopted by the commissioners court under Subsection (c), to include additional safeguards against undue loading of cost, collusion, or fraud.

(f) Requires all of the developer's books and other records related to the project to be available for inspection by the county.

Sec. 232.106. CONNECTION OF UTILITIES. Authorizes the commissioners court, under certain conditions, to impose the requirements of Section 232.029.

Sec. 232.107. PROVISIONS CUMULATIVE. Provides that the authorities under this subchapter are cumulative of and in addition to the authorities granted under this chapter and all other laws to counties to regulate the subdivision of land.

SECTION 2. Amends Sections 242.001 (a) and (c), Local Government Code, to provide that this section applies only to a county operating under Sections 232.001-232.005 or Chapters 232B, C, or E. Makes a conforming change.

SECTION 3. Effective date: September 1, 2001. Makes application of this Act prospective regarding a subdivision of land for which a plat application is filed on or after September 1, 2001.

**BILL ANALYSIS**

Senate Research Center

C.S.S.B. 873  
By: Lindsay  
Intergovernmental Relations  
3/28/2001  
Committee Report (Substituted)

**DIGEST AND PURPOSE**

Current law allows cities to make certain requirements in the development of infrastructure for subdivisions. No such provision exists for counties. C.S.S.B. 873 grants counties the authority to: adopt subdivision regulations, including lot size and setback limitations; enforce a major thoroughfare plan and establish right of way; require possession of a plat compliance certificate before utility hookups; and enact other regulations relevant to responsible development.

**RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioners court in SECTION 1 (Section 232.101, Local Government Code) of this bill.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 232, Local Government Code, by adding Subchapter E, as follows:

**SUBCHAPTER E. INFRASTRUCTURE PLANNING PROVISIONS IN CERTAIN URBAN COUNTIES**

Sec. 232.100. **APPLICABILITY.** Provides that this subchapter applies only to the subdivision of land that meets certain requirements.

Sec. 232.101. **RULES.** Authorizes the commissioners court, by an order adopted and entered in the minutes of the commissioners court, and after a notice is published in a newspaper of general circulation in the county, to adopt rules governing plats and subdivisions of land within the unincorporated area of the county for certain stated purposes. Sets forth aspects of building in the unincorporated area that the commissioners court is prohibited from regulating under this section except as otherwise authorized by state law.

Sec. 232.102. **MAJOR THOROUGHFARE PLAN.** Authorizes the commissioners court, under certain conditions, to establish certain requirements regarding major thoroughfares.

Sec. 232.103. **LOT FRONTAGES.** Authorizes the commissioners court, under certain conditions, to adopt standards for minimum lot frontages on county roads, and establish reasonable standards for the lot frontages in relation to curves in the road.

Sec 232.104. **SET BACKS.** Authorizes the commissioners court, under certain conditions, to establish building and set back lines as provided by Chapter 233 (Authority of Counties to Establish Building and Set-Back Lines) without the limitation period provided by Section 233.004(c).

Sec. 232.105. **DEVELOPER PARTICIPATION CONTRACTS.** (a) Authorizes a commissioners court, without complying with the competitive sealed bidding procedure of Chapter 262 (Purchasing and Contracting Authority of Counties), to make a contract with a developer of a subdivision or land in the unincorporated area of the county for certain purposes. Provides that, if the contract does not meet the requirements of this

subchapter, Chapter 262 applies to the contract if the contract would otherwise be governed by that chapter.

(b) Requires the developer, under the contract, to construct the improvements and requires the county to participate in the cost of the improvements.

(c) Requires the contract to establish the limit of participation by the county at a level not to exceed 30 percent of the total contract price. Authorizes the contract to allow participation by the county at a level not to exceed 100 percent of the total cost for any oversizing of improvements required by the county, including but not limited to increased capacity of improvements to anticipate other future development in the area. Provides that the county is liable only for the agreed payment of its share, which is required to be determined in advance either as a lump sum or as a factor or percentage of the total actual cost as determined by an order of the commissioners court.

(d) Requires the developer to execute a performance bond for the construction of the improvements to ensure completion of the project. Requires the bond to be executed by a corporate surety in accordance with Chapter 2253, Government Code (Public Work Performance and Payment Bonds).

(e) Authorizes the county, in the order adopted by the commissioners court under Subsection (c), to include additional safeguards against undue loading of cost, collusion, or fraud.

(f) Requires all of the developer's books and other records related to the project to be available for inspection by the county.

Sec. 232.106. CONNECTION OF UTILITIES. Authorizes the commissioners court, under certain conditions, to impose the requirements of Section 232.029.

Sec. 232.107. PROVISIONS CUMULATIVE. Provides that the authorities under this subchapter are cumulative of and in addition to the authorities granted under this chapter and all other laws to counties to regulate the subdivision of land.

SECTION 2. Amends Section 242.001(a), Local Government Code, to provide that this section applies only to a county operating under Chapter 232, Subchapter A, B, C, or E, rather than Chapter 232, Sections 232.001-232.005 or Subchapter B or C.

SECTION 3. Effective date: September 1, 2001.

#### **SUMMARY OF COMMITTEE CHANGES**

Differs from the original as follows:

Adds Chapter 232E, rather than 232D.

Section 232.100 makes the subchapter apply only to the subdivision of land that is subject to regulations under Subchapter A or B, rather than regulations under Subchapter A only; and land that is in a county with a population of 174,000 or more, rather than 100,000 or more.

Section 232.101 sets forth restrictions regarding the regulatory authority of the commissioners court.

Section 232.102 adds a stipulation to the commissioners court's authority to require a right-of-way on a certain street or road.

Previously proposed Section 232.105, regarding impact fees, is omitted and the subsequent Sections 232.106-232.108 are redesignated as 232.105-232.107.

Previously proposed SECTIONS 2-4, amending Sections 395.001(7), 395.011(b), and Section 395.016(c) and (d), Local Government Code, are omitted and the proposed amendments in SECTION 2 are added.

Previously proposed SECTION 5, the effective date, is renumbered as SECTION 3.

## **BILL ANALYSIS**

Office of House Bill Analysis

C.S.S.B. 873  
By: Lindsay  
Land & Resource Management  
4/30/2001  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law allows cities to make certain requirements in the development of infrastructure for subdivisions. No such provision exists for counties. C.S.S.B. 873 grants specified counties the authority to adopt subdivision regulations, enforce a major thoroughfare plan and establish right of way, require possession of a plat compliance certificate before utility hookups, and enact other regulations relevant to responsible development.

### **RULEMAKING AUTHORITY**

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency or institution.

### **ANALYSIS**

C.S.S.B. 873 amends the Local Government Code to set forth provisions regarding infrastructure planning provisions in counties that:

- have a population of 150,000 or more and are adjacent to an international border;
- a population of 700,000 or more; or
- are adjacent to a county with a population of 700,000 or more and are within the same metropolitan statistical area as that adjacent county.

By an order adopted and entered in the minutes of the commissioners court and after a notice is published in a newspaper of general circulation in the county, the bill authorizes a commissioners court to adopt rules governing plats and subdivisions of land within the unincorporated area of the county to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county.

The bill sets forth provisions regarding buildings and residential units a commissioners court, unless otherwise authorized by state law, is prohibited from regulating. The bill also sets forth provisions regarding major thoroughfare plans, developer participation contracts, lot frontages, set-backs, and the connection of utilities.

### **EFFECTIVE DATE**

September 1, 2001.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.S.B. 873 modifies the original bill to increase from 200,000 to 700,000 the population of counties to which the infrastructure planning provisions apply. The substitute adds counties with a population of 150,000 or more that are adjacent to an international border to the types of counties to which the infrastructure planning provisions apply.

HBA-AMW C.S.S.B. 873 77(R)

**EXHIBIT 4**

### Automated Certificate of eService

This automated certificate of service was created by the e filing system. The filer served this document via email generated by the e filing system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Christopher Bowers on behalf of Christopher Bowers

Bar No. 2731300

Chris@susterlaw.com

Envelope ID: 111842669

Filing Code Description: Answer/Response

Filing Description: County's Amended Pleas to the Jurisdiction and Amended Response to Plaintiffs' Motion for Partial Summary Judgment

Status as of 3/3/2026 8:20 AM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Arthur J.Anderson		aanderson@winstead.com	2/27/2026 11:38:43 PM	SENT
Matt Joeckel		mjoeckel@winstead.com	2/27/2026 11:38:43 PM	SENT
John Yoon		jhyoon@winstead.com	2/27/2026 11:38:43 PM	SENT
Christopher AKlement		chris@oknlegal.com	2/27/2026 11:38:43 PM	SENT
Darrell G-MNoga		darrell@oknlegal.com	2/27/2026 11:38:43 PM	SENT
Colson Rand		colson@oknlegal.com	2/27/2026 11:38:43 PM	SENT
Daniel Ray		daniel@scottraylaw.com	2/27/2026 11:38:43 PM	SENT
Arnold Luschin		arnold@scottraylaw.com	2/27/2026 11:38:43 PM	SENT
Christopher Bowers		office@susterlaw.com	2/27/2026 11:38:43 PM	SENT