



City of Rowlett

Meeting Agenda

City Council

4000 Main Street
Rowlett, TX 75088
www.rowlett.com

City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6115 or write 4000 Main Street, Rowlett, Texas, 75088, at least 48 hours in advance of the meeting.

Tuesday, July 15, 2014

5:30 P.M.

Municipal Building – 4000 Main Street

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

1. CALL TO ORDER

2. EXECUTIVE SESSION

2A. The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) and §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney for property located at 2801 Lakeview Pkwy. (30 minutes) THIS DISCUSSION WILL TAKE PLACE AT THE CONCLUSION OF THE REGULAR MEETING.

2B. The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) and §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss and deliberate the offer of financial or other incentives to business prospects that the City may seek to have locate in or near Elgin B. Robertson Park. (15 minutes) THIS DISCUSSION WILL TAKE PLACE AT THE CONCLUSION OF THE REGULAR MEETING.

3. WORK SESSION (5:30 P.M.)* Times listed are approximate

3A. Discuss a proposed Parks Maintenance Standards Policy and related costs for the City of Rowlett's parks system. (30 minutes)

3B. Discuss Community Development Block Grant (CDBG) 2014 Annual Plan and seek feedback from City Council on proposed funds allotted to each program. (15 minutes)

3C. Discuss the Community Investment Program (CIP) Task Force creation and selection of members. (15 minutes)

- 3D. Discuss the acquisition of Human Resources Information System (HRIS), including timekeeping and payroll systems. (45 minutes)
- 3E. Discuss Stonebridge Veterinary Hospital of Rowlett as the provider of veterinary services for the Rowlett Animal Shelter. (15 minutes)

4. DISCUSS CONSENT AGENDA ITEMS

CONVENE INTO THE COUNCIL CHAMBERS (7:30 P.M.)*

INVOCATION

PLEDGE OF ALLEGIANCE

TEXAS PLEDGE OF ALLEGIANCE

Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

5. PRESENTATIONS AND PROCLAMATIONS

- 5A. Presentation of the Government Finance Officers of America (GFOA) Distinguished Budget Presentation for FY2014 City of Rowlett Budget.
- 5B. Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interest.

6. CITIZENS' INPUT

At this time, three-minute comments will be taken from the audience on any topic. To address the Council, please submit a fully-completed request card to the City Secretary prior to the beginning of the Citizens' Input portion of the Council meeting. No action can be taken by the Council during Citizens' Input.

7. CONSENT AGENDA

The following may be acted upon in one motion. A City Councilmember or a citizen may request items be removed from the Consent Agenda for individual consideration.

- 7A. Consider action to approve minutes from the July 1, 2014, City Council Meeting.
- 7B. Consider action to adopt an ordinance adopting and enacting Supplement Number 14, Volume I and Volume II, dated February 2014, to the Code of Ordinances.
- 7C. Consider action to approve a resolution accepting the bid of and awarding a contract to SunTrust Equipment Finance & Leasing Corporation in the amount of \$445,682, utilizing an interest rate of 1.38 percent for the five year lease-purchase financing of water meters and authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said purchase.

- 7D.** Consider action to approve a resolution amending a Communication Facility License Agreement with T-Mobile West Corporation for communication facilities located at Fire Station #3, 8000 Princeton Road.

8. ITEMS FOR INDIVIDUAL CONSIDERATION

If a Public Hearing is listed, the City Council will conduct such public hearing to receive comments concerning the specific items listed in the agenda. Any interested persons may appear and offer comments, either orally or in writing; however, questioning of those making presentations will be reserved exclusively to the presiding officer as may be necessary to ensure a complete record. While any person with pertinent comments will be granted an opportunity to present them during the course of the hearing, the presiding officer reserves the right to restrict testimony in terms of time and repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views and identical or similar comments through a representative member when possible. Presentations must remain pertinent to the issues being discussed. A person may not assign a portion of his or her time to another speaker.

- 8A.** Consider adoption of an ordinance authorizing the issuance and sale of City of Rowlett, Texas Waterworks and Sewer System Revenue Bonds, Series 2014; providing an effective date; and enacting other provisions relating to the subject.

TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS

9. ADJOURNMENT

Laura Hallmark

Laura Hallmark, City Secretary

I certify that the above notice of meeting was posted on the bulletin boards located inside and outside the doors of the Municipal Center, 4000 Main Street, Rowlett, Texas, as well as on the City's website (www.rowlett.com) on the 10th day of July 2014, by 5:00 p.m.



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 07/15/14

AGENDA ITEM: 2A

TITLE

The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) and §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney for property located at 2801 Lakeview Pkwy. (30 minutes)
THIS DISCUSSION WILL TAKE PLACE AT THE CONCLUSION OF THE REGULAR MEETING.



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 07/15/14

AGENDA ITEM: 2B

TITLE

The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) and §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss and deliberate the offer of financial or other incentives to business prospects that the City may seek to have locate in or near Elgin B. Robertson Park. (15 minutes) THIS DISCUSSION WILL TAKE PLACE AT THE CONCLUSION OF THE REGULAR MEETING.



City of Rowlett

Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
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AGENDA DATE: 07/15/14

AGENDA ITEM: 3A

TITLE

Discuss a proposed Parks Maintenance Standards Policy and related costs for the City of Rowlett's parks system. (30 minutes)

STAFF REPRESENTATIVE

Jermel Stevenson, Director of Parks and Recreation
Keith Flournoy, Parks Manager

SUMMARY

City Council and the City's management have identified the need to begin addressing the aging parks infrastructure. Parks playground equipment needs to be protected from the weather elements, picnic shelters need to be replaced and the turf's irrigation system is in need of repair or replacement. In addition, over the past decade, additional parks and open space have been added to the Parks and Recreation Department's inventory without an increase in personnel, equipment, or supplies to properly take care of the acquired space. A park maintenance policy will set the standard of care relative to maintenance and staffing levels needed.

BACKGROUND INFORMATION

During the March 2014 Parks and Recreation Advisory Board meeting, City staff presented a proposed Parks Maintenance Standards Policy (Attachment One). That presentation included how the parks are graded on a color scale of green, yellow and red. Green indicates that a particular park's amenities are at the highest level of performance relative to the condition of its amenities and maintenance. Red indicates a particular park is in need of greater attention in specific areas and/or in need of capital resources. We indicated our goal for the parks system to the Board, which is to establish all of our parks as "Green" parks. We discussed the level of care required for baseball fields, soccer fields, and the nature trails. The Board debated and discussed the policy presented and recommended the department address safety, community beautification and the impact of contracted maintenance staff as a key in the maintenance policy. As a result, City staff conducted additional research in an effort to return to the Board with the recommended information during the April 2014 meeting.

At the April 2014 Parks Board meeting, City staff reviewed the policy presented during the March meeting. The research presented addressed the safety concerns of the Board. Therefore, the policy includes a three-level system of maintenance for all of our Turfgrass areas. The levels are determined by need and resources available. Level 1 areas require the least amount of maintenance as these areas are comprised of undeveloped parks or difficult to reach areas. Level 2 areas are comprised of developed park areas, but are not highly used or are in

need of additional capital resources. Finally, Level 3 areas are our highly used and highly visible areas such as Community Park, Herfurth Park, roadway medians and City facilities.

Staff also identified the role of contracted maintenance staff. The parks system has just over 900 acres of parks and open space. The contracted maintenance staff mows approximately 600 acres of park land. Our City staff is required to maintain the entire system, inclusive of the acres mowed by contractors. This includes irrigation repairs, tree trimming in the medians, greenbelts, athletic field maintenance, assisting defunct homeowner association landscaping, and support for City-wide functions. The Parks Advisory Board voted to support the policy and recommended it for approval to City Council.

This policy has been under review and research prior to these two Board meetings. On Saturday, July 20, 2013, the Parks and Recreation Director and his administrative staff, along with several City Councilmembers, City Manager, Assistant City Manager, Public Works Director, Finance Director and City Secretary embarked on a tour of our parks (Herfurth, Katy, Kenwood, Springfield, Twin Star, Community, Scruggs, Lakeside, and Pecan Grove). The purpose of the tour was to assess and evaluate the condition of our parks using a rating system on a scale from 1 to 5 (1 = Poor and 5 = Good) and for Council to discuss the maintenance standards. During the tour, there was an allotted amount of time to tour each park and evaluate certain features or amenities within those parks. The areas of focus were signage, parking, landscape, playgrounds, benches, sidewalks, trash cans, athletic amenities, restrooms and grills. Keeping in mind each park offers different amenities, the parks were scored just on the amenities offered.

At the conclusion of the tour, it was decided that we needed to measure our parks against other area communities that have park systems similar to Rowlett and rate those parks using the same measures. On Saturday, August 3, 2013, we embarked on our second tour visiting parks in Sachse (Salmon Park and Heritage Park), Wiley (Founders Park), Richardson (Huffhines Park) and Rockwall (The Harbor).

It was obvious that many, if not all, of our parks could either use further capital investment, ranging from minimal to major capital improvements. The challenge we currently face is one of manual resources. Many of the improvements could be made if we had the human capital to repair and provide maintenance to our assets. During the June 22, 2013, work session, it was reported that we are below the standard of maintenance personnel needed to provide adequate maintenance to our parks.

From the overall scoring, our park system was rated to be at a 2.9 based on the five-point scoring system that was used looking at the amenities and needs. The parks in other area communities used as a comparison had an overall score of 3.5. Whereas these numbers may appear to be in close range, it is in part due to some of our parks receiving very high scores; however, it does not account for the parks that are in greater need of maintenance and staff resources.

Fortunately, we have a dedicated group of workers that oftentimes go above and beyond to handle the day-to-day responsibilities, despite the fact that we have inferior equipment, not enough equipment and not enough bodies. If we do not begin to invest in our park system, our number (2.9) will continue to decline.

DISCUSSION

Staff feels strongly that the City should have adopted Parks Maintenance Standards. Should Council adopt the proposed standards, additional funds would need to be provided for staffing and capital improvements. As indicated last year, we currently have one (1) park employee for every sixty-five (65) acres that we maintain. The DFW area cities surveyed last year have a standard of one (1) park employee for every thirty (30) acres. Staff is proposing that we begin to bring our numbers more in-line with the national standard by adding parks maintenance employees in the coming fiscal years, starting with FY2015.

We are proposing that we begin with the addition of two (2) parks maintenance workers to the parks division. To provide some insight into what we are currently attempting to maintain, we have approximately 200 miles of irrigation, aging playgrounds and buildings (concessions at Community Park and restrooms), the addition of new parks (Katy and Kenwood) and the future development of Downtown and Scenic Point Park. We would also be looking to add staff each fiscal year through 2018.

The question we need to answer is “at what level of maintenance would Council prefer to see our parks system operate based on the Standards and Capital Improvement needs?” Staff’s recommendation is to operate/maintain the parks at the highest standard (1:30/Green).

FINANCIAL IMPLICATIONS

The table below indicates the year we would like to begin adding staff and how much of an impact it would have on the upcoming budgets. Also, the ratio of staff to acres is demonstrated, indicating that by FY2018 we will be closely aligned with the national standards relative to parks staff to acreage maintained. The total cost to reach the desired ratio of 1 employee per 33 acres is \$408,510 over four years and would add nine employees.

Fiscal Year	Number of Employees	Estimated Annual Cost	Cumulative Cost	Ratio (staff to acreage)
2015	2	\$ 90,780	\$ 90,780	1:50
2016	2	90,780	181,560	1:43
2017	2	90,780	272,340	1:39
2018	3	136,170	408,510	1:33
Total	9	<u>\$408,510</u>	<u>\$408,510</u>	<u>1:33</u>

The table below is taken from our Parks Assessment Report (Attachment Three) and it demonstrates an estimate of the amount of capital dollars that are needed to move our parks to a green level, keeping in mind that adequate staff resources are required if the capital dollars

are allocated. In the attached assessment report is a more detailed explanation of the cost associated with the listed totals.

Park Name	Park Color Designation	Cost For All Improvements Per Park	Cost for Major Capital Improvement Items	Non-Major Capital Cost (Can be paid for out of normal operation dollars)
Katy	Green	\$ 70,180	\$ 63,760	\$ 6,420
Paddle Point	Red	124,100	115,000	9,100
Kenwood	Green	37,500	29,000	8,500
Lakeside	Red	178,700	165,000	13,700
Nature Trail	Yellow	86,900	86,000	900
Pecan Grove	Yellow	78,500	75,000	3,500
Main Street Soccer	Yellow	247,000	245,500	1,500
Scruggs	Yellow	68,900	66,000	2,900
Twin Star	Yellow	83,500	79,250	4,250
Springfield	Yellow	587,550	578,500	9,050
Shorewood	Yellow	37,350	27,000	10,350
Community Park	Yellow	604,150	600,850	3,300
Veterans Park	Green	15,000	15,000	0
Herfurth	Yellow	6,000,000	6,000,000	0
Totals		<u>\$8,219,330</u>	<u>\$8,145,860</u>	<u>\$73,470</u>

The capital dollars totaling \$8.1 million will need to come from future bonds.

As a part of the recent City Council retreat, Council discussed the possibility of adding one cent to the tax rate for the direct purpose of upgrading and enhancing park maintenance and amenities. This would total approximately \$315,000 annually. With \$315,000 added to the Parks budget annually, we would be able to add six (6) additional staff over a two to three year period, purchase equipment and improve our delivery of service by improving our amenities. The tables listed below demonstrate our strategy relative to how the dollars would be used over a three (3) year period. We must keep in mind that the staffing is a permanent expense, thus reducing the amount of dollars (\$90,000) each year to go towards equipment and repairs, but increasing our delivery of service. After the third year we would have approximately an additional \$60,000 each year to replace equipment and provide repairs/maintenance to our facilities.

FY2015

Expenditure Item	Quantity	Estimated Cost
Staffing	2 @ \$45,000 annually for each full-time park employee	*\$90,000
Irrigation Pump for	1	60,000

Community Park		
Playground for Twin Star	1	80,000
New Pickup truck to accommodate additional staff	1	20,000
Repair/replace patio at Springfield	1	50,000
Purchase New Mowers	2	15,000
Total		\$315,000

FY2016

Expenditure Item	Quantity	Estimated Cost
Staffing	4 @ \$45,000 annually for each full-time park employee	*\$180,000
Replace Fitness Circuit at Community Park	1	40,000
New Scag Mowers	2	20,000
Add Irrigation at Community Park	N/A	55,000
Paint Pavilion and Restroom at Springfield Park	1	20,000
Total		\$315,000

FY2017

Expenditure Item	Quantity	Estimated Cost
Staffing	6 @ \$45,000 annually for each full-time park employee	*\$270,000
Shade Structure for Katy Park	1	40,000
Add playground equipment to Lakeside Park and Katy Parks	Swing sets	5,000
Total		\$315,000

(*) Represents the recurring staff cost. At the end of this three year period, we would have added 6 additional employees to the parks division roster. The cost for these six (6) employees in the third year and beyond is an approximate total of \$270,000 per year.

RECOMMENDED ACTION

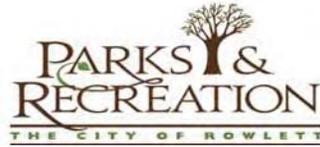
City staff recommends the City Council discuss the proposed park maintenance policy and provide direction to staff regard the adoption of such standards.

ATTACHMENTS

Attachment 1 – Park Maintenance Standards

Attachment 2 – Power Point

Attachment 3 – Parks Assessment



Park Maintenance Standards



March 2014

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MAINTENANCE MANAGEMENT AND OPERATION STANDARDS

Purpose

The Parks Division of Rowlett has devoted careful consideration to developing a plan for the ongoing care and protection of the substantial assets that are our parks and grounds. The progressive attitude prevalent in all endeavors undertaken within Rowlett will continue as we strive to adopt, implement, and expand upon this maintenance plan. For both Rowlett residents and visitors, the goal of the Parks Grounds Maintenance Division is to present a positive image, safe and clean facilities, and well maintained properties.

The Parks Maintenance Division is responsible for over 900 acres of park land and other public spaces and will outline a maintenance approach under the following six divisions:

- **Turfgrass**
- **Playfields**
- **Playgrounds**
- **Trees & Landscaped Areas**
- **Walking Trails**
- **Facilities & Site Amenities**

Standards

In establishing this maintenance plan we have used industry standards to guide us as we strive to provide Rowlett with world class park facilities. To achieve and maintain these standards we look to hire the right people for the right job and provide necessary training and professional development.

We have established a color system (Green, Yellow, Red) that ranks our parks based on maintenance needs, amenities and current condition. We also use the color index to rate the condition of those amenities that are within the parks. Our standards

Green indicates that a particular park facility is at our highest level of care and the amenities are in good to new condition. This facility will have certain features, amenities and care standards that are obvious to the trained and untrained eye. These facilities require more capital and human resources and will have amenities and a standard of care such as:

- Adequate to full irrigation.
- Trees are regularly pruned and maintained.
- Painting takes place at minimal every three (3) years.
- Mowing occurs minimally every seven (7) days or 30 times per year.
- Athletic Facilities are irrigated and mowed twice per week.
- Newer or up-to-date playground equipment.
- Stabilized shorelines.
- Trails are navigable and safe with adequate signage.
- Natural areas are protected
- Adequate ADA Accessibility

Yellow indicates the park may be in need of some aesthetic repairs on various items, however they are at an acceptable level and could be maintained at that level based on age and appearance of amenities and the level of care provided. It would require new amenities and an increase in the level of care by adding human and capital resources to move the park to a GREEN designation and maintain it at that level. Repairs are done as necessary and/or when resources are available. All urgent items are addressed immediately. A YELLOW designated park will:

- Have partial irrigation.
- Heat crack in green areas where visitors traverse.
- Painting every seven (7) to ten (10) years.
- Older playground equipment.
- Some ADA Accessibility
- Trees are removed or pruned base on code or safety violations.
- 48 hour response time to complaints
- Park and Rule Signage

Red indicates a particular park is in need of greater attention in specific areas and in need of major capital resources. Lakeside and Paddlepoint are examples of parks that have a RED designation and require major capital investment. The issues in these parks need to be addresses and have issues that have a level of liability exposure that needs to be addressed or will need to be addressed in the near future. A RED designation will:

- Not have no irrigation
- Have erosion degradation
- Have out of date playground equipment
- Have no ADA Accessibility
- Be mowed every 14 to 21 days
- Not have a forestry program – Emergencies Only
- Be in need of new sidewalks or major sidewalk repairs
- Have liability exposures

Turfgrass Maintenance

We have also established a three (3) level system of maintenance for all of our Turfgrass areas. The levels are determined by need and resources available. Level 1 areas require the least amount of maintenance as these areas are comprised of undeveloped parks and difficult to reach areas. Level 2 areas are comprised of developed parks areas but are not highly used or they are in need of capital resources.

Finally, Level 3 areas are our highly used and highly visible areas such as Community Park, Herfurth, Medians and City Facilities.

State of the Parks

Green/Yellow/Red Definitions

Green

Green

- Full irrigation
- Forestry program (tree pruning, replacement, and re-forestation)
- Athletic Fields mowed 2x per week
- Repainting takes place every 3 years
- Hazards repaired immediately
- Entire park mowed, edged, trimmed, & litter collected weekly (30 times per year min.)

Yellow

Yellow

- Partial irrigation
- Forestry program: Trees removed or trimmed based on code violations, user complaints or dead vegetation that has become a safety issue
- Athletic fields mowed 1x per week (no rotation of fields)
- Repainting takes place every 7-10 years
- Hazards are repaired in 48 hours
- Park mowed, edged, trimmed, & litter collected minimum of 20 times per year

Red

Red

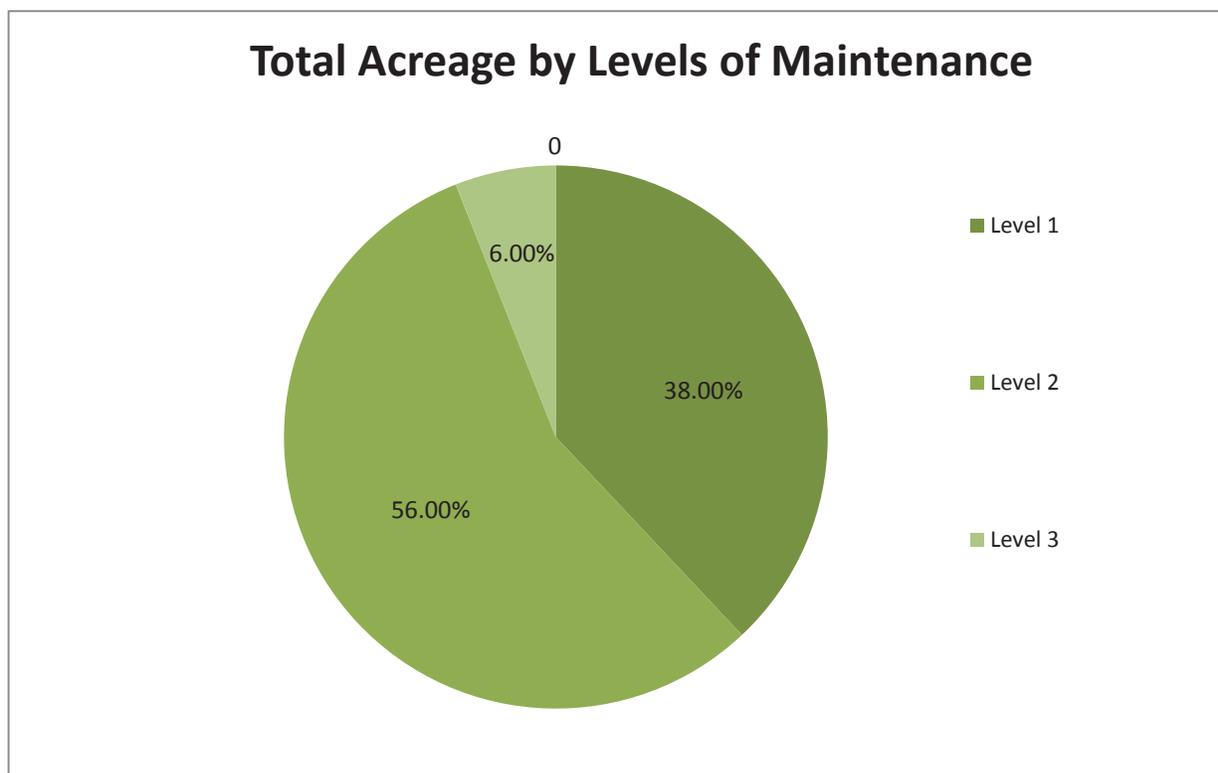
- No irrigation
- No forestry program-emergencies only
- Undeveloped parks in close proximity to neighborhoods
- Athletic fields mowed 1x a week; fields are prepared for games only and there are no rotations
- Park mowed, edged, trimmed, & litter collected 15 times per year (bi-weekly) or less

Turfgrass Statement of Intentions:

To provide safe and appealing Turfgrass areas for all users of Rowlett's parks and grounds, including municipal buildings grounds. Maintenance of Turfgrass playing surfaces for all sports fields will focus on safety and playability through the entire season. Training materials will be provided to partner associations that outline maintenance best practices. A close relationship and excellent communication with the partner associations and daily users of the athletic facilities will be paramount to the success of the maintenance plan. The overall Turfgrass maintenance philosophy will be geared toward implementing industry accepted cultural best practices to help reduce the need for pesticide applications. Given the wide variety of uses for the Turfgrass areas, three (3) levels of maintenance will be established with Level 1 having the lowest maintenance standards and Level 3 the highest.

Turfgrass Management Summary

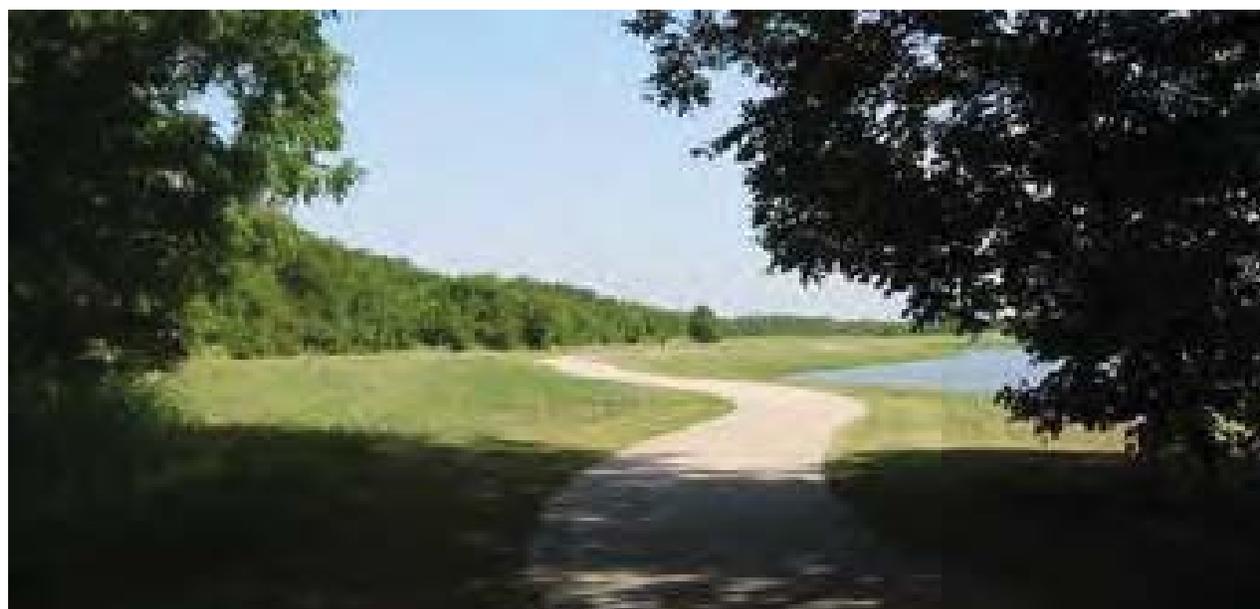
- 554 acres of parkland areas are maintained – Level 2
- 46 acres of Athletic Fields - Level 3
- 372 acres Rough Cut areas – Levels 1
- 11 acres Municipal offices (Fire, Police, and City Hall) and Other Areas – Level 3
- 3 levels of maintenance



TURF MANAGEMENT – LEVEL 1	
Mowing and Trim	Satisfactory turf coverage will be mowed and trimmed as needed to maintain a height-of-cut (HOC) between 4” and 12” to be determined by the Grounds Manager. Clippings will be side discharged or mulched into the turf canopy. Mowing cycle approximately every 3 weeks. Height not to exceed code regulation of 12”.
Seeding	Thin or bare areas deemed unacceptable will be documented and addressed by priority. Renovation will consist of soil cultivation, seeding, and fertilization using a “starter” type product. Methods of renovation will be determined by site restrictions, equipment, labor, and material availability.
Herbicides	Obstructions requiring hand trim work (such as: fences, permanent structures, and other immovable objects) will be assessed and treated with non-selective herbicides to reduce labor inputs.
PGR’s	No Plant Growth Regulators (PGR’s) will be used at this level because of labor cost and material cost.



TURF MANAGEMENT – LEVEL 2	
Mowing and Trim	Satisfactory turf coverage will be mowed and trimmed as needed to maintain a height-of-cut (HOC) between 3/4" up to 3" to be determined by the Grounds Manager. Clippings will be side discharged or mulched into the turf canopy.
Seeding	Thin or bare areas deemed unacceptable will be documented and addressed by priority. Renovation will consist of soil cultivation, seeding, and fertilization using a "starter" type product. Methods of renovation will be determined by site restrictions, equipment, labor, and material availability.
Cultivation	Aerification will be done once every 12 weeks during the growing season or as equipment and labor are available. Preferred equipment will be the ground driven Ryan aerifier with a 3/4" dual hollow tine set-up. Seeding operations should be coordinated with aerification to maximize the value of both processes.
Fertilization	Turf will receive 2 applications of fertilizer in March, mid-June and early September each year that consists of at least 1 lb of actual nitrogen per thousand square feet. Fertilizer products having 30% to 50%+ slow release properties will be favored with the intention of building a "bank" of available nutrients. Additional fertilizer inputs will be driven by labor and resource availability.
Herbicides	Turf will receive one annual applications of broadleaf weed selective herbicide. Application will ideally be executed in the Spring months if weather or labor permits or in select areas in February as dictated by soil temperatures and germination characteristics or grassy weeds. The goal is to reduce broadleaf weeds to an aesthetically acceptable level and reduce herbicide inputs to one annual "spot treatment" type application. Obstructions requiring hand trim work (such as: fences, permanent structures, and other immovable objects) will be assessed and treated with non-selective herbicides to reduce labor inputs.
PGR's	Plant growth regulators (PGR's) will not be used at this level. .



TURF MANAGEMENT – LEVEL 3	
Mowing and Trim	Turf will be mowed and trimmed as needed and no less than twice weekly to maintain a HOC between ¾" to 2" to be determined by the Grounds Manager. Clippings will be side discharged or mulched into the turf canopy.
Seeding/Sod	Seeding will be done as needed to maintain an acceptable turf stand. The preference will be a full-scale, fall overseeding in conjunction with hollow tine aerification. Spring and summer seeding will be as needed and will be paired with some form of cultivation to maximize the efficacy of the seeding operation. Thinning or bare areas will be treated as a priority. Sod will be utilized as a last resort in areas where excessive use prevents establishment of turf from seed.
Cultivation	Aerification will be performed at least 6 times yearly with a ground driven aerifier. A ¾" dual hollow or solid tone set-up and 2X pattern will achieve 12% surface disruption per operation. Aerification and seeding should be combined whenever possible.
Fertilization	Fertilizer will be applied to achieve a minimum annual input of 4 pounds of actual nitrogen per thousand square feet. Fertilizer products having 30% to 50%+ slow release properties will be favored with the intention of building a "bank" of available nutrients. Macro and micro nutrient inputs will be based in part on soil and water test results. Additional fertility inputs will be driven by labor and resources. Will be scheduled between late Winter to late Spring and in September.
Irrigation	Level 3 areas have in-ground irrigation systems run by central controllers. Water will be applied as needed to achieve 1" of water per week with an emphasis placed on maintaining the driest conditions possible to support the Turf grass stand
Herbicides	Pre-emergent herbicides will be applied in the spring as dictated by soil temperatures and germination characteristics of crabgrass and other grassy weeds. Broadleaf weeds will be treated 1 or 2 times annually as weather and labor permit. The 3 year plan is to reduce broadleaf weeds to an aesthetically acceptable level and reduce herbicide inputs to one annual "spot treatment" type application. Obstructions requiring hand trim work (such as: fences, permanent structures, and other immovable objects) will be assessed and treated with non-selective herbicides to reduce labor inputs.
Fungicides	Application of fungicides will be assessed by the Grounds Manager and applied preventatively as labor and resources allow.
Insecticides	One application annually to prevent all species of white grubs. Additional inputs needed to control surface feeding insects will be evaluated to assess potential damage and treated accordingly.
PGR's	PGR's will be utilized to enhance color, density and lateral shoot growth with an overall emphasis on reducing vertical growth.
Soil and Water Testing	Soil tests will be taken at a reasonable interval to be determined by the Grounds Manager. Immobile nutrients such as phosphorous, calcium and magnesium will be applied at the time of aerification and rates will be driven by soil and water test results. Soluble products like gypsum, potassium, sulfur and any recommended micronutrients will be applied during the course of normal fertilization operations
Topdressing Cultivation	Topdressing will be implemented as aggressively as possible. Targeted annual depth will be ½" of a sand based material applied incrementally not to exceed 1/8" per application. Sand particle size should fall within the medium specifications not to exceed 1mm in size. Organic matter should compose at least 20% of the mix. Topdressing will be combined with cultivation operations whenever possible.



Mowing Areas

Mowing Areas	Irrigation Y/N	Developed Y/N	Level of Management Required	Level of Management Performed
Community Park (Soccer, Baseball, Softball)	Y	Y	3	2
Community Park (Trails)				
Herfurth Park (Baseball, Tee Ball)	Y	Y	3	2
Veterans Park	Y	Y	3	3
*Pecan Grove	P	Y	2	2
*Katy Park	P	Y	3	2
Nature Trail	N	P	1	1
Lakeside Park	N	Y	2	1
*Springfield Park	P	Y	3	2
Paddle Point Park	N	Y	1	3
Schrade Park	N	N	3	1
Shorewood Park	P	Y	3	2
*Kenwood Heights Parks	P	Y	3	3
Scruggs Park	N	Y	3	2
*Twin Star Park	P	Y	3	2
Cedar Bridge Park	N	N	1	1
Columbia Park	N	N	1	1
Edwards Park	N	N	1	1
*Twin Star	P	N	1	3
Mayors Park	N	N	1	2
*(ELC) Environment Learning Center	P	N	1	3
Muddy Creek	N	N	1	1

* Partial Irrigation*



SECTION 2 – Playfields

Level 3

Our playfields consist of soccer fields (13); Baseball Fields (11). The softball fields have skinned infields and the baseball fields have grass infields. We have one ball field (Angel's Field) at Springfield Park.

Infields

Statement of Intentions:

To provide a safe, level, groomed infield surface suitable for baseball and softball. Parks Grounds Maintenance Division has responsibility for turf, irrigation maintenance and repair, training Partner Associations, and the production of any desired training materials.

Infield Maintenance

- The primary role of the Parks Division management and staff will be to train others to properly perform daily tasks that provide good playing conditions without detrimental effects to the fields. A policy for mandatory training attendance is being explored through a cooperative effort with the Parks & Recreation Department who assign use privileges to the various Athletic Associations.
- Grass Transition or "Lip"
Because the formation of a raised "lip" presents a significant safety hazard to field users, management and staff will have an active role in training field users along with physical rehabilitation of the lip (either in-house or by contracted service) to maintain a safe transition.
- Cultivation Aerification will be done 6 times annually or as equipment and labor are available. Preferred equipment will be the ground driven aerator with a ¾" dual hollow or solid tine set-up. Seeding operations should be coordinated with aerification to maximize the value of both processes.
- Irrigation: The Grounds Manager or Crew Leader assigned to the athletic fields will schedule, via the central controller, the run times of sprinklers dedicated to skinned infields. The proper moisture level of a skinned infield will allow the player's spiked shoe to sink into the surface.



SECTION 2

Soccer Fields

- 14 Fields
- 19.4 total acres
- 4 with lights
- Cut every 5 to 7 days
- All have irrigation
- Maintained by Parks Division personnel

Rowlett Community Park - Soccer Fields			Fields Dimensions												
Division	Complex	Field	Feet		Yards		Center Circle	Corner Arc	Goal Area Box	Penalty Area	Penalty Arc	Penalty Spot	Technical Area	Players Bench Dist from Fields	Spectators Bench Dist from Fields
			Width	Length	Width	Length									
U5/U6	East	A	60	90	20	30	3 Yards Radius	2 Foot Radius	N/A	N/A	N/A	N/A	6 Yards	2-3 Yards Minimum	2-3 Yards Minimum
U5/U6	East	B	60	90	20	30	3 Yards Radius	2 Foot Radius	N/A	N/A	N/A	N/A	6 Yards	2-3 Yards Minimum	2-3 Yards Minimum
U5/U6	West	1	60	90	20	30	3 Yards Radius	2 Foot Radius	N/A	N/A	N/A	N/A	6 Yards	2-3 Yards Minimum	2-3 Yards Minimum
U5/U6	West	2	60	90	20	30	3 Yards Radius	2 Foot Radius	N/A	N/A	N/A	N/A	6 Yards	2-3 Yards Minimum	2-3 Yards Minimum
U7/U8	West	6	90	150	30	50	5 Yards Radius	2 Foot Radius	6 x 6 Yards	N/A	N/A	N/A	8 Yards	3-4 Yards Minimum	3-4 Yards Minimum
U7/U8	West	7	90	150	30	50	5 Yards Radius	2 Foot Radius	6 x 6 Yards	N/A	N/A	N/A	8 Yards	3-4 Yards Minimum	3-4 Yards Minimum
U7/U8	West	9	90	150	30	50	5 Yards Radius	2 Foot Radius	6 x 6 Yards	N/A	N/A	N/A	8 Yards	3-4 Yards Minimum	3-4 Yards Minimum
U7/U8	West	10	90	150	30	50	5 Yards Radius	2 Foot Radius	6 x 6 Yards	N/A	N/A	N/A	8 Yards	3-4 Yards Minimum	3-4 Yards Minimum
U9/U10	East	D	120	197	40	66	6 Yards Radius	1 Yard Radius	4 x 4 Yards	12 Yards	2 Yards Radius	8 Yards	10 Yards	4-5 Yards Minimum	4-5 Yards Minimum
U9/U10	West	5	150	225	50	75	7 Yards Radius	1 Yard Radius	5 x 5 Yards	12 Yards	2 Yards Radius	8 Yards	10 Yards	4-5 Yards Minimum	4-5 Yards Minimum
U12	East	E	180	300	60	100	8 Yards Radius	1 Yard Radius	6 x 6 Yards	14 Yards	2 Yards Radius	8 Yards	12 Yards	4-5 Yards Minimum	4-5 Yards Minimum
U12 >	West	4	180	360	60	120	10 Yards Radius	1 Yard Radius	6 x 6 Yards	18 Yards	2 Yards Radius	12 Yards	12 Yards	4-5 Yards Minimum	4-5 Yards Minimum

Section 3 Playgrounds

Statement of Intentions: Our goal is to provide safe playgrounds to the citizens and visitors of Rowlett. This will be accomplished by education and training our all of our parks division staff. We will conduct regular safety inspections of all of our playgrounds and immediately make necessary repairs to any areas that put our users at risk of injury and the City at risk of litigation.

Rowlett has seven parks with playgrounds: Katy Park, Kenwood Heights Springfield Park, Shorewood Park Scruggs Park Twin Star and Community Park. In 2013, our parks underwent a complete safety audit which revealed that all of our playgrounds were at varying level on non compliance based on standards established by the American Standards and Testing Materials (ASTM), the Consumer Product Safety Commission (CPSC) and endorsed by the National Parks and Recreation Association (NRPA). As a result of the 2013 all of the noncompliance issues were addressed.

The Parks Division also began a program and policy that require monthly inspections of all playgrounds to ensure that we are maintaining an acceptable level of compliance. We are requiring that we maintain, at minimum, one Certified Playground Safety Inspector (CPSI) on staff. We also require that every two years that our playgrounds will have an audit completed on all playgrounds, preferably by an independent inspector if fiscally feasible. If not, our CPSI will conduct the Audit.





Rowlett Playground Inspection Report

Location: _____

Inspected By: _____

Date: _____

Items To Be Checked	Condition	Date Repaired	Required Repairs
Posts and footings are not exposed, cracked or loose			
Screws, bolts and nuts are tight and secure			
Welds are intact and free of cracks ✓ Slide and deck enclosures ✓ Challenge ladders ✓ Swings, ring trek, track ride ✓ Cross beams			
No rust or corrosion on equipment			
No splintered, cracked or deteriorating wood			
No chipped or peeling paint			
Metal parts show no sign of cracks, bending, warping, or breakage			
All joints secure			
No sharp edges or unsafe protrusions			
No exposed moving parts, pinch or crush points			
Plastic is not cut or cracked			
All slide supports are anchored and secure			
S-hooks and chains are closed and not excessively worn			
Fall zone free of ✓ Trash Glass Weeds Pet debris			
Fall zone material is adequately deep			
Transition carpet covered with adequate fall zone material.			

Comments:



Section 4

Trees and Landscape Statement of Intentions: To provide areas of beautification in public spaces throughout the City of Rowlett. Proper pruning, fertilization, weed control, and water management will all result in plant material and overall landscaping that are aesthetically pleasing. Rowlett has a Tree City USA designation and will continue to work to maintain this designation by planting and managing trees in our effort to improve our air quality and the health benefit to our citizens.

Landscaped Area Inventory

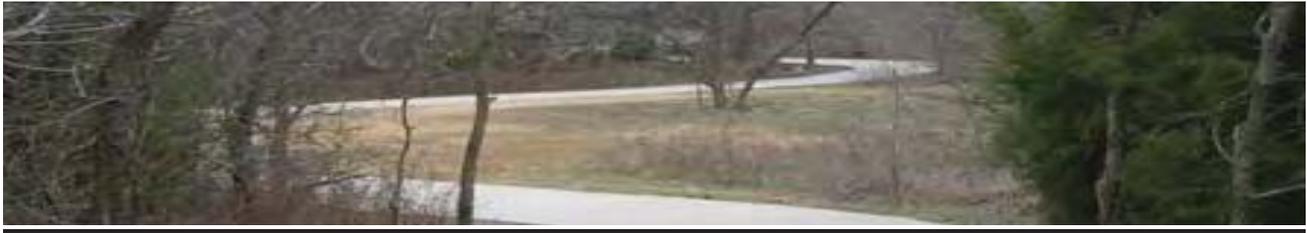
- Municipal Buildings (Fire, Police, City Hall Campus, Wet Zone, Public Works, Fire Administration Building, Library, Development Services, Community Center Campus), Parks and Trails.
- Medians and Streetscapes.

TREE AND LANDSCAPE AREA MAINTENANCE

Plant Selection	The addition of new plant material will be approached with site characteristics in mind first. Both woody and herbaceous plants will thrive and require the least amount of additional inputs when they are located at an appropriate site. Stylistically, plant material will be chosen to match or compliment the original design of existing landscaped areas when rehabilitation or expansions are undertaken. When a master plan exists, choices will be made from the recommendations of the landscape architect. Once species have been selected, improved varieties that display insect, disease, and other stress resistance will be sought for use. The Rowlett Parks division is currently involved in Zero landscaping. This is a new approach we are trying to attain to help preserve water. The thought process is to plant areas which will require less water for plants to thrive. Ground color consists of stone/river rock or crushed granite and the plants are usually a cactus type plant or background. We have beds on Miller road which exemplify our new plant strategy in a effort to save water.
Pruning/ Removal	Best Practices as outlined by the International Society of Arborists (ISA), the Pennsylvania Horticulture Society (PHS), and other resources deemed as "expert" will govern the techniques and practices employed. It is expected that grounds staff will have a working knowledge of these practices and techniques. An inventory and assessment of trees throughout the parks and public spaces will be developed and administered by the Grounds Manager. Pruning or removal will first be applied to any specimen that poses a safety threat. Additional pruning or removal will be scheduled primarily in winter months as time and labor allows.
Bed Maintenance	Hard edging will be performed Bi-weekly with soft edging to follow as needed throughout the season to maintain a defined edge. Mulch or other treatments may be applied to cover the soil for aesthetic and protective purposes. Mulching will take place once annually in the spring. Cleaning, raking, or the addition of a mulch material will take place at the discretion of the Grounds Manager to maintain a neat appearance.
Fertilization	Many plants situated on an appropriate site with desirable soils do not require additional inputs of fertilizer to perform well. Granular fertilizers will be slow release, like Osmocote, for season long feeding. In some cases a foliar application of soluble 20-20-20 may be used; especially for flowering herbaceous material.
Water Management	Many plants situated on an appropriate site with desirable soils do not require additional inputs of water to perform well. Water will be applied at times when evaporation is least likely to interfere with retention. Irrigation will be applied to roots, and not overhead, whenever possible to limit leaf wetness. Where in-ground irrigation is available, such as the islands on 228, scouting and weather reports will determine run times for the sprinklers.
Herbicides	Both pre-emergent and post-emergent herbicides will be utilized in all appropriate areas to control weed infestations. Pre-emergent herbicides will be applied annually in the spring at a rate that will provide season long control of weeds that germinate from seed. Post-emergent herbicides will be used as a spot treatment to eradicate unwanted weeds.
Fungicides	Products will be applied only as needed to be determined by Grounds Manager. Woody and herbaceous plant materials that continue to display low resistance to diseases and insects should be considered for replacement with an improved variety rather than receiving perennial pesticide applications.

Section 5

Trails



Statement of Intentions:

Statement of Intentions: To provide a safe, level, debris-free trail surface suitable for pedestrian activities or bicycle riding. Parks staff will perform weekly trail inspections.

Episodes of inclement weather that cause erosion of aggregate surfaces or strewn debris will be addressed at the earliest opportunity.

6.3 miles of walking trails:

- Lake Side Park South – 0.5 mile trail segment internal and along the edge of Lake Ray Hubbard
- Shorewood Park – 0.5 mile internal concrete trail
- Pecan Grove Park – 1 mile internal concrete trail
- Rowlett Community Park – 1.1 mile internal concrete trail
- Springfield Park – 1.7 mile concrete trail segment internal and alongside Rowlett Creek
- Nature Trail – 1.5 mile decomposed granite trail

Trail Maintenance

Trails should all be well maintained to ensure the safety and functionality of pedestrian and bicycle flow. Periodic refurbishing and debris removal will be necessary to assure ongoing serviceability. The degree of maintenance provided has a direct impact on facility service life, level of use, liability and community image. Inadequate facility maintenance conveys a feeling of lack of security or usability, resulting in fear for personal safety, and leading to decreased facility usage. A strong maintenance regimen is essential to the security and safety of users. Trail maintenance program will include:

- inspection of and repair or replacement of signs and bollards
- removal of debris
- repair of damage from seasonal washouts
- cleaning of drainage structures
- cleaning and upkeep of lighting where used
- maintenance of support facilities such as benches, drinking fountains, etc.
- maintenance of bridges
- inspecting the condition of trail-related structures
- emptying of trash cans

Trail will be top-dressed and compacted with material suitable for surface of trail and maintain a surface free of ruts or other tripping hazards. Stabilization of surface material may be achieved using various products in areas that consistently experience water erosion.

Hard surface trails will be blown or swept free of debris as necessary to maintain a surface free of tripping hazards. Condition of the hard surface material will be assessed during daily rounds and deficiencies will be reported to the Parks Supervisor or Manager to schedule for repair or replacement.



Section 7 Equipment Inventory

The equipment inventory list is compiled of all of the tools, equipment and vehicles required to complete assignments and projects for the department. Part of being able to complete any task in an efficient manner is having the right tools. Those tools also need to be in good working condition. We have been fortunate that our crews take good care of our equipment, however it comes a time when equipment needs to be replaced in order to maintain a level of efficiency. The table below details all of our equipment along with the year of acquisition, miles/hrs and a suggested replacement year. Most of our equipment on average is more than seven (7) years old. In 2013, we were able to purchase several pieces of equipment such as a stump grinder, trencher, and a water wagon.

Dept	Year	Make	Model	Type	Location	Miles/Hrs	Replace
Parks	2012	Dodge	3500	1t w/dump	CP	11135	2019
Parks	2003	Ford	F-250 SD	3/4 ton P/U	CP	67385	Now
Parks	2001	Ford	F-250 SD	3/4 ton P/U	CP	63209	Now
Parks	2003	Ford	F-250 SD	3/4 ton P/U	CP	70056	Now
Parks	2006	Ford	F-250	3/4 ton P/U	PW	50420	Now
Parks	2006	Ford	F-250	3/4 ton P/U	PW		Now
Parks	2006	Ford	F-250	3/4 ton P/U	PW	33796	Now
Parks	2006	Ford	F-250	3/4 ton P/U	CP	43513	Now
Parks	2006	Ford	F-250	3/4 ton P/U		38480	Now
Parks	2000	Turfco	FD12	Metermatic 3 top dresser	CP		Now
Parks	1995	Jacobsen	GXJ-810	Utility vehicle		out of service	
Parks	2003	John Deere	BA72	Bobcat Sweeper Attachment	CP		Now
Parks	2003	John Deere	CA-25	Auger Attachment	CP		Now
Parks	2003	Wylie	Sprayer	Sprayer / Boom	CP		Now
Parks	2000	Terramite	T5C	Terramite	PW	1315 hrs	Now
Parks	2001	Hustler	4600	3 deck ridding Mower		out of service	Now
Parks	1990	Ford	1920	Tractor	CP	out of service	Now
Parks	2002	Kubota	L4300F	Tractor	PW	754 hrs	Now
Parks	2002	MTM	3004	Pressure Washer			Now
Parks	2002	John Deere	250	Skid Steer	CP	1695 due?	Now
Parks	2003	New Holland	TL80	Tractor	CP	182 due?	Now

Dept	Year	Make	Model	Type	Location	Miles/Hrs	Replace
Parks	1997	Billy Goat	KD510	Yard Vacuum	CP		Now
Parks	2000	Campbell Haus	Vt61720SAJ	5.5 Air Compressor	CP		Now
Parks	2002	Toro	Workman 2110	Utility Kart		1738 hrs	Now
Parks	2002	Toro	22171	Pro Line 20" S/P Mower			Now
Parks	2002	Miller	3500	Blue Star Welder			
Parks	1997	Honda	EB-2500	3" Trash Pump			Now
Parks	1997	Honda	EB-2500 X	Portable Generator	CP		Now
Parks	2000	Century	100	Wire Feed Welder			
Parks	2003	Stihl	FS-85	Gas Weed Eater			Now
Parks	1998	Stihl	FC-75	Edger	CP		Now
Parks	1998	Stihl	FS-85	Gas Weed Eater			Now
Parks	1998	Stihl	FS-85	Gas Weed Eater	CP		Now
Parks	2000	Stihl	HT-75	Pole limb Saw			Now
Parks	2000	Stihl	HS-85	Hedge Trimmer	CP		Now
Parks		Toro		Workman	PW	2397 hrs	Now
Parks	2002	Stihl	20T	14" Chain Saw	CP		Now
Parks	1998	Vermeer	BC 1250A	Chipper	CP	1012 hrs	Now
Parks	1998	Stihl	FC-75	Edger		1295 hrs	Now
Parks	1995	Stihl	28AV	16" Chain Saw			Now
Parks	1995	Stihl	44	24" Chain Saw	CP		Now
Parks	2003	Stihl	FS-85	Gas Weed Eater			Now
Parks	2003	Stihl	FC-75	Edger	PW		Now
Parks	2003	Mantis	7222D	Tiller	CP	out of service	Now
Parks	2004	Aera-Vator	AE-80	Aeroator	PW		Now
Parks	2004	Turf Tiger	2500TS	Top Dresser	PW		Now
Parks	2004	Lely	H-1250	3 Point Spreader	PW		Now
Parks	2005	Hustler	Super Z	Riding Mower	CP	out of service	Now
Parks	2005	Stihl	BR-550	Back Pack Blower	CP		Now
Parks	2005	Stihl	BR-550	Back Pack Blower	CP		Now
Parks	2005	Troy-Built	644A	Super Bronco 183632 big tiller	CP		Now

Dept	Year	Make	Model	Type	Location	Miles/Hrs	Replace
Parks	2005	Stihl	MS-192	14" Chain Saw			Now
Parks	2005	Stihl	FS-75	Edger	CP		Now
Parks	2005	Stihl	BR-550	Back Pack Blower			Now
Parks	2005	Honda	WX10	Water Pump	CP		Now
Parks	2005	Ex-cell	XR2600-1	Pressure Washer			Now
Parks	2005	Earthquake	E43	6" Auger			Now
Parks	2006	Stihl	HT-101	Telescoping Pole Saw	CP		2016
Parks	2006	Stihl	MS-460	20" Chain Saw	CP		Now
Parks	2006	Kombi		Line Striper	CP	2 in shed	2016
Parks	2006	Toro	Workman 2110	Utility vehicle	CP	999 due?	2016
Parks	2006	Toro	4500D	Grounds Master	PW	1486 hrs	Now
Parks	2006	Rhino	CY72	Brush Hog	CP		Now
Parks	2006	Aerway	AWGH3-75-157-B	Turf Aerator	CP		Now
Parks	2006	Echo	SRM-261T	Gas Weed Eater			Now
Parks	2006	Echo	SRM-261T	Gas Weed Eater			Now
Parks	2006	Echo	SRM-261T	Gas Weed Eater			Now
Parks	2007	King Kutter	TG-72_Y	3 Point Tiller 72"	CP		Now
Parks	2006	Texas Bragg	7' X 22'	Trailer	CP	out of service	2016
Parks	1996	Home made	5' X 8'	Trailer			
Parks	2003	HAWN	7' X 16'	Trailer	CP		
Parks		Stihl	BR550	Blower	PW		
Parks	1995	Home made	7' X 20'	Trailer	CP		Now
Parks	1995	Home made	7' X 16"	Trailer	CP		Now
Parks		Stihl	BR55C	Blower	PW		
Parks	1995	Home made	7' X 20'	Trailer	CP		
Parks	2002	Texas Bragg	5' X 10"	Trailer	CP		
Parks	2004	Big Tex	5' X 10'	Trailer	CP		
Parks	2007	Kromer AFM	B200HP	Striper	PW	135	Now
Parks	2009	Big Tex	10ET-20FW	Trailer	CP	jacobsen trailer	2016
Parks	2010	Husky	HU80432A	Pressure Washer			2017
Parks	2010	Scag	STT-35BVAC-55	72" zero turn mower	CP	521 due?	2017
Parks	2010	Honda	GX630	Pressure	PW	212 hrs	2017

Dept	Year	Make	Model	Type	Location	Miles/Hrs	Replace
				Washer			
Parks	2010	Blue Bird	SC550A	Sod Cutter	PW		2017
Parks	2010	Stihl	FS90R	Line Trimmer	CP		2017
Parks	2010	Stihl	FS90R	Weed Eater	PW		2017
Parks	2010	Stihl	FS90R	Weed Eater	CP		2017
Parks	2010	Stihl	HT10G	Pole Saw	PW		2017
Parks	2010	Toro	8703	Sand Pro	PW	667 hrs	2017
Parks	2007	Stihl	Br-550	Back pack blower			Now
Parks	2007	Stihl	BR- 500	Back pack blower			Now
Parks	2007	Stihl	BR-550	Back pack blower	CP		Now
Parks	2007	Stihl	ht- 101	Tele/pole saw	CP		Now
Parks	2007	Stihl	BG- 85	Hand Blower	CP		Now
Parks	2007	Stihl	BG- 85	Hand Blower	CP		Now
Parks	2008	Homelite	HG- 3500A	Generator			2015
Parks	2010	Scag	STT-35BVAC	Turf Tiger Mower	PW	511 hrs	2017
Parks	2011	Bob Cat	Utility Cart 3400	herfurth cart	CP	262 due?	2018
Parks	2011	Bob Cat	Utility Cart 3400	community cart	CP	757 due?	2018
Parks	2011	North Star	M157309P	Steam Cleaner	PW		2018
Parks	2012	stihl	Ms192TCE	16" Chain Saw	CP		2019
Parks	2012	Stihl	MS192TCE	16" Chain Saw	CP		2019
Parks	2013	Stihl	FS90R	Weed Eater	CP		2019
Parks		Stihl	FS190R	Weed Eater	PW		
Parks		Stihl	FC90	Edger	PW		
Parks		Stihl	BR600	Blower	PW		
Parks		Stihl	MS180C	Chainsaw	PW		
Parks	2013	Wylie Water Wagon	EXP-500S	Water Tank	CP		2020
Parks	2013	Bradco	SG26	Stump Grinder Attachment	CP		2020
Parks	2013	B&B	130940	Chem Spray	CP	TT300-PES-CENT	2020
Parks	2013	Jacobsen	R-311 T	Mower	CP	11' cut 3 deck	2020
Parks	2013	Stihl	MS441 C	36" Chainsaw	CP		2020
Parks	2013	Bradco	89220	Trencher Attachment	CP	5653 hrs	
Parks		Stihl	MS192TC	Chainsaw	PW		
Parks		Honda	WX10	Water Pump	PW		

Dept	Year	Make	Model	Type	Location	Miles/Hrs	Replace
Parks		Stihl	HS86T	Hedge Trimmer	PW		
Parks		Skillsaw	HD77	Worm Drive Saw 7 1/4"	CP		
Parks		Stihl	FS110RX	Weed Eater	CP		
Parks		Stihl	FC-75	Edger	CP		
Parks		Stihl	MM5C	Hand Tiller	CP		
Parks		Stihl	HT-100	Small Pole Saw	CP		
Parks		Stihl	HL135	Hedge Trimmer	PW		
Parks		North Star	5560	Spray Tank	PW		
Parks	1988	Modern		3 point brush hog			
Parks	1988	Rhino	RT-21	3 point tiller			
Parks	1988	unknown	unknown	48" breaking plow			
Parks	1999	Muratori		3 point finish mower			
Parks	2000	Muratori	MR180	3 point finish mower			
Parks	2000	Muratori	E410	3 point curb dresser			

APPENDIX

(intentionally left blank)



Parks Daily Assignments

Date:

Fill out and send this back Dailey..

Note: Continue on Softball. Check out the other work order and have Alan and Michael address Twin Star, tilling and painting

Task	Assigned To	Completed Y/N - Comments
Continue renovating softball.	Travis/Jonathan/Alan/Mike	Finished trenching and we have laid most of the pipe.
Morning meeting with Keith at RCC	Travis/Jonathan/Alan/Mike	Complete
Run trash route.	Alan/Michael	Trash route is Complete
Run and get boots	Michael	He got his boots today
Plant the Lantana on Dalrock.	Alan/Mike	Have a few more we will put on Princeton Update. we have been watering them until we can breakaway to put these in.
Set up baseball fields Level out base circumference	Alan/Mike	All the fields are set up still need to level the cut outs.



PARK MAINTENANCE

Assigned To : _____

Date : _____

Completion Date: _____

Work Order:



PARK MAINTENANCE

Assigned To: _____

Date : _____

Completion Date: _____

Work Order:



Equipment Training and Acknowledgement Form

I _____ acknowledge that I have been properly trained on the basic operation, maintenance and safety precautions and can safely operate _____ properly. I further understand that all equipment must be checked in and out on the daily maintenance check list. I also acknowledge and understand that all incidents, injuries and accidents must be reported immediately to a supervisor.

Employee Signature _____ Date _____

Supervisor Signature _____ Date _____



Park Lighting Inspection Report

ATHLETIC FIELDS

SECURITY

SCOREBOARDS

- Light Footings in good condition and pole secured
- Lights operable
- Lens in place and in good condition
- Timer set for designated times
- Key switch operable
- Electrical outlets operational and covers in place

X - Indicates item needs repair

Athletic Field Lighting identification will be designated as follows: Towers will be numbered 1, 2, 3, etc from left to right starting at home plate and moving to 3rd baseline to 1st baseline. Rows will be lettered A, B, C, etc top row to bottom row. Lamps will be numbered 1, 2, 3, etc from left to right.

EXAMPLE: **2-B-4** would be the second tower past home-plate towards 3rd base, 2nd row of lights with the 4th lamp out.

Comments: _____

Inspected By: _____

Date: _____

Monthly Rowlett Playground Inspection Report

Location: _____

Inspected By: _____

Date: _____

Items To Be Checked	Condition	Date Repaired	Required Repairs
Posts and footings are not exposed, cracked or loose			
Screws, bolts and nuts are tight and secure			
Welds are intact and free of cracks <input checked="" type="checkbox"/> Slide and deck enclosures <input checked="" type="checkbox"/> Challenge ladders <input checked="" type="checkbox"/> Swings, ring trek, track ride <input checked="" type="checkbox"/> Cross beams			
No rust or corrosion on equipment			
No splintered, cracked or deteriorating wood			
No chipped or peeling paint			
Metal parts show no sign of cracks, bending, warping, or breakage			
All joints secure			
No sharp edges or unsafe protrusions			
No exposed moving parts, pinch or crush points			
Plastic is not cut or cracked			
All slide supports are anchored and secure			
S-hooks and chains are closed and not excessively worn			
Fall zone free of <input checked="" type="checkbox"/> Trash Glass Weeds Pet debris			
Fall zone material is adequately deep			
Transition carpet covered with adequate fall zone material.			

Comments:



**Rowlett Parks Department
Operators Pre-Use Weekly Check List**

Date: _____

Employee: _____

Item	Ok	ADD	Replace	Comments
<i>Engine Oil</i>				
Tires Properly Inflated				
Lug Bolts Tightened				
Battery				
Engine Coolant				
Deck Gear Box				
Body Damage				
Hydraulic Oil & Filter				
Check Blades				
Check deck for missing springs and grass shield				
Drive Belts				
Clean Radiator Dust Cover				
Fuel				
Air Filter				
Other:				

Hours / Miles: _____

Equipment # _____

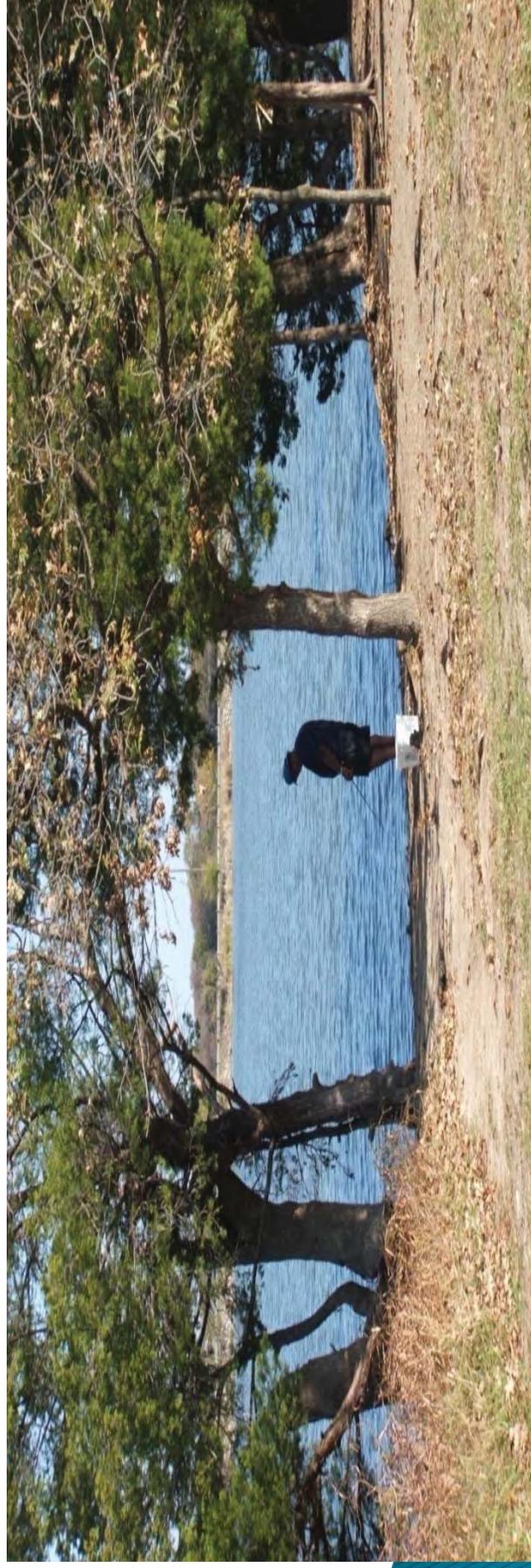
Additional Remarks:

Rowlett Parks Maintenance Standards



Why are we here?

We are here to discuss and review proposed maintenance standards for The City of Rowlett Parks Division.



The Journey

- ▶ Our journey began in early 2013
- ▶ Started with parks inventory and audit
- ▶ State of Our Parks presented to City Council
- ▶ Color System Introduced
- ▶ Tour of Parks



Parks Inventory and Audit

- ▶ A parks inventory and audit was conducted in 2013 that documented all of our parks inventories.
- ▶ The inventories were assigned a color based on condition
- ▶ Cost was provided for those items that needed to be repaired or replaced along with a priority number.



State of Our Parks

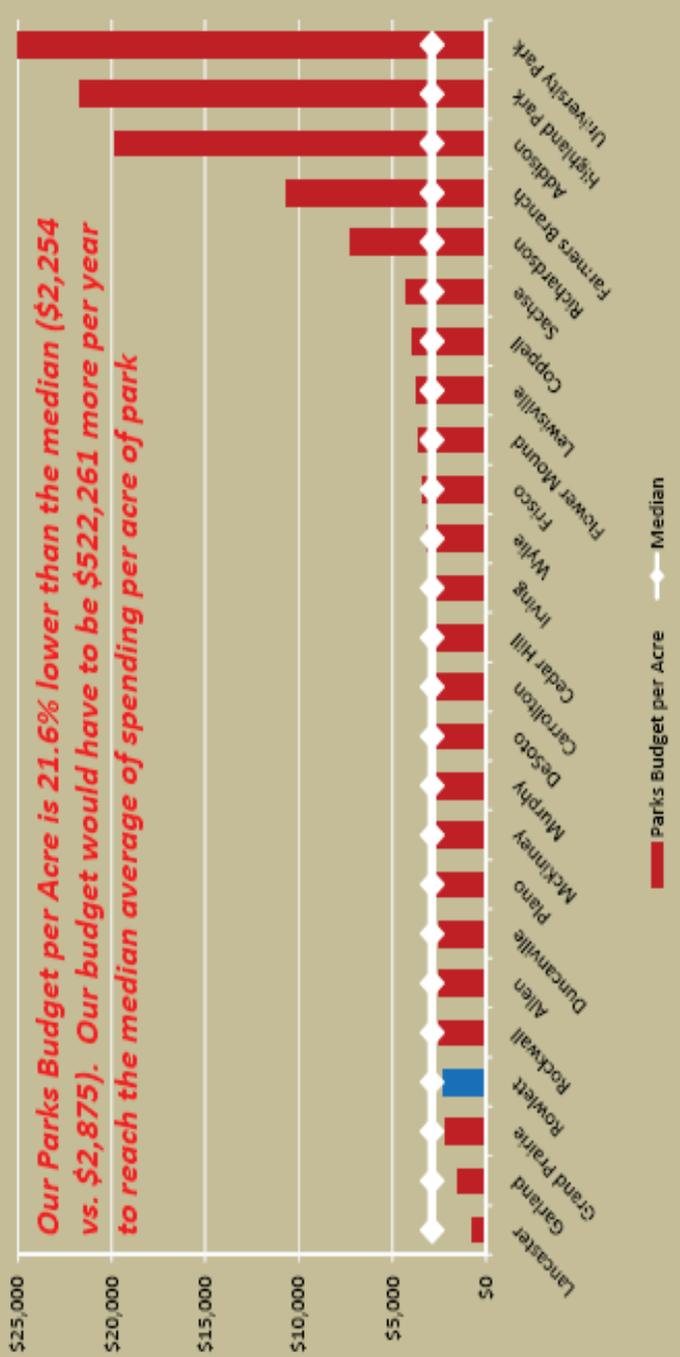
- ▶ This presentation was done for City Council in June 2013.
- ▶ Discussed financial stability for parks.
- ▶ The Color System was introduced.



State of Our Parks

Why It is Not Financially Sustainable? Total Park Budget per Acre

Parks Budget per Acre
for Comparative Cities



State of the Parks

Green

- Forestry program (tree pruning, replacement, and re-forestation)
- Athletic Fields mowed 2x per week
- Repainting takes place every 3 years
- Hazards repaired immediately
- Entire park mowed, edged, trimmed, & litter collected weekly.

Partial irrigation

- Forestry program: Trees removed or trimmed based on code violations, user complaints or dead vegetation that has become a safety issue
- Athletic fields mowed 1 x per week (no rotation of fields)
- Repainting takes place every 7–10 years
- Hazards are repaired in 48 hours
- Park mowed, edged, trimmed, & litter collected minimum of 20 times

Yellow

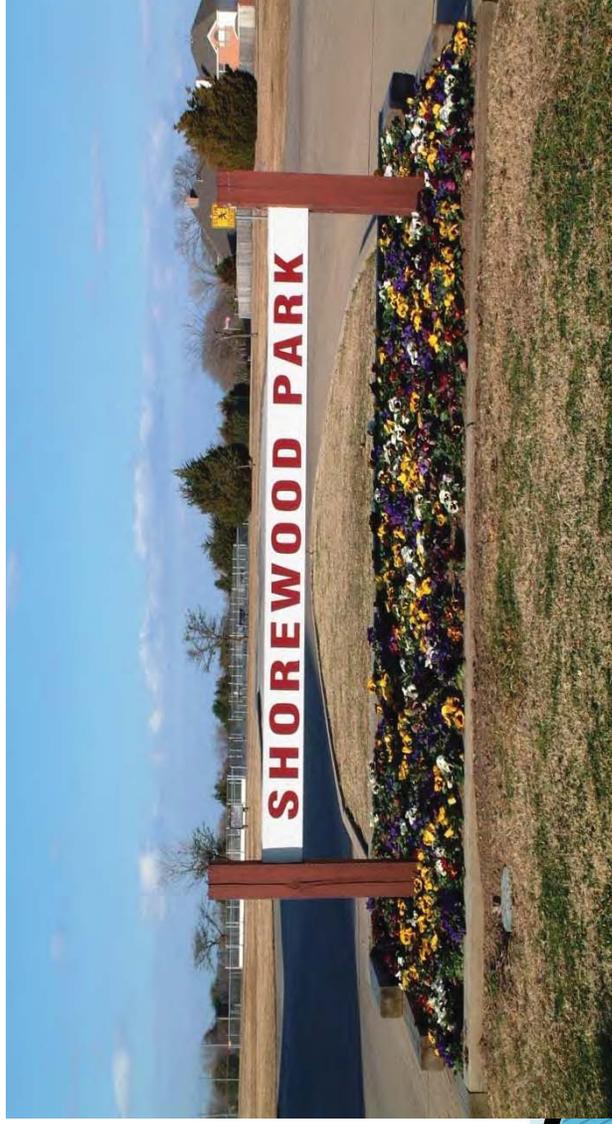
No irrigation

- No forestry program—emergencies only
- Undeveloped parks in close proximity to neighborhoods
- Athletic fields mowed 1 x a week; fields are prepared for games only and there are no rotations

Red

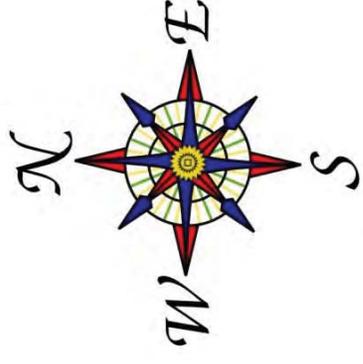
Parks Tour 2013

- ▶ July 2013 City Council Toured Rowlett Park
- ▶ August 2013 Visited Neighboring Parks
- ▶ Scoring System 1-5
 - Rowlett Overall Score 2.9



City Council Direction

- ▶ In September 2013 staff went before City Council for direction relative to how do we go about improving our parks.
- ▶ Our instruction was to come up with a Maintenance Plan
- ▶ Inventory Report



Inventory Report

- ▶ A park inventory assessment was completed in 2013.
- ▶ We looked at all of our park amenities and provided a condition designation, a priority number and a cost to repair or replace.
- ▶ Cost was separated by amenities that would require funding from sources other than our operating budget.

Staff/Park Ratio and Cost

Fiscal Year	Number of Employees	Estimated Annual Cost	Cumulative Cost	Ratio (staff to acreage)
2015	2	\$90,780	\$90,780	1:50
2016	2	\$90,780	\$181,560 <small>(This reflects cumulative annual costs after the 4th additional staff)</small>	1:43
2017	2	\$90,780	\$272,340 <small>(This reflects cumulative annual costs after the 6th additional staff)</small>	1:39
2018	3	\$136,170	\$408,510	1:33
Total	9	\$408,510	\$408,510 <small>(This reflects cumulative annual costs after the 9th additional staff)</small>	1:33

Park Name	Park Color Designation	Cost For All Improvements	Cost for Major Capital Improvement Items	Non-Major Capital Cost – (Can be paid for out of normal budget)
Katy	Green	\$70,180	\$63,760	\$6,420
Paddle Point	Red	\$124,100	\$115,000	\$9,100
Kenwood	Green	\$37,500	\$29,000	\$8,500
Lakeside	Red	\$178,700	\$165,000	\$13,700
Nature Trail	Yellow	\$86,900	\$86,000	\$900
Pecan Grove	Yellow	\$78,500	\$75,000	\$3,500
Main Street Soccer	Yellow	\$247,000	\$245,500	\$1,500
Scruggs	Yellow	\$68,900	\$66,000	\$2,900
Twin Star	Yellow	\$83,500	\$79,250	\$4,250
Springfield	Yellow	\$587,550	\$578,500	\$9,050
Shorewood	Yellow	\$37,350	\$27,000	\$10,350
Community Park	Yellow	\$604,150	\$600,850	\$3,300
Veterans Park	Green	\$15,000	\$15,000	\$0
Herfurth	Yellow	\$6,000,000	\$6,000,000	0
Total		\$8,219,330	\$8,145,860	\$73,470

Maintenance Standards

- ▶ The Maintenance Standards that we have developed will guide us relative to all aspects maintaining our parks.
- ▶ Our challenge is we do not have the Capital Resources and Human Resources to meet the standards that are being established?
- ▶ In order to meet the demand of these standards we will need:
 - Major Capital Dollars to repair and replace amenities and landscapes.
 - Additional staff to ensure that we will be able to provide an adequate level of maintenance to new amenities, parks and facilities.



PARKS AND RECREATION DEPARTMENT



Rowlett Parks Assessment Report



2014

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Introduction

In spring of 2013 the Parks Division conducted an audit of our parks facilities to establish a comprehensive understanding of the condition of our parks system and establish a capital improvement plan along with a human resources need. Also members of our City Council, Executive and Administrative staff toured our parks and the parks of surrounding communities. The purpose of the tour was to assess and evaluate the condition of our parks using a rating system on a scale from 1 to 5 (1 = Poor and 5 = Good). Our goal is to provide the City with quality parks for everyone to enjoy. Our objective is to present Council with a capital improvement priority plan to address those parks that are in greater need of resources.

In the audit we assessed the amenities and infrastructure within the parks system. As a part of our audit we established a color rating system (Green, Yellow, Red) to identify the condition of our parks (developed and undeveloped) using four basic park elements to guide us.

Size of Green Space: determines whether a park is a neighborhood park, such as Shorewood Park or a regional park, such as Community Park.

Designated Use: Passive; Active; Mixed Use

Amenities: Restrooms; Natural Areas; Sports-fields; Pavilions; Playgrounds; Roads Trails

Maintenance and Care: Fertilization; Mowing; Forestry; General Maintenance; Field Maintenance

We will strive to maintain a high standard for all of our parks; however, the reality is that the allocation of our human and financial resources will need to be prioritized. In the following tables are the results of the audit indicating the conditions of our parks and priorities. One important fact is that the items on the audit looks at the improvements on those items that will make an immediate aesthetic impact on our parks, where as the major capital improvements items addresses the longevity of our parks.

In the attached spreadsheets you will find an inventory report for the developed parks and their color rating. Additionally we have given those amenities a priority number, one (1) through three (3), with one being in greater need than three, thus assigning a color to the parks. Because of the number of items/amenities listed in some parks we only listed those items in the parks that are either Yellow or Red. As we make improvements to the Red and Yellow items, we have established a Maintenance Plan that will guide us in keeping the Green areas at their level and maintaining any improvements that have been made at other parks.

Please note that Herfurth Park is not included in this assessment. The reason being has to do with the future development plans for this park. However once we have final plans of how the City will move forward we will include it in our inventory assessment. In the mean time we will continue to maintain at an acceptable standard.

KATY RAILROAD PARK (16 acres) (Green)						Neighborhood Park - Passive
DESCRIPTION	GREEN (Good)	YELLOW (Repair / Fair Condition)	RED (Replace/ Install)	Priority	Cost	COMMENTS
Basketball Court (Half)	x					
Bench			X	2	\$700	Needs benches
Playground						
Bench			X	2	\$700	Needs a bench
Large Pavilion						
Grill(s)			X	2	\$500	Needs a grill
Signage			X	3		No sign
Irrigation						
Rain/Freeze Sensor			X	2	\$200	Need rain-freeze sensor
Coverage			X	3	\$5,000	Partial coverage needs full coverage – need to add irrigation to existing system
Shading				2	\$20,000	The pavilion provides a level of shading, however we may want to add shading over the play structure.
Fencing along alley				3	\$28,000	Existing wood ranch style fence needs boards replaced and painting, needs to be replaced with a metal or lesser maintenance material fence and moved back to 5' from paving to help prevent cars from backing into the fence.
Park Sign					\$15,000	Install Park Sign
Total					\$70,100	
Maintenance \$					(6,340)	
Capital \$					\$63,760	

There are several items that are in the RED column; however they do not impact the color designation (GREEN). These are items that will be an improvement to the current condition of the park.

PADDLE POINT PARK (1.47 acres) – RED						Regional (Lakeside) - Active
DESCRIPTION OF FEATURE	GREEN (Good)	YELLOW (Repair / Fair Condition)	RED (Replace / Install)	Priority	Cost	COMMENTS
Parking Area						
Surface			x	2	\$100,000	Gravel - Needs paved parking
Striping			x			
Fencing around parking		x		3	\$1000	Post and cable – Tighten cable and add new post
Signage (Rules)	x					
Signage (Park Sign)			x		\$15,000	
Irrigation			x	3	\$3000	Need automatic irrigation system
Turf		x		2	\$4000	Poor, no irrigation
Wood Dock Area						
Deck		X		1	\$300	Need waterproofing
Ramp		x		3	\$300	Needs ramp or fill
Rail			x	3	\$500	Needs rail
Total					\$124,100	
Maintenance \$					(\$9,100)	
Capital \$					\$115,000	

It would not take much to move this park to a GREEN designation. Landscaping and irrigation would improve the aesthetics of this facility immediately. Also paving the parking lot would give it a better look and the area would still maintain its' natural character. Once the water level returns, it will give the site a much better look and feel. This park was designated Red, primarily due to the aesthetic look and feedback.

KENWOOD HEIGHTS (3.45 acres) (Green)						Neighborhood Park - Active
DESCRIPTION OF FEATURE	GREEN (Good)	YELLOW (Repair / Fair Condition)	RED (Replace/ Install)	Priority	Cost	COMMENTS
Playground						
Spiral Slide Unit	x					
Large Climber -rock wall	x					
Small Climber	x					
Teeter Tots (2)						
Benches (4)	x					
Safety Surface	x					
Border	x					
Signage	x					
Shade Structure			x	1	\$14000	To be installed by May 2014
Picnic Unit(s)(4)						
Pad		x		2	\$3800	Two tables need pads (10'x12')
Boards	x					One missing seat board, one seat board has knot (weak area) and could break
Structure	x					
Grill(s)						None
Litter Cans (2)	x					
Parking Area						On street parking
Signage (Rules)	x					Make user friendly
Signage (Park Sign)	x				\$15,000	
Bar B Que Grill(s)						None
Forestry	x					New Trees planted in 2013
Irrigation						Need full irrigation system with electric controller and rain/freeze sensor
Controller	x					Battery valve
Rain/Freeze Sensor			x	3	\$200	None
Coverage		x		3	\$3500	Partial
Turf		x		3	\$1000	Low spots and areas not established.
Total					\$37,500	
Maintenance \$					(\$8,500)	
Capital \$					\$29,000	

Kenwood Heights based on the amenities is a Green Park. Our immediate plan is to have a shade structure installed prior to summer 2014. We currently have partial irrigation, however the non-irrigated areas establish heat cracks in the summer months and create hazardous holes throughout those areas. We also planted 50 new trees in the park in 2013 that will need to be nurtured by frequent watering. (GREEN)

LAKESIDE PARK (1.47 acres) RED						Regional Park – Active
DESCRIPTION OF FEATURE	GREEN (Good)	YELLOW (Repair / Fair Condition)	RED (Replace/ Install)	Priority	Cost	COMMENTS
Playground						
Spiral Slide Unit			X	2	\$700	Worn needs to be replaced
Safety Surface	x					
Border	x					
Signage						
Volley Ball Court						
Sand		x		2	\$1800	Needs additional sand and leveled to reduce lip on lake side
Picnic Unit(s) (5)						
Pad	x					
Boards			x	1	\$3000	All 5 tables are plastic coated and the coating is gone in areas and the expanded metal is rusting and flaking.
Structure		x		2	\$200	Needs paint.
Grill(s)		x		2		All need paint. 2 grills need to be replaced
Litter Cans (8)	x					
Parking Area (3 areas)						
Surface	x					
Striping			X	2	\$1500	All three needs to be re-stripped
Signage (Rules)	x					
Signage (Park Sign)			X	2	\$1500	Letters/Graphics peeling off
Turf			X	1	?	Lots of bare areas under the trees and causing erosion. Need to begin restoration program immediately!
Fishing Pier						
Structure		x		2	\$1000	Needs paint
Surface Boards			x	1	\$4000	Appears to be decaying and should be replaced with a plastic wood or hardwood treated
Railing	x					
Shoreline Erosion Protection			X	1	\$150,000	Needs rip rap all along shore 20' out. Area with walk and metal retaining wall needs a rail (412') or rip rap filled to top
Entry Sign				3	\$15,000	Needs new entry sign to Park
Total					\$178,700	
Maintenance \$					(\$13,700)	
Capital \$					\$165,000	

Because of the priority 1 issues Lakeside is in great need of shoreline restoration. While it is still a popular park for fishing and family gatherings, we are in jeopardy of losing the entire shore line due to erosion. In many areas aesthetically, the parks looks appealing, however because of the erosion concerns the parks was given a RED designation.

NATURE TRAIL (66 acres - Yellow) (Natural Area) Regional Park – Passive						
DESCRIPTION OF FEATURE	GREEN (Good)	YELLOW (Repair / Fair Condition)	RED (Replace/ Install)	Priority	Cost	COMMENTS
Picnic Unit(s)						None
Litter Cans (9)	x					
Parking Area			X	3	\$70,000	Possible Paving - Bond
Surface		x		2		Needs additional decomposed granite and has holes at entry
Gate		x		2	\$1200	Replace gate
Fencing around parking						Has additional 330' fence along Miller
Signage (Rules)	x					Sign on trail has BB dents and is crooked,
Signage (Park Sign)			X	2	\$15,000	Faded with mildew on top – Needs new sign
Forestry		x		2		Has tree over trail in one spot which can be walked under without difficulty but should be removed as it is a head banger on one end. Two other areas have very small limbs hanging low that need to be removed
Soft Trails/Paths			x	2		Need crushed granite and erosion fabric installed along trail.
Benches		x		2	\$700	Wood benches in two spots, suggest one at each half mile. along with trash cans
Total					\$86,900	
Maintenance \$					(\$900)	
Capital \$					\$86,000	

Nature Trail was rated a Yellow Park. Needs surface improvements along the trail. Paving the trail would allow better experience for bicyclist, rollerblading, joggers and walkers. Otherwise we need to add a significant amount of crushed granite along the 1.5 mile trail.

PECAN GROVE PARK (27 acres) Yellow – Regional Park – Passive/Active						
DESCRIPTION OF FEATURE	GREEN (Good)	YELLOW (Repair / Fair Condition)	RED (Replace / Install)	Priority	Cost	COMMENTS
Picnic Unit(s) (8)						
Boards			x	2	\$2800	Wood on 5 tables, coated expanded metal on 3, all need replacing (5 - 6' and 3 - 8' Aluminum)
Structure	x					
Litter Cans (8)	x					
Parking Area	x					
Surface	x					
Curbing	x					
Striping	x					
Signage	x					
Signage (Rules)	X					
Signage (Park Sign)			x	2	\$15,000	
Bar B Que Grill(s)						
Forestry		x				Trees need to be evaluated by a certified arborist.
Irrigation						
Controller	x					
Rain/Freeze Sensor	x					
Coverage	x					
Turf		x		2		Under wooded areas need to begin Fescue program
Shoreline Erosion Protection			X	2		Need rip rap along shore 20' out
Concrete Walks	x					
Concrete Trails	x					
Benches		x		2	\$700	Wood benches need to be replaced, need bench on Meadow Loop
Plaque(s)		x		2		Martin Schwille Memorial
Lighting			X	1		Light out in picnic area above Martin Schwille Memorial all lights need to be checked
Playground					\$60,000	Minimum
Total					\$78,500	
Maintenance \$					(\$3,500)	
Capital \$					\$75,000	

Pecan Grove was designated a Yellow park primarily due to the loss of the playground. However there are other areas of concern throughout the facility that needs to be addressed such as lighting, new picnic tables and a playground.

Main Street Soccer field is designated a YELLOW area as the field is in need of repair. Because it is used primarily as a practice field it receives a significant amount of use. The road from the underpass is in very poor condition and the parking lot and curbs needs to be paved and repaired.

Main Street Soccer Area - Yellow						Neighborhood Park - Active
DESCRIPTION OF FEATURE	GREEN (Good)	YELLOW (Repair / Fair Condition)	RED (Replace / Install)	Priority	Cost	Comments
Soccer Field						
Goals		x		2		Need paint
Turf		x		1		Due to over-use and drought conditions the grass is in poor condition.
Lighting	x					Adequate
Drainage	x					
Irrigation for fields		x		1	\$4500	Needs new pump system
Parking Area for Soccer						
Surface			x	1	\$146,000	
Curbing						None
Striping						None
Signage					\$1500	
Main Street Extension to Soccer area			X	1	\$90,000	Asphalt from end of paving to dead end. Needs to be replaced with concrete curb an gutter.
Underpass			X	1		Underpass needs to be power washed and reflective signs installed to prevent someone from running into pillars.
Fence			x	2	\$5000	
Total					\$247,000	
Maintenance \$					(\$1,500)	
Capital \$					\$245,500	

ISAAC SCRUGGS PARK (5.45 acres) Yellow						Neighborhood Park - Active
DESCRIPTION OF FEATURE	GREEN (Good)	YELLOW (Need Repairs)	RED (Replace/ Install)	Priority	Cost	Comments
Basketball Court (Half) East						
Fencing		x		2		Needs fabric stretched and retied at top
Goal Posts		x				
Goal	x					
Striping		x		2	\$600	
Surface	x					
Signage						
Basketball Court (Half) West						
Fencing		x		2		Needs fabric stretched and retied at top
Goal Posts	X					
Goal	X					
Striping		x		2	\$600	
Surface	x					
Bench	x					
Signage						
Playground						
Spiral Slide	X					
Tot Swing			x	1	\$300	Needs paint and rubber covers over chain replaced
Small Climber - Whirl			x	2		Needs paint
Teeter Tots (2)				1	\$700	Needs to be replaced
Benches (2)			x	2	\$700	Coating coming off both benches - Replace
Safety Surface	x					
Border	x					
Signage	x					May should state age recommendations of each piece of equipment
Fence Along Alley	x				\$46,000	Fence needed to vehicles from driving across park from alley
Parking Area	x					Gravel area
Fencing around parking			x	2		Wood post with cable is a tripping hazard. Posts should be painted bright color and cable flagged.
Fence along road near playground					\$5000	Need 100 feet of split-rail fence along the road parallel to the playground to protect deter children from running into the street from the playground.
Park Sign					\$15,000	
Total					\$68,900	
Maintenance \$					(\$2,900)	
Capital \$					\$66,000	

Scruggs is designated as a Yellow Park. We look to make this a Green Park with the addition of a shade structure for the playground, new basketball court and the proposed addition of two pavilions this year. In 2013 we planted an additional 50 trees and made significant repairs to the playground.

TWIN STAR PARK (5 acres) – Yellow						Neighborhood Park – Active
DESCRIPTION OF FEATURE	GREEN (Good)	YELLOW (Repair / Fair Condition)	RED (Replace /Install)	Priority	Cost	COMMENTS
Playground						
Multi-play Unit						
Benches			X	2	\$350	None, should have at least one 6' bench
Safety Surface	x					Fibar, ADA accessible
Border	x					
Signage	x		X	2		
Swings				2	\$3000	Need to install swingset
Playground Stairs			X	2	\$900	Plastic coating is peeling on stairs. Need to be replaced.
New Play ground					\$60,000	
In-Line Hockey Rink						Total pad is 72'x113'
Fencing		x				Needs small section at gate repaired with fabric and top rail, also needs 2 (2-1/2 or 3") caps and 1 (1-5/8") cap
Boards	x					
Goals	x					
Concrete Surface	x					
Striping			X	2	\$500	Needs new striping
Gates	x					
Picnic Unit(s)						
Pad	x					
Boards	x					
Structure	x					
Grill(s)	x					
Benches	x					
Signage (Park Sign)		x		3	\$15000	Replace
Irrigation						
Controller						
Rain/Freeze Sensor			X	2	\$250	Install
Coverage			X		\$3500	Partial around hockey and play areas. Needs full irrigation
Turf		x		3	Staff	Needs regrading
Total					\$83,500	
Maintenance \$					(\$4,250)	
Capital \$					\$79,250	

Twin Star has a Yellow designation. To move to GREEN there are very few items that this park needs. The playground equipment is approximately 15 years old, in need of replacement parts and is not ADA accessible. We suggest the installation of a new playground.

VETERAN'S PARK (1 acre) GREEN						Downtown Park - Passive
DESCRIPTION OF FEATURE	GREEN (Good)	YELLOW (Repair / Fair Condition)	RED (Replace/ Install)	Priority	Cost	Comments
Litter Cans ()						
Parking Area	x					Use Library Parking
Signage (Rules)						None
Signage (Park Sign)				3	\$15,000	
Irrigation						
Controller	x					
Rain/Freeze Sensor						
Coverage	x					
Turf						
Water Feature	x					5'x17' fountain area, 4.5'x14' fountain area, 251' channel
Structure	x					
Pump	x					
Electrical/Lighting						
Flag Poles	x					
Concrete Walks	x					32'x7', 8.5'x67', 11'x131'
Plaque(s)	x					
Planting Areas			x	3		3 - 9'x13', 8'x9', 6 - 9'x10', 6 - 8'x10', 8.5'x14', 2 of the areas the trees have been removed, none of the areas have plants other than trees and mulch.
Concrete Flag Plaza Area	x					
Gazebo	x					
Total					\$15000	

SPRINGFIELD PARK (117 acres) Yellow - Active

DESCRIPTION OF FEATURE	GREEN (Good)	YELLOW (Repair / Fair Condition)	RED (Replace Install)	Priority	Cost	COMMENTS
Football Field (North)						
Goal Posts		x		2	\$500	Tilted, need paint (white)
Turf		x		2		Weeds, could use sanding to level and fill holes
Football Field (South)						
Goal Posts		x		2	\$500	Tilted, need paint (white)
Turf		x				Weeds, could use sanding to level and fill holes
Soccer Field 1						
Turf		x				Weeds, could use sanding to level and fill holes
Playground						
Lighting		x		2	\$500	Post and fixtures (2) need paint
Benches (0)			x	2	\$1500	None, need 2 minimum 6' benches
Large Pavilion						
Roof		x		2		Power wash
Structure		x		1	\$800	Wood fascia needs paint
Pad		x		2	\$750	Pavestone sections along edge (3'x18'x2) need to be reset
Small Pavilion						
Roof / Structure		x		2	\$2000	Power wash and paint edge and fascia
Pad		x			\$750	Pavestone sections along edge (3'x26'x2) need to be reset
Restroom Building(s)						
Roof		x		2	\$3500	1x12 cedar fascia needs replaced on east side and painted
Disc Golf Course						Rules sign needs to be replaced with a larger, taller, readable sign. Considering repositioning to another park.
Signage		x				
Parking Area Upper Area						
Striping		x		2	\$1500	Needs stripes painted
Parking Area Overflow						Road between parking areas is 22'x173'
Surface			x	2	\$70,000	Gravel / Paved – Parking area is partially paved.

SPRINGFIELD PARK Cont. - Yellow

DESCRIPTION OF FEATURE	GREEN (Good)	YELLOW (Repair / Fair Condition)	RED (Replace Install)	Priority	Cost	COMMENTS
Irrigation						
Rain/Freeze Sensor			x	2	\$250	Need sensor
Coverage		x				Partial
Pond Edge Protection (North and South)			x	1	\$490,000	Needs rip rap edge
Entry Feature						Turf
Landscape		x		2		Needs planting in front of sign, 2 Crape Myrtles out of 3 have been severely cut back and looks bad.
Signage		x		2	\$15,000	Faded needs new sign
Total					\$587,550	
Maintenance \$					(\$9,050)	
Capital \$					\$578,500	

Springfield Park was designated as a YELLOW park with great potential. One of our challenges is it's positioned in a flood plain and will always be subjected to extensive flooding. However to move this park from Yellow to an aesthetically pleasing Green we would need to invest in areas such as painting the facilities, improving the landscape by adding irrigation and paving the overflow parking area. We also have a shore-line erosion issues that needs to be addressed, which we suggest placing rip rap along the pond edges to provide stabilization. This list was much larger from when the initial audit was completed, however many of the items have been addressed and not listed.

SHOREWOOD PARK (14 acres) Yellow - Active

DESCRIPTION OF FEATURE	GREEN (Good)	YELLOW (Repair/ Fair Conditon)	RED (Replace / Install)	Priority	Cost	COMMENTS
Soccer Field (2)						
Goals	x					Need Paint
Turf		x		2		Lots of low spots, turf in poor condition due to lack of irrigation
Basketball Court (Half)						
Striping			x	2	\$1200	Needs striping
Surface			x	2	\$2000	Needs new acrylic surface
Restroom Building(s)						None, has port-a-let
Parking Area						34'x81' entry road
Surface		x		2		Asphalt in fair condition
Curbing						None
Striping			x	2	\$2000	Needs striping
Park Signage	x				\$15,000	
Practice Backstop(s)						
Fabric			x	2	\$700	Needs new fabric
Structure		x		3	\$200	Needs bottom rail replaced in one spot and one post straightened
Irrigation						Partial
Controller	x					
Rain/Freeze Sensor			x		\$250	None
Coverage			x	1	\$12,000	Partial – Need irrigation coverage for entire grass area to reduce heat cracks in turf
Turf		x				Lots of "buffalo wallows" that hold water, turf in poor condition due to partial irrigation
Entry Feature						
Landscape		x		2	\$500	Needs new planting
Signage		x	x	2	\$1500	Faded and dents, maybe replace
Concrete Walks		x			\$2000	3-5 areas need patching
Total					\$37,350	
Maintenance \$					(\$10,350)	
Capital \$					\$27,000	

Shorewood Park with some additional funding could be easily moved from Yellow to Green as we have already began to make improvements by adding a new playground structure, installing a new basketball goal, painting the hockey rink and replacing the fence at the basketball court. As with many of our parks we have inadequate irrigation and the grass areas becomes difficult to navigate in the summer due to heat cracks.

COMMUNITY PARK (137 acres) Yellow - Active

DESCRIPTION OF FEATURE	GREEN (Good)	YELLOW (Repair / Fair Condition)	RED (Replace / Install)	Priority	Cost	COMMENTS
Baseball Field #1						Grass infields, clay base pads
Scoreboards		x	x	2	\$5000	
Baseball Field #2						Grass infields, clay base pads
Scoreboards		x	x	2	\$5000	
Baseball Field #3						Grass infields, clay base pads
Scoreboards		x	x	2	\$5000	
Baseball Field #4						Grass infields, clay base pads
Scoreboards		x	x	2	\$5000	
Softball Field #1						
Scoreboards		x	x	2	\$5000	
Softball Field #2						
Scoreboards		x	x	2	\$5000	
Softball Field #3						
Scoreboards		x	x	2	\$5000	
Softball Field #4						
Scoreboards		x	x	2	\$5000	
T-Ball Field 1 (North)						
Scoreboards			x	3	\$3500	None
T-Ball Field 2 (South)						
Scoreboards			x	3	\$3500	None
Soccer Fields/Irrigation				1	\$50,000	Facility needs complete irrigation. The areas that lead up to the soccer fields are in need of irrigation. The fields are in great condition, however walking up to the fields is challenging in the summer due to large heat cracks. There is no irrigation outside of the playing areas.
Soccer Field 1						
Goals		x				
Benches			x	2	\$350	None
Soccer Field 2						
Benches				2	\$350	None
Soccer Field 5						
Benches				2	\$350	None
Soccer Field 6						
Benches				2	\$350	None

COMMUNITY PARK Cont.						
DESCRIPTION OF FEATURE	GREEN (Good)	YELLOW (Repair / Fair Condition)	RED (Replace / Install)	Priority	Cost	COMMENTS
Soccer Field 7						
Benches				2	\$350	None
Soccer Field 9						
Bleachers		x		3		Fair Condition
Benches				3	\$350	None
Soccer Field 10						
Benches				3	\$350	None
Soccer Field A						
Benches				3	\$350	None
Soccer Field B						
Benches				3	\$350	None
Drainage		x				
Soccer Field D						
Benches				3	\$350	None
Soccer Field E						
Benches				3	\$350	None
Concession Building Softball				1	\$5000	Needs Painting
Roof			x			Soffit needs cleaning and paint. Steel beam plates need paint.
Doors			x			Paint doors
Concession Building Baseball				1	\$5000	Needs Painting
Roof		x				Soffit needs cleaning and paint. Steel beam plates need paint.
Walls			x			Under beams (steel) need paint
Signage			x			Restroom signs need to be refinished
Large Pavilion					\$5000	Needs Painting
Roof			x	2		Paint or stain ceiling
Structure			x	2		Paint beams and trusses

COMMUNITY PARK Cont.						
DESCRIPTION OF FEATURE	GREEN (Good)	YELLOW (Repair / Fair Condition)	RED (Replace / Install)	Priority	Cost	COMMENTS
Restroom Building (South End)						
Roof		x		3		Fair Condition
Walls			x	2	\$800	Interior of restroom needs painting.
Volley Ball Court (2 side by side)						
Sand		x	x	3	\$1500	Needs additional sand
Irrigation Pump System			x	1	\$60,000	The water pressure at Community Park is insufficient to provide adequate watering on the existing irrigation system. The pump is needed to boost the water pressure and provide adequate pressure to additional irrigation lines when installed.
Rain/Freeze Sensor	x	x		2	\$1000	Not all controllers have sensor Need 4
Erosion Protection and Stabilization of Ponds Shorelines					\$390,000	Banks eroding due to lapping of water, need rip rap 8' wide minimum
Park Sign					\$15,000	
Fit Core Exercise Station			x	2	\$20,000	Install new Station
Total					\$604,150	
Maintenance \$					(\$3,300)	
Capital \$					\$600,850	

Community Park is designated as a YELLOW park. This is a very active park with many amenities that are used on a daily basis and is in need of major capital dollars (\$604,150). We have a serious irrigation challenge. The park has insufficient water pressure that prevents us from reaching the volume of water needed to adequately water the grass areas. We also do not have any irrigation in many of the common areas or in areas where people have to walk up to the fields. This often times present a hazardous situation as the grass areas establish heat cracks making it difficult for players and spectators to navigate to the soccer fields. Also the fields are not handicap accessible. In order to address or resolve this issue we need to add irrigation to these areas and add handicap accessible paths.

Community Park ponds shorelines are beginning to show signs of significant erosion. In order to address is issue we need to install rip rap along the shoreline, grading and sod to stop and prevent further erosion. We have an estimated 4000 linear feet of shoreline between the two ponds and it would take an estimated \$480,000 to resolve.

Both concession buildings are in need of painting, install new doors, make wood repairs and the fitness circuit needs replacing.

The following table summarizes the total cost needed to move our parks to a Green Status. Most of these items will require funding from other sources such as bonds or grants. It will also require that the Parks Division have adequate staffing to allow the Parks Division to provide the level of care required to maintain the parks and keep them at a Green Status.

Park Name	Park Color Designation	Cost For All Improvements Per Park	Cost for Major Capital Improvement Items	Non-Major Capital Cost (Can be paid for out of normal operation dollars)
Katy	Green	\$70,180	\$63,760	\$6,420
Paddle Point	Red	124,100	115,000	9,100
Kenwood	Green	37,500	29,000	8,500
Lakeside	Red	178,700	165,000	13,700
Nature Trail	Yellow	86,900	86,000	900
Pecan Grove	Yellow	78,500	75,000	3,500
Main Street Soccer	Yellow	247,000	245,500	1,500
Scruggs	Yellow	68,900	66,000	2,900
Twin Star	Yellow	83,500	79,250	4,250
Springfield	Yellow	587,550	578,500	9,050
Shorewood	Yellow	37,350	27,000	10,350
Community Park	Yellow	604,150	600,850	3,300
Veterans Park	Green	15,000	15,000	0
Herfurth	Yellow	<u>6,000,000</u>	<u>6,000,000</u>	<u>0</u>
Totals		<u>\$8,219,330</u>	<u>\$8,145,860</u>	<u>\$73,470</u>



City of Rowlett
Staff Report

4000 Main Street
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AGENDA DATE: 07/15/14

AGENDA ITEM: 3B

TITLE

Discuss Community Development Block Grant (CDBG) 2014 Annual Plan and seek feedback from City Council on proposed funds allotted to each program. (15 minutes)

STAFF REPRESENTATIVE

Marc Kurbansade, Director of Development Services

SUMMARY

Each year, the City presents the CDBG Annual Plan to City Council for approval in order to authorize transmittal to the Department of Housing and Urban Development. The purpose of this Work Session item is to present City Council with proposed allocations for each program and seek direction whether or not to alter these allocations.

The same allocation percentages that were recently adjusted in the Substantial Amendment approved by City Council on May 20, 2014, will be used as a basis for the proposed allocations for the upcoming plan year.

BACKGROUND INFORMATION

On August 2, 2011, the City Council approved the 2011-2015 Community Development Block Grant Consolidated Plan. The 2011-2015 Consolidated Plan is the comprehensive planning document that details how the City will expend its federal funds during the five-year period. Concurrent with the adoption of the Consolidated Plan and each successive year, the City has adopted Annual Plans in 2011, 2012, and 2013. The 2014 Annual Plan will detail the proposed usage of the CDBG funds for the next year starting October 1, 2014 and concluding September 30, 2015.

In prior years, the City Council has elected to target funds primarily to address streets, drainage, sidewalks, and utilities needs in the area south of Main Street and immediately east of Rowlett Road. However, on May 20, 2014, of this year, City Council voted to approve a Substantial Amendment to the 2013 Annual Plan that allocated funds to be utilized for Housing Rehabilitation as well as Public Services.

The focus of this Work Session Item is to present City Council with the available funds for the 2014 Plan year and seek feedback as to whether they wish to differ from the allocation most recently approved in the May 20, 2014 Substantial Amendment.

DISCUSSION

The City of Rowlett will be receiving \$186,209 in CDBG funds for the plan year beginning October 1, 2014. This is down from the \$191,254 allocation for the 2013 plan year.

The table below shows the 2013 Plan allocation that was discussed and approved by City Council on May 20, 2014, alongside the allocation amounts should the same distribution of funds by program be continued for the 2014 Plan year.

Project Description	2013 Plan Current Allocation		2014 Plan Proposed Allocation	
	Amt (%)	Amt (\$)	Amt (%)	Amt (\$)
Housing Rehabilitation– Funding for minor repairs for housing occupied by low-income homeowners	32.5%	\$62,158	32.5%	\$60,518
Public Facilities – Improvements to public facilities, including streets, parks, water, sewage, and drainage facilities in eligible low-income areas of the city	32.5%	\$62,158	32.5%	\$60,519
Public Services – Funding for non-profit organizations to provide health and human services to low income or special need households	15%	\$28,688	15%	\$27,931
Administration – Administrative and management costs for operational expenses of the CDBG Program and projects	20%	\$38,250	20%	\$37,241
Total Grant		\$191,254		\$186,209

Based on the above allocation amounts, staff would propose the following for City Council's discussion:

Housing Rehabilitation

Staff will continue to work to establish the Housing Rehabilitation program in the City and focus on the following items for eligible recipients:

1. Minor Repairs in the form of grants up to \$5,000 that address issues that threaten health and safety of occupants.
2. Accessibility Improvements in the form of grants up to \$5,000 that increase access for elderly and disabled households.

Public Facilities

As part of the Substantial Amendment approved on May 20, 2014, City Council directed staff to utilize \$62,158 in the 2013 Plan year for improvements to Isaac Scruggs Park. This will include the construction of a shade structure for playground equipment and the construction of a basketball court. If City Council continues the same allocation for the 2014 Plan year, staff is

proposing additional improvements to Isaac Scruggs Park as listed below. It should be noted that the costs indicated are estimates, and as such, they total \$63,000, which is in excess of the \$60,519 proposed to be allocated in the prior table. When final scope of construction of these elements is prepared, the amounts will be adjusted to fall within the cost allocation approved by City Council.

1. *Pavilion*. Install a picnic pavilion over the existing concrete slab that will be left over from the removal of the basketball goals from one of the half-court structures. Approximate Cost: \$40,000
2. *Fencing*. Wooden Split Rail or Chain Link fencing would need to be erected parallel to the park from the basketball court to the playground in order to provide a safety barrier from the street for children playing in the park, in the playground or on the basketball courts. Approximate Cost: \$6,000
3. *Outdoor Fitness Area*. An Outdoor Fitness Area would be erected similar to the below images. Approximate Cost: \$17,000



Public Services

In order to fulfill the intent of this portion of the grant, City Council approved a Subrecipient Agreement with Life Message, Inc. on May 20, 2014. Life Message is a local food pantry operation located in Rowlett that serves low-income, elderly, disabled, and special need populations. Services include providing food products and basic living necessities and are available city-wide.

As part of the discussion for this program in the grant, Staff is seeking specific feedback whether to continue the program with Life Message and, if so, whether there should be a minimum percentage of Rowlett residents included in the individuals served.

In conclusion, it should be noted that based on the direction received from City Council this meeting, staff will be bringing forward the 2014 Annual Plan for City Council's formal consideration on August 5, 2014.

FINANCIAL/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Provide direction to staff regarding the allocation of funds for each program for the upcoming 2014 Plan Year.



City of Rowlett

Staff Report

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AGENDA DATE: 07/15/14

AGENDA ITEM: 3C

TITLE

Discuss the Community Investment Program (CIP) Task Force creation and selection of members. (15 minutes)

STAFF REPRESENTATIVE

Jim Proce, Assistant City Manager

SUMMARY

On June 20, 2014, during the annual City Council Retreat, staff presented a plan to address the planned upcoming bond election in May of 2015 and the related process. During that discussion, several items and questions were discussed inclusive of needs assessment, how we leverage future freed up bond capacity, and the public engagement/election calendar.

Council provided consensus on several items that included a bond election in May 2015 and a public engagement process that would include a citizen task force. The purpose of this item is to engage Council on the format of the task force, the selection of members to the task force, and the selection of a Council liaison.

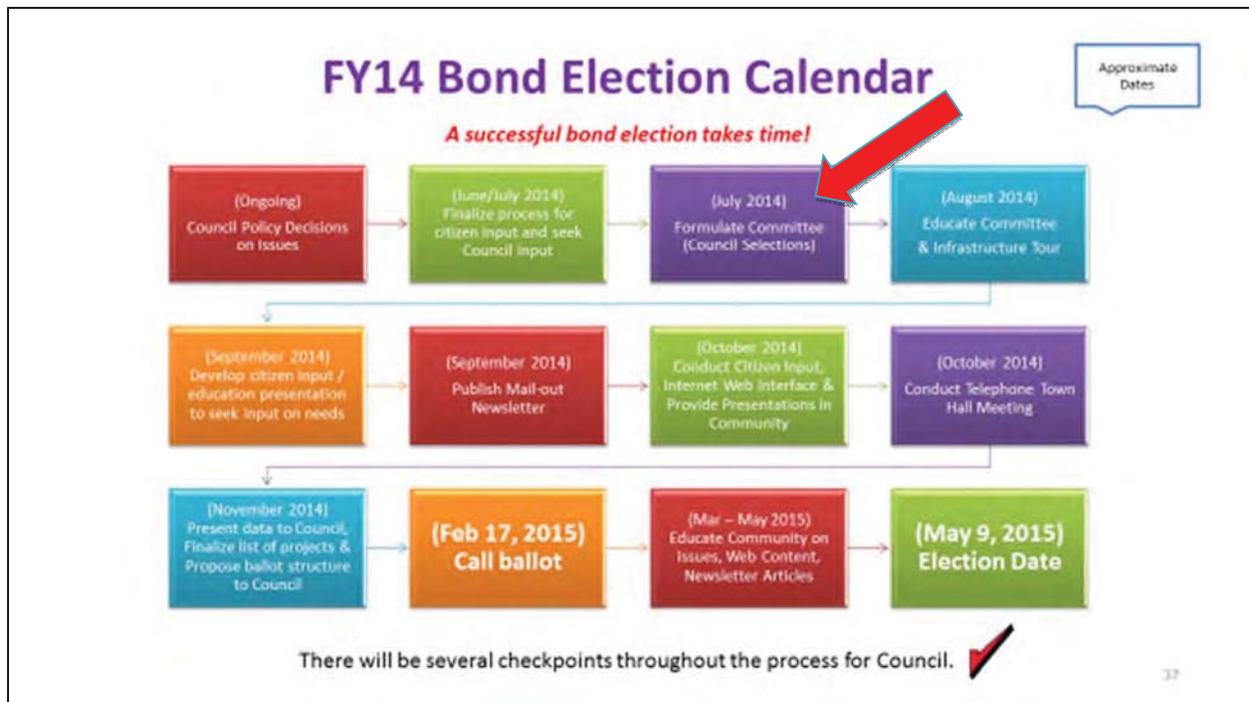
BACKGROUND INFORMATION

Council initially provided staff consensus to plan for a bond election for public improvements during the retreat held in 2013. Much of the preliminary assessments of the infrastructure and facilities has been ongoing over the last year.

During the Council retreat this past June, Council reaffirmed the desire to proceed with the bond election planned for May of 2015. In planning the remaining steps in the process, Council decided that one method to engage the public would be the use of a task force. This would be a desirable means to engage the public in helping guide Council and the community through the many decisions to be made in developing the proposed referendum, establishing rating criteria, prioritizing projects, validating the processes, and ultimately making a recommendation to the City Council.

DISCUSSION

As time is of the essence, staff has been working diligently to develop the components of the CIP process. Staff has provided the following proposed calendar as a guideline to these steps.



In an effort to build the task force, Council provided a list of prospective members for consideration for the task force. The list was compiled and was distributed to Council for review and consideration.

FINANCIAL/BUDGET IMPLICATIONS

NA

RECOMMENDED ACTION

Based upon the discussions and the consensus provided by Council, staff recommends the creation of the Community Investment Program Task Force for a specific period effective immediately upon its formation, and terminating at the conclusion of the May 2015 election, for the purposes of providing recommendations to Council on the bond election.

The task force would be configured to include five to seven Council-appointed members, two alternate members, and one Council liaison.

Creation of the task force and selection of the members of the task force will be confirmed by resolution or majority vote at a later Council meeting.

ATTACHMENTS

N/A



City of Rowlett

Staff Report

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AGENDA DATE: 07/15/14

AGENDA ITEM: 3D

TITLE

Discuss the acquisition of Human Resources Information System (HRIS), including timekeeping and payroll systems. (45 minutes)

STAFF REPRESENTATIVE

John Murray, Director of Human Resources and Risk Management
Alan Guard, Chief Financial Officer

SUMMARY

The City of Rowlett has not had a formal Human Resources Information System (HRIS). Currently staff uses neoGov for applicant tracking, but does not have an automated system to track certifications, training, evaluations and other relevant data. Timekeeping and payroll are currently performed with ADP. The ADP system has been an improvement over the previous payroll system; however, with the implementation of the Munis ERP system, it is necessary to consider a new software system that will integrate with the new core financial system.

Staff has evaluated two systems to replace the current timekeeping and payroll system and provide a much-needed and robust HRIS to integrate the human resources function with other automated systems. The purpose of this agenda item is to report those findings to the City Council and receive direction for potential solutions.

BACKGROUND INFORMATION

The City of Rowlett, began implementation of the ADP timekeeping and payroll system in 2009 and went live in July of 2010. This implementation was done in response to several issues with the paper system that had been in place, primarily in regards to 24/7 operations like Fire Rescue. The ADP product is a hosted solution that costs the City approximately \$94,000 per year. As staff prepared the RFP for the Enterprise Resource Planning (ERP) software, ADP indicated that its product did not interface in real time with the various ERP systems on the market. Therefore, as part of the RFP process for a new ERP system, vendors were asked to provide an HRIS/Timekeeping/Payroll module as part of their response. In addition, staff investigated the potential of using a solution proposed by Kronos, one of the leaders in timekeeping and human resources management. Kronos is also the owner of Telestaff, a unique product that provides for timekeeping and scheduling for 24/7 operations like Police and Fire.

Munis provided a quote for its HRIS system as part of their response to the City's RFP. Staff did not include this in the recommendation when Munis was acquired because additional due diligence was necessary in order to find the best solution for Human Resources, Payroll and the

Public Safety departments. Staff has now conducted on-site demonstrations for both products, received proposals from both firms and has identified a hybrid solution that will not only bring the best of both worlds but provide for significant budget savings over time.

DISCUSSION

The City of Rowlett is in need of replacing the ADP timekeeping and payroll system with an integrated solution for these functions that also includes applicant tracking, human resources management and public safety time management and scheduling. While the current system was a dramatic improvement over the one it replaced in 2010, it will not interface with the Munis ERP system (currently in implementation) and does not provide any functionality for the Human Resources Department. Further, the current system does not provide an automated time management system for public safety departments requiring laborious spreadsheets for timekeeping and scheduling purposes and manual processes to address sick and vacation leave requests.

Staff has taken the past several months to perform proper due diligence on two solutions. Munis offered an HRIS module as part of its proposal. Staff has conducted a demonstration of the software to ensure it meets the requirements for payroll, budget projections, applicant tracking and on-boarding, and tracking for certifications, training and evaluations. While it meets most of the requirements, it lacks two necessary requirements – it does not have a time clock system which are used by certain departments (Public Works, Parks and Recreation, Library, etc.), and it does not have a scheduling function for public safety employees.

Staff has also had conversations with Kronos, an industry leader in timekeeping and HRIS solutions. Kronos has also acquired the Telestaff product, a unique product that is designed to assist in the management of 24/7 operations, specifically Police and Fire Rescue operations. Kronos representatives provided an on-site demonstration of the Telestaff product for Public Safety management to ensure that it provided the capabilities needed to streamline scheduling and provide a robust level of automated timekeeping and personnel management. Kronos also proposed their HRIS system including applicant tracking, on-boarding, and certification, training and evaluation tracking. The primary issue with the Kronos general timekeeping and payroll system was that it did not interface with the Munis financial system in real time. A second issue of the Kronos comprehensive solution was cost. The total cost of the proposal by Kronos was in excess of \$550,000.

After considering both proposals, it is staff's recommendation that the City pursue a hybrid solution by acquiring the Munis HRIS/Payroll system and time clocks and Telestaff from Kronos. This acquisition will provide the most integration with the ERP system, streamlining and efficiencies for Public Safety, Human Resources and Accounting/Payroll, and long-term budget savings.

Return on Investment - As with other technology projects, staff understands the necessity to show a significant return on investment, or ROI. The primary areas where this will be realized

include budget, Public Safety and Human Resources, and overall budget savings over the life of the project compared to the current ADP solution.

In Fire Rescue, timekeeping and scheduling is currently managed manually through a set of spreadsheets by the Assistant Chief and the Battalion Chiefs. This takes, on average, 36 hours per month at a cost of \$1,584. If Fire Rescue were to use Telestaff, it would **save approximately 285 hours per year at a value of \$12,540** in staff time. The system can also be used to make call outs to groups that volunteer for the City including RACES and CERT.

Like Fire Rescue, the Police Department staff is currently utilizing Excel spreadsheets to do patrol scheduling. This consists of eight different Sergeants making entries into Excel spreadsheets to schedule approximately forty patrol officers. Sergeants are currently utilizing a manual call back and email system if they need to fill an overtime position. This type of manual system is both labor intensive and time consuming. It takes approximately 20 hours per pay period to manage at a cost of \$695, or \$18,070 per year.

To use the current ADP payroll system, police officers input their time, which is then checked by their Sergeant and then command staff. Once all of the Commanders have checked their division personnel, the entries are reviewed by the Chief's office. One problem with the current system is that it is labor intensive. Another issue with the current system is that ADP doesn't track holiday time in the system's accrued balance bank. This means that the Department's administrative assistants must devise a manual system to track holiday time for the employees in each different division. For Command staff, this takes about eight hours per pay period and for the Administrative Assistants about four hours per pay period. This costs \$412 per pay period or \$10,712 per year.

The main advantage for the police department to switch to Telestaff would be that the new system can achieve all our payroll and scheduling issues with one software solution. Telestaff will allow us to schedule personnel, complete payroll (with all types of accrued time management) and the system can be set up to do automatic call backs for work vacancies. The new system should free up personnel time and be an efficient way to enter, edit and track payroll and accrued time balances. Even if the time spent performing these functions was only reduced by 50 percent, it would still **save 416 hours per year valued at \$14,391** in staff time.

In the current budget process, the Budget Officer prepares salary projections on spreadsheets for each division/department. This process must be done manually and takes about a week. While the savings here would not be big, the significant opportunity here is that with an integrated HRIS/Payroll system, the Budget Officer will be able to prepare multiple scenarios regarding compensation effortlessly to improve short-term and long-term budget projections. These scenarios will provide improved information for the City Manager and Council as it develops its compensation and overall budget strategy.

The Human Resources Department currently tracks information using spreadsheets. This makes it laborious and cumbersome to track certifications, commercial driver licenses, EEOC

information, vacancy amounts, workers' compensation and other information that Human Resources is required to report on a regular basis. In addition, special reports are requested daily by other departments and outside sources as well. The number of hours staff spends preparing this information and these reports is 30 at a cost of \$1,350 on a monthly basis. Implementing the new software would reduce time spent preparing this information by 2/3 **saving 237 hours per year valued at \$10,665** in staff time.

The use of Telestaff and Munis for these four departments would save 938 hours valued at \$37,596 annually.

FINANCIAL/BUDGET IMPLICATIONS

The recommended hybrid solution will cost \$761,200 over ten years. Beginning in year two, this solution is only \$4,141 more than the current arrangement with ADP and neoGov. Beginning in year six, the hybrid solution is \$69,221 less per year than the current arrangement. Over the ten-year life cycle of the project, the overall costs are \$278,800 less than the current solution and \$323,566 less than a full Kronos solution.

Year	Year 1-5	Year 6-10	Total
Current	\$520,000	\$520,000	\$1,040,000
Kronos*	\$853,616	\$231,150	\$1,084,766
Hybrid*	\$587,305	\$173,895	\$761,200

Solutions do not include inflationary effects.

Note* - Year 1 for Kronos and the recommended hybrid solution include 6 months of expense for use of ADP and the annual subscription for neoGov. The annual costs include a five-year lease payment at 3.5% interest, annual subscription costs for hosting of the Kronos and Telestaff software, and annual maintenance for Munis HRIS Payroll. Beginning in Year6 the lease payments will be completed and the annual cost for the hybrid solution will drop to \$34,779, or \$69,221 less annually than the current arrangement with ADP.

RECOMMENDED ACTION

It is recommended that City Council direct staff to bring forward two agenda items to the August 5, 2014 meeting 1) to acquire time clocks and Telestaff from Kronos and 2) amend the contract with Tyler Technologies to add and acquire the Munis HRIS/Payroll module.



City of Rowlett

Staff Report

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AGENDA DATE: 07/15/14

AGENDA ITEM: 3E

TITLE

Discuss Stonebridge Veterinary Hospital of Rowlett as the provider of veterinary services for the Rowlett Animal Shelter. (15 minutes)

STAFF REPRESENTATIVE

Lt. Marvin Gibbs, Community Services Commander
Maria Martinez, Interim Animal Services Manager

SUMMARY

The purpose of this item is to approve Stonebridge Veterinary Hospital of Rowlett as the provider of veterinary services for the Rowlett Animal Shelter. The Rowlett Animal Shelter utilizes the services of a licensed veterinarian to spay and neuter all dogs and cats that are adopted, provide wellness exams of impounded animals, administer preventative vaccines or medical treatment when necessary, and conduct shot clinics at the shelter.

BACKGROUND INFORMATION

The City of Rowlett entered into an agreement with Four Paws Animal Hospital on March 1, 2013, after the departure of our long-time veterinarian, Dr. David Shirley. Four Paws Animal Hospital chose to discontinue veterinary services at the Rowlett Animal Shelter on March 1, 2014.

City Staff began the process of seeking a new Veterinarian on or about March 1, 2014. Contact was made with local veterinarians to gauge their interest in providing interim veterinary care for the Rowlett Animal Shelter. Dr. Jennifer Kapp with Noah's Ark Pet Hospital and Dr. Kurt Avery with Stonebridge Veterinary Hospital responded. City Staff utilized both interested veterinarians for a period of time to determine their quality of care, availability and best fit for the Rowlett Animal Shelter.

The Request for Qualifications for City of Rowlett Animal Shelter Veterinary Services was published on May 1, 2014. City Staff received two responses from Dr. Jennifer Kapp with Noah's Ark Pet Hospital and Dr. Kurt Avery with Stonebridge Veterinary Hospital. Individual interviews were held on May 27, 2014.

DISCUSSION

Though veterinary care is a professional service and not typically requiring Council approval, Staff is bringing this item forward as a formality and a preventive measure in the event this expenditure exceeds \$50,000. The Rowlett Animal Shelter has had an outstanding live release rate that continues to improve. The cost of veterinary care is a necessary requirement in order

to save animals. The veterinary care at the shelter includes sterilization of all adopted animals (as required by law), wellness exams of impounded animals, administering preventative vaccines or additional medical treatment, when necessary. In addition, the veterinarian provides valuable guidance and instruction to shelter employees for animal care.

As detailed in the table below, an increase in animal health services correlates to an increase in live release rates:

Fiscal Year	Actual Expenditure	Live Release Rate
2011	\$ 42,720.95	72%
2012	\$ 49,025.87	81%
2013	\$ 51,018.70	94%

Stonebridge Veterinary Hospital was selected through the RFQ process as the new provider for animal health services. Stonebridge is a local veterinary hospital, which is convenient and a City of Rowlett-based local business. Stonebridge will be performing surgeries at their clinic and vet examinations at the shelter. An agreement has been reached where the shelter will no longer be required to directly purchase veterinary medicine. All veterinary medicine will be provided by Stonebridge on an as needed basis.

FINANCIAL/BUDGET IMPLICATIONS

Funding in the amount of \$52,402 was approved in the Animal Services FY 2013-14 budget for animal health services. This amount is designated for the services provided by the shelter veterinarian, veterinary medicine and supplies, such as vaccinations, surgery equipment, flea/tick treatment, and diagnostic tests for vet examinations. The proposed amount is an estimate and can vary based on animal population and adoptions.

Budget Account Number and/or Project Code	Account or Project Title	Budget Amount	Proposed Amount
101-3212-470-7113	Animal Health Services	\$ 52,402	\$ 40,000
Total		\$ 52,402	\$ 40,000

RECOMMENDED ACTION

This is presented for informational purposes. An action item will be presented to Council for consideration at a later date.



City of Rowlett
Staff Report

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AGENDA DATE: 07/15/14

AGENDA ITEM: 5A

TITLE

Presentation of the Government Finance Officers of America (GFOA) Distinguished Budget Presentation for FY2014 City of Rowlett Budget.

STAFF REPRESENTATIVE

Alan Guard, Chief Financial Officer
Terri Doby, Budget Officer

SUMMARY

The City has been notified by GFOA that it is the recipient of the Distinguished Budget Presentation Award for the twelfth consecutive year. The budget is reviewed and critiqued on criteria that rates the document as an operations guide, financial plan, a communications device and policy document. Kent Austin, Finance Director for the City of Prosper and past President of the Government Finance Officers of Texas will present the award to Terri Doby, Budget Officer for the City of Rowlett.

BACKGROUND INFORMATION

The GFOA established the Distinguished Budget Presentation Awards Program in 1984 to encourage and assist state and local governments to prepare budget documents of the very highest quality that reflect both the guidelines established by the National Advisory Council on State and Local Budgeting and the GFOA's best practices on budgeting and then to recognize individual governments that succeed at achieving that goal.

Documents submitted to the Budget Awards Program are reviewed by selected members of GFOA professional staff and by outside reviewers with experience in public sector budgeting. These documents are then rated against specific criteria and judged as to whether or not the document meets or exceeds the standards set forth.

DISCUSSION

The City of Rowlett goes through a nine month long budget process culminating in the approval of the budget by City Council in September and the publishing of the document by November 1 of each year. Terri Doby, Budget Officer for the City of Rowlett, is responsible for coordinating all elements of the budget document and putting it in a format that conforms to the requirements of the GFOA Budget Award program.

The budget for FY2014 included a new element that staff termed as the budget marketing pages. These pages identified the services that citizens received for their tax dollars. Produced in conjunction with Denise Perrin, Community Relations Manager, these pages received very high

marks by the three reviewers. The document overall received very favorable ratings by the reviewers. These are included as Exhibit A.

ATTACHMENT

Exhibit A – GFOA 2014 Budget Award Program Reviews

BUDGET REVIEW COMPOSITE RATING FORM
GFOA Distinguished Budget Presentation Awards Program

City of Rowlett
 Texas

fiscal period beginning October 2013

document number B9931622 1,498

At least two of the three reviewers must rate the document proficient or outstanding ratings on all four overall categories and all mandatory criteria in order for the document to receive the award.

Information Not Present (1)	Does Not Satisfy (2)	Proficient (3)	Outstanding (4)
		✓	✓
		✓	✓
		✓	✓
		✓	✓
		✓	✓

Introduction and Overview

- * C1 Table of contents (mandatory)
- P1 Strategic goals & strategies
- P2 Short-term organization-wide factors influencing decisions
- * P3 Priorities and issues (mandatory)
- * C2 Budget Overview (mandatory)

		✓	✓
		✓	✓
		✓	✓
		✓	✓
		✓	✓
		✓	✓

Financial Structure, Policy, and Process

- * O1 Organization chart (mandatory)
- F1 Fund descriptions and fund structure
- O2 Department/fund relationship
- F2 Basis of Budgeting
- * P4 Financial policies (mandatory)
- * P5 Budget process (mandatory)

		✓	✓
		✓	✓
		✓	✓
		✓	✓
		✓	✓
		✓	✓

Financial Summaries

- * F3 Consolidated financial schedule (mandatory)
- * F4 Three (four) year consolidated and fund financial schedules (mandatory)
- * F5 Fund balance (mandatory)
- * F6 Revenues (mandatory)
- F7 Long-range financial plans

		✓	✓
		✓	✓
		✓	✓

Capital & Debt

- * F8 Capital expenditures (mandatory)
- F9 Impact of capital investments on operating budget
- * F10 Debt (mandatory)

		✓	✓
		✓	✓
		✓	✓
		✓	✓

Departmental Information

- * O3 Position summary schedule (mandatory)
- * O4 Department descriptions (mandatory)
- O5 Unit goals and objectives
- O6 Performance measures

		✓	✓
		✓	✓
		✓	✓
		✓	✓

Document-wide Criteria

- C3 Statistical/supplemental section
- C4 Glossary
- C5 Charts and graphs
- C6 Understandability and usability

		✓	✓
		✓	✓
		✓	✓
		✓	✓

- Overall as a policy document
- Overall as a financial plan
- Overall as an operations guide
- Overall as a communications device

yes no

SPECIAL CAPITAL RECOGNITION - outstanding ratings by all three reviewers on F#8 & F#9

SPECIAL PERFORMANCE MEASURE RECOGNITION - outstanding ratings by all three reviewers on O#6

Reviewer ID T302
 Name of Entity City of Rowlett
 Record Number

Document Number B9931622
 State/Province TX
 Order Rec'd Number 1498

1 = Information not present, 2= Does not satisfy criterion, 3=Proficient, 4= Outstanding

Please rate each criterion and each overall category

	Policy	Financial	Operations	Communications	Criteria Description
Introduction and Overview					
* C1				4	Table of contents (mandatory)
P1	4				Strategic goals & strategies
P2	4				Short-term organization-wide factors influencing decisions
* P3	4				Priorities and issues (mandatory)
* C2				4	Budget Overview (mandatory)
Financial Structure, Policy, and Process					
* O1			3		Organization chart (mandatory)
F1		3			Fund descriptions and fund structure
O2			3		Department/fund relationship
F2		3			Basis of Budgeting
* P4	3				Financial policies (mandatory)
* P5	3				Budget process (mandatory)
Financial Summaries					
* F3		3			Consolidated financial schedule (mandatory)
* F4		3			Three (four) year consolidated and fund financial schedules (mandatory)
* F5		3			Fund balance (mandatory)
* F6		3			Revenues (mandatory)
F7		3			Long-range financial plans
Capital & Debt					
* F8		3			Capital expenditures (mandatory)
F9		3			Impact of capital investments on operating budget
* F10		3			Debt (mandatory)
Departmental Information					
* O3			4		Position summary schedule (mandatory)
* O4			4		Department descriptions (mandatory)
O5			4		Unit goals and objectives
O6			4		Performance measures
Document-wide Criteria					
C3				3	Statistical/supplemental section
C4				3	Glossary
C5				3	Charts and graphs
C6				3	Understandability and usability
	4				Overall as a policy document
		3			Overall as a financial plan
			4		Overall as an operations guide
				3	Overall as a communications device

Return this rating sheet and your narrative comments to the Budget Awards Program (budgetawards@gfoa.org)

Name of Entity: CITY OF ROWLETT
Reviewer ID T302
Fiscal Year: 2014

State/Province: TX
Document Number B9931622
Record Number

Introduction and Overview

Outstanding introduction and overview within this document

Financial Structure, Policy, and Process

Proficient document containing a sound financial structure, policy, and process

Financial Summaries

Proficient

Capital & Debt

Proficient

Departmental Information

Outstanding detail of departmental information, very well done!

Document-wide Criteria

Very nice presentation, good use of charts and graphs.

Reviewer ID R203
 Name of Entity City of Rowlett
 Record Number 184323002

Document Number B9931622
 State/Province TX
 Order Rec'd Number 1498

1 = Information not present, 2= Does not satisfy criterion, 3=Proficient, 4= Outstanding

Please rate each criterion and each overall category

	Policy	Financial	Operations	Communication	Criteria Description
Introduction and Overview					
* C1				3	Table of contents (mandatory)
P1	3				Strategic goals & strategies
P2	3				Short-term organization-wide factors influencing decisions
* P3	3				Priorities and issues (mandatory)
* C2				3	Budget Overview (mandatory)
Financial Structure, Policy, and Process					
* O1			3		Organization chart (mandatory)
F1		3			Fund descriptions and fund structure
O2			3		Department/fund relationship
F2		3			Basis of Budgeting
* P4	3				Financial policies (mandatory)
* P5	3				Budget process (mandatory)
Financial Summaries					
* F3		4			Consolidated financial schedule (mandatory)
* F4		3			Three (four) year consolidated and fund financial schedules (mandatory)
* F5		3			Fund balance (mandatory)
* F6		3			Revenues (mandatory)
F7		4			Long-range financial plans
Capital & Debt					
* F8		3			Capital expenditures (mandatory)
F9		3			Impact of capital investments on operating budget
* F10		3			Debt (mandatory)
Departmental Information					
* O3			3		Position summary schedule (mandatory)
* O4			3		Department descriptions (mandatory)
O5			3		Unit goals and objectives
O6			4		Performance measures
Document-wide Criteria					
C3				3	Statistical/supplemental section
C4				3	Glossary
C5				3	Charts and graphs
C6				3	Understandability and usability
	3				Overall as a policy document
		3			Overall as a financial plan
			3		Overall as an operations guide
				3	Overall as a communications device

Return this rating sheet and your narrative comments to the Budget Awards Program ([budgetawards](http://budgetawards.com))

Name of Entity: **City of Rowlett**
 Reviewer ID: R 203
 Fiscal Year: 2014

State/Province: TX
 Document Number: B9931622
 Record Number: 184323002

Introduction and Overview

- C1. **Mandatory:** The document shall include a table of contents that makes it easier to locate information in the document. **3 – proficient – The budget included a good table of contents. Consider including hyperlinks to the document.**
- P1. The document should include a coherent statement of organization-wide, strategic goals and strategies that address long-term concerns and issues. **3 – proficient – The budget included good goals addressing the policy element of the budget. Look to expand the policy element of the document.**
- P2. The document should describe the entity's short-term factors that influence the decisions made in the development of the budget for the upcoming year. **3 – proficient – The budget briefly describes the challenges, and goals of the city for the budget period and beyond.**
- P3. **Mandatory:** The document shall include a budget message that articulates priorities and issues for the upcoming year. The message should describe significant changes in priorities from the current year and explain the factors that led to those changes. The message may take one of several forms (e.g., *transmittal letter, budget summary section*). **3 – proficient – A good budget message was provided and focused on the finance and operating issues primarily.**
- C2. **Mandatory:** The document should provide an overview of significant budgetary items and trends. An overview should be presented within the budget document either in a separate section (e.g., *executive summary*) or integrated within the transmittal letter or as a separate budget-in-brief document. **3 – proficient – The budget includes good summary information that compliments the message and leads into the rest of the document.**

Financial Structure, Policy, and Process

- O1. **Mandatory:** The document shall include an organization chart(s) for the entire entity. **3 – proficient – The document includes a good entity wide organization chart.**
- F1. The document should include and describe all funds that are subject to appropriation. **3 – proficient – The document describes the funds. Consider including an illustration of the fund structure.**
- O2. The document should provide narrative, tables, schedules, or matrices to show the relationship between functional units, major funds, and nonmajor funds in the aggregate. **3 – proficient – The relationship of the fund and organizational structure is generally clear.**
- F2. The document shall explain the basis of budgeting for all funds, whether cash, modified accrual, or some other statutory basis. **3 – proficient – The budget describes the basis of budgeting and contrast it with the accounting basis briefly.**
- P4. **Mandatory:** The document should include a coherent statement of entity-wide long-term financial policies. **3 – proficient – the budget includes good financial policies. You might illustrate where policies (such as fund balance policies) influenced the budget conversation as well.**
- P5. **Mandatory:** The document shall describe the process for preparing, reviewing, and adopting the budget for the coming fiscal year. It also should describe the procedures for amending the budget after adoption. **3 – proficient – the budget describes the process well and includes charts and a schedule to visually illustrate the budget process.**

Financial Summaries

- F3. **Mandatory:** The document shall present a summary of major revenues and expenditures, as well as other financing sources and uses, to provide an overview of the total resources budgeted by the organization. **4 – outstanding – the budget provided a good financial summary of revenues and expenditures by major revenues and major expenditures for the city as a whole. The city financial plan is very clear.**

- F4. **Mandatory:** The document must include summaries of revenues and other financing sources, and of expenditures and other financing uses for the prior year actual, the current year budget and/or estimated current year actual, and the proposed budget year. **3 – proficient - the budget includes good financial histories in the context of the financial schedules.**
- F5. **Mandatory:** The document shall include projected changes in fund balances, as defined by the entity in the document, for appropriated governmental funds included in the budget presentation (fund equity if no governmental funds are included in the document). **3 – proficient - the budget includes illustrations of the fund balances including a brief analysis of the uses and expectations for fund balances in the future.**
- F6. **Mandatory:** The document shall describe major revenue, explain the underlying assumptions for the revenue estimates, and discuss significant revenue trends. **3 – proficient – the budget includes good descriptions and discussions of the major revenues.**
- F7. The document should explain long-range plans and its affect upon the budget and the budget process. **4 – outstanding - The budget includes a good discussion of long-range financial plans including forecasts, trends or other data reflective of the future operating budgets. Look to expand this to other major funds.**

Capital & Debt

- F8. **Mandatory:** The document should include budgeted capital expenditures, whether authorized in the operating budget or in a separate capital budget. **3 – proficient – Capital plans for the city are described briefly and includes brief descriptions of the major projects.**
- F9. The document should describe if and to what extent significant nonrecurring capital expenditures will affect the entity's current and future operating budget and the services that the entity provides. **3 – proficient – the document includes a brief discussion regarding the impact of capital improvements on future budgets.**
- F10. **Mandatory:** The document shall include financial data on current debt obligations, describe the relationship between current debt levels and legal debt limits, and explain the effects of existing debt levels on current operations. **3 – proficient – the debt management plan and debt repayment of the city are described clearly in the document.**

Departmental Information

- O3. **Mandatory:** A schedule or summary table of personnel or position counts for prior, current and budgeted years shall be provided. **3 – proficient – personnel summaries for the city as a whole are included in the budget along with good descriptions of the changes in the budget.**
- O4. **Mandatory:** The document shall describe activities, services or functions carried out by organizational units. **3 – proficient – the budget includes good operating data for each major operating units in the budget.**
- O5. The document should include clearly stated goals and objectives of organizational units (*e.g., departments, divisions, offices or programs*). **3 – proficient – The organizational units goals are in the context of the department section of the budget.**
- O6. The document should provide objective measures of progress toward accomplishing the government's mission as well as goals and objectives for specific units and programs. **4 – outstanding – good performance measures are included in the budget and related to the objectives of the department.**

Document-wide Criteria

- C3. The document should include statistical and supplemental data that describe the organization, its community, and population. It should also furnish other pertinent background information related to the services provided. **3 – proficient – good supplemental information is included in the document to help set the stage for understanding the budget.**

- C4. A glossary should be included for any terminology (including abbreviations and acronyms) that is not readily understandable to a reasonably informed lay reader. **3 – proficient – the budget includes a good glossary of typical terms and those unique to this budget.**
- C5. Charts and graphs should be used, where appropriate, to highlight financial and statistical information. Narrative interpretation should be provided when the messages conveyed by the graphs are not self-evident. **3 – proficient – The document includes good charts and graphs to help provide understanding of the budget.**
- C6. The document should be produced and formatted in such a way as to enhance its understanding by the average reader. It should be attractive, consistent, and oriented to the reader's needs. **3 – proficient – The budget looks good.**

Nice job.

Reviewer ID T229
 Name of Entity City of Rowlett
 Record Number

Document Number B9931622
 State/Province TX
 Order Rec'd Number

1 = Information not present, 2= Does not satisfy criterion, 3=Proficient, 4= Outstanding

Please rate each criterion and each overall category

Policy
 Financial
 Operations
 Communications

Criteria Description

Introduction and Overview

	Policy	Financial	Operations	Communications
* C1				3
P1	4			
P2	4			
* P3	4			
* C2				3

- Table of contents (mandatory)
- Strategic goals & strategies
- Short-term organization-wide factors influencing decisions
- Priorities and issues (mandatory)
- Budget Overview (mandatory)

Financial Structure, Policy, and Process

	Policy	Financial	Operations	Communications
* O1			4	
F1		4		
O2			4	
F2		4		
* P4	4			
* P5	4			

- Organization chart (mandatory)
- Fund descriptions and fund structure
- Department/fund relationship
- Basis of Budgeting
- Financial policies (mandatory)
- Budget process (mandatory)

Financial Summaries

	Policy	Financial	Operations	Communications
* F3		4		
* F4		3		
* F5		3		
* F6		4		
F7		3		

- Consolidated financial schedule (mandatory)
- Three (four) year consolidated and fund financial schedules (mandatory)
- Fund balance (mandatory)
- Revenues (mandatory)
- Long-range financial plans

Capital & Debt

	Policy	Financial	Operations	Communications
* F8		4		
F9		3		
* F10		4		

- Capital expenditures (mandatory)
- Impact of capital investments on operating budget
- Debt (mandatory)

Departmental Information

	Policy	Financial	Operations	Communications
* O3			4	
* O4			4	
O5			3	
O6			3	

- Position summary schedule (mandatory)
- Department descriptions (mandatory)
- Unit goals and objectives
- Performance measures

Document-wide Criteria

	Policy	Financial	Operations	Communications
C3				4
C4				4
C5				4
C6				4
	4			
		4		
			4	
				4

- Statistical/supplemental section
- Glossary
- Charts and graphs
- Understandability and usability
- Overall as a policy document
- Overall as a financial plan
- Overall as an operations guide
- Overall as a communications device

Name of Entity: City of Rowlett, TX
 Reviewer ID T229
 Fiscal Year: 2014

State/Province: TX
 Document Number B9931622
 Record Number

Introduction and Overview

Scoring: "Outstanding", "Proficient", "Does not satisfy criteria", or "Information not present here."

- C1. *Mandatory:* The document shall include a table of contents that makes it easier to locate information in the document. **Proficient**

The Table of Contents was done in a proficient and professional fashion.

- P1. The document should include a coherent statement of organization-wide, strategic goals and strategies that address long-term concerns and issues. **Outstanding**
 I liked the table format and cross section. It was unique and very well done.
- P2. The document should describe the entity's short-term factors that influence the decisions made in the development of the budget for the upcoming year. **Outstanding**

The transmittal letter was excellent and something that was most outstanding was the graphs and pictures engaging the reader to fully understand the elements of what will happen to Rowlett, if long term change in funding or reduced services doesn't occur. The message is loud and clear in this message. To retain and recruit experience and trained dedicated people into government revenue or status of programs need to change. The transmittal letter was well laid out for the citizen. If citizens care about the quality of their community the document lays out the issues.

- P3. *Mandatory:* The document shall include a budget message that articulates priorities and issues for the upcoming year. The message should describe significant changes in priorities from the current year and explain the factors that led to those changes. The message may take one of several forms (e.g., *transmittal letter, budget summary section*). **Outstanding**

The transmittal letter does an outstanding job with the use of graphs and story telling to inform the reader. Well done.

- C2. *Mandatory:* The document should provide an overview of significant budgetary items and trends. An overview should be presented within the budget document either in a separate section (e.g., *executive summary*) or integrated within the transmittal letter or as a separate budget-in-brief document. **Proficient**

Nice job and use of graphs.

Financial Structure, Policy, and Process

- O1. *Mandatory:* The document shall include an organization chart(s) for the entire entity. **Outstanding.**
- F1. The document should include and describe all funds that are subject to appropriation. **Outstanding**
- O2. The document should provide narrative, tables, schedules, or matrices to show the relationship between functional units, major funds, and nonmajor funds in the aggregate. **Outstanding.**
 This was done really well outlining the funds both graphically and verbally.
- F2. The document shall explain the basis of budgeting for all funds, whether cash, modified accrual, or some other statutory basis. **Outstanding.**
- P4. *Mandatory:* The document should include a coherent statement of entity-wide long-term financial policies. **Outstanding.**

- P5. *Mandatory:* The document shall describe the process for preparing, reviewing, and adopting the budget for the coming fiscal year. It also should describe the procedures for amending the budget after adoption. **Outstanding.**

Descriptions were very well done.

Financial Summaries

- F3. *Mandatory:* The document shall present a summary of major revenues and expenditures, as well as other financing sources and uses, to provide an overview of the total resources budgeted by the organization. **Outstanding.**
- F4. *Mandatory:* The document must include summaries of revenues and other financing sources, and of expenditures and other financing uses for the prior year actual, the current year budget and/or estimated current year actual, and the proposed budget year. **Proficient.**
- F5. *Mandatory:* The document shall include projected changes in fund balances, as defined by the entity in the document, for appropriated governmental funds included in the budget presentation (fund equity if no governmental funds are included in the document). **Proficient.**
- F6. *Mandatory:* The document shall describe major revenue sources, explain the underlying assumptions for the revenue estimates, and discuss significant revenue trends. **Outstanding.**

Graphs in the transmittal letter were excellent indicating the trend analysis and assumptions.

- F7. The document should explain long-range financial plans and its affect upon the budget and the budget process. **Proficient.**

The long range plan details did not match the summary schedule. I left it proficient unless I didn't understand the funding "project to date" versus the summary page labeled carry over plus new funding, amendments and/or proposed changes did not foot with the detail.

Unless I missed something and this section was proficient in the past it is worth mentioning this time. If it is supposed to be different let the reader know why.

Capital & Debt

- F8. *Mandatory:* The document should include budgeted capital expenditures, whether authorized in the operating budget or in a separate capital budget. **Outstanding.**
- F9. The document should describe if and to what extent significant nonrecurring capital expenditures will affect the entity's current and future operating budget and the services that the entity provides. **Proficient**
- Not much narrative but the capital items most likely do not have an affect on operations.
- F10. *Mandatory:* The document shall include financial data on current debt obligations, describe the relationship between current debt levels and legal debt limits, and explain the effects of existing debt levels on current operations. **Outstanding.**

Departmental Information

- O3. *Mandatory:* A schedule or summary table of personnel or position counts for prior, current and budgeted years shall be provided **Outstanding.**
- O4. *Mandatory:* The document shall describe activities, services or functions carried out by organizational units. **Outstanding.**

- O5. The document should include clearly stated goals and objectives of organizational units (*e.g., departments, divisions, offices or programs*). **Proficient.**
- O6. The document should provide objective measures of progress toward accomplishing the government's mission as well as goals and objectives for specific units and programs. **Proficient**

Document-wide Criteria

- C3. The document should include statistical and supplemental data that describe the organization, its community, and population. It should also furnish other pertinent background information related to the services provided. **Outstanding.**
- C4. A glossary should be included for any terminology (including abbreviations and acronyms) that is not readily understandable to a reasonably informed lay reader. **Outstanding.**
- C5. Charts and graphs should be used, where appropriate, to highlight financial and statistical information. Narrative interpretation should be provided when the messages conveyed by the graphs are not self-evident. **Outstanding.**
- The staff did an excellent job narrating and graphing the information.**
- C6. The document should be produced and formatted in such a way as to enhance its understanding by the average reader. It should be attractive, consistent, and oriented to the reader's needs. **Outstanding.**



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 07/15/14

AGENDA ITEM: 5B

TITLE

Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interest.

STAFF REPRESENTATIVE

Brian Funderburk, City Manager



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 07/15/14

AGENDA ITEM: 7A

TITLE

Consider action to approve minutes from the July 1, 2014, City Council Meeting.

STAFF REPRESENTATIVE

Laura Hallmark, City Secretary

SUMMARY

Section 551.021 of the Government Code provides as follows:

- (a) A governmental body shall prepare and keep minutes or make a tape recording of each open meeting of the body.
- (b) The minutes must:
 - (1) state the subject of each deliberation; and
 - (2) indicate each vote, order, decisions or other action taken.

BACKGROUND INFORMATION

N/A

DISCUSSION

N/A

FINANCIAL/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Move to approve, amend or correct the minutes of the July 1, 2014, City Council Meeting.

ATTACHMENT

07-01-14 City Council Meeting minutes



City of Rowlett

Meeting Minutes

City Council

4000 Main Street
Rowlett, TX 75088
www.rowlett.com

City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6115 or write 4000 Main Street, Rowlett, Texas, 75088, at least 48 hours in advance of the meeting.

Tuesday, July 1, 2014

5:15 P.M.

Municipal Building – 4000 Main Street

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

Present: Mayor Gottel, Deputy Mayor Pro Tem Gallops, Councilmember Bobbitt, Councilmember Pankratz, Councilmember Sheffield, Councilmember Dana-Bashian and Councilmember van Bloemendaal

1. CALL TO ORDER

Mayor Gottel called the meeting to order at 5:18 p.m.

2. EXECUTIVE SESSION (5:15 P.M.)* Times listed are approximate

- 2A.** The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) and §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss the Rowlett Chamber of Commerce Lease Agreement for property located at 3910 Main Street. (30 minutes) THIS DISCUSSION WILL TAKE PLACE AT THE CONCLUSION OF THE REGULAR MEETING.

Council reconvened in Executive Session at 8:44 p.m. Out at 9:20 p.m.

- 2B.** The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss the lease agreement with American Golf Corporation and the Waterview Golf Course bonded indebtedness. (30 minutes)

Council convened in Executive Session at 5:18 p.m. Out at 6:22 p.m.

3. WORK SESSION (5:45 P.M.)*

- 3A.** Discuss the restructuring of the lease agreement with American Golf Corporation. (30 minutes).

Brian Funderburk, City Manager, provided the details of the proposed change to the agreement. The proposal includes an investment by American Golf Corporation (AGC) of \$2.19 million to defease outstanding bonds and buy down principal on other bonds, extending the term for 25 with a fixed interest rate. This will modify the rental income, which will lower the debt payment as well as AGC's lease payment to the City. AGC will invest additional funds to upgrade the kitchen and appurtenances and will set aside three percent of annual revenue into a fund for future improvements.

- 3B.** Discuss authorizing the issuance and sale of City of Rowlett, Texas Waterworks and Sewer System Revenue Bonds, Series 2014, Refunding of General Obligation Refunding Taxable Bonds, Series 2010A and General Obligations Taxable Bonds, Series 1997A. (30 minutes)

Alan Guard, Chief Financial Officer, provided background information on the reasoning of the bonds and the process for issuance. Mr. Funderburk clarified that most of the funds were used to allow for capacity and to help with maintaining and improving the pressure in the upper pressure plane.

- 3C.** Discuss Supervisory Control and Data Acquisition (SCADA) replacement. (45 minutes)

Tim Rogers, Director of Public Works, reviewed what a SCADA system is and how it's used. He reviewed the state of the current system and its unreliability. The system should be reliable, provide facility monitoring, allow for remote control of the system, provide comprehensive data collection and report generating ability. He provided the estimated cost of a new system, which would be executed in two phases, along with the timeline for implementation, which would be completed in FY17.

4. DISCUSS CONSENT AGENDA ITEMS

Council took a short break at 7:17 p.m.

CONVENE INTO THE COUNCIL CHAMBERS (7:30 P.M.)*

Council reconvened in Regular Session at 7:30 p.m.

INVOCATION – Dretha Burris, First Rowlett United Methodist Church

PLEDGE OF ALLEGIANCE

TEXAS PLEDGE OF ALLEGIANCE – Led by the City Council

5. PRESENTATIONS AND PROCLAMATIONS

- 5A.** Proclamation recognizing Parks and Recreation Month.

Mayor Pro Tem Gallops presented the proclamation to Jermel Stevenson, Director of Parks and Recreation, along with several members of the staff.

- 5B.** Hear presentation of the Monthly Financial report for the period ending May 31, 2014.

Alan Guard, Chief Financial Officer, presented the report.

5C. Presentation of Texas Department of Transportation check to Keep Rowlett Beautiful.

Members of Keep Rowlett Beautiful presented Mayor Gottel with a check in the amount of \$250,000.

5D. Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interest.

Mayor Gottel announced the following: Upcoming City Council meetings: Tuesday, July 8th; Special Work Session – Annex Conference Room; Tuesday, July 15th; Regular Meeting – City Hall Conference Room. Upcoming Planning & Zoning Commission meetings will be Tuesday, July 8th and 22nd; 6pm in City Hall Conference Room. **STAGE 3 WATER RESTRICTIONS** – residents can water Once Every TWO Weeks. **MOSQUITO TESTING AND ABATEMENT PLAN** - The City contracts with Dallas County for mosquito testing, abatement and spraying. The contract covers ALL of Rowlett, including the portion located in Rockwall County. Dallas County increased the number of mosquito traps set around Rowlett from five to six zones. Dallas County will perform ground spraying of the entire zone when a mosquito has tested positive. Mosquito testing in Rowlett will occur on Wednesdays. City will be notified of results by 10am on the following Friday. If a mosquito tests positive, ground spraying of the zone will occur at dusk the same evening (weather permitting). Residents will be notified of the affected area through Everbridge and the City's website. What can you do?? Follow the 4 D's: Dress: wear long, loose and light-colored clothing; DEET: use insect repellent products with DEET or other EPA approved repellents; Drain: inspect property for standing water, regularly clean roof gutters, dump water from potted plants, change birdbath and pet water daily; Dusk & Dawn: stay indoors during the dusk and dawn hours when mosquitoes are most active. **ANIMAL SHELTER** – maintaining a 96% live release rate! Low-cost vaccine clinic Saturday, July 5th 2-4pm and 19th 1-4pm. Normal business hours at 4402 Industrial Street are Monday-Friday, 10am-5pm and Saturday, 10:30am-5pm. Upcoming events for Parks and Recreation: Fireworks on Main – Friday, July 4th, starts at 6pm. Wet Zone is open through August. Check out the Parks & Recreation page on our website for hours of operation and more information on the "Summer Camps" being held at the Community Centre. Upcoming events at the Rowlett Public Library: Summer Reading Program started June 9th and runs through August 1st. Check out everything going on at the Library this summer at Rowlett.com or the Rowlett on the Move newsletter. Arts & Humanities Annual Photography Contest: 2014 Theme – "Rowlett Up Close!" Entries accepted at the Rowlett Library on Saturday, September 6th from 10am to noon. Will be on display through October 4th. More information at Rowlett.com on the Arts & Humanities page. **COMMUNITY EMERGENCY RESPONSE TEAM** - Become a member of the CERT Team! Two day class held Saturday, August 2nd & 9th, 8am – 6pm. Course fee of \$20 to cover disposable materials used in the class. Visit rowlettCERT.com or email

CERT@rowlettcitizencorps.org. 5th ANNUAL BOARDS & COMMISSIONS VOLUNTEER FAIR - Held Thursday, July 24th at Rowlett Community Centre starting at 7pm. Many Volunteer opportunities throughout the City. Various City Boards & Commissions, Animal Shelter, Library, Police Department, Keep Rowlett Beautiful and many more. Contact Denise Perrin for more information about volunteering with the City of Rowlett – 972-412-6192. All City offices and facilities will be closed Friday, July 4th for Independence Day. Waste Management will run regular trash service that day.

6. CITIZENS' INPUT

There were no speakers.

7. CONSENT AGENDA

- 7A. Consider action to approve minutes from the June 17, 2014, City Council Meeting and the June 20-21, 2014, City Council Retreat.

This item was approved on the Consent Agenda.

- 7B. Consider action to approve a resolution authorizing the final acceptance and release of retainage for the rehabilitation of Schrade Lift Station in the amount of \$115,740.25 to Fuquay Incorporated and authorizing the Mayor to execute the necessary documents.

This item was approved as RES-057-14 on the Consent Agenda.

Passed the Consent Agenda

A motion was made by Mayor Pro Tem Gallops, seconded by Councilmember Dana-Bashian, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried with a unanimous vote of those members present.

8. ITEMS FOR INDIVIDUAL CONSIDERATION

- 8A. Consider approving the listing of Councilmembers as liaisons to the various Boards and Commissions of the City along with regional entities through June, 2016.

A motion was made by Councilmember Sheffield, seconded by Deputy Mayor Pro Tem Pankratz, to appoint Councilmembers as noted. The motion carried with a unanimous vote of those members present.

Todd Gottel	
·	Columnist – Dallas Morning News NeighborsGo
·	Member – Metroplex Mayors Association
·	Member – Rowlett Council Finance and Audit Committee (1)
·	Member – Rowlett Council Leadership Team (1)
·	Moderator – RTN16 “Rowlett...on the Water...on the Move!”

Michael Gallops
· Member – North Texas Commission
· Representative – Rowlett Citizen Corps Council (RCCC) Board
· Member – Rowlett Council Leadership Team (2)

Carl Pankratz
· Member – Dallas Regional Chamber
· Member – Rowlett Council Leadership Team (3)
· Member – Rowlett TIF Board
· Liaison – Arts & Humanities Commission

Robbert van Bloemendaal
· Member – Rowlett Council Finance and Audit Committee (2)
· Liaison – Animal Shelter Advisory Board
· Liaison – Planning and Zoning Commission

Debby Bobbitt
· Member – Dallas Regional Mobility Coalition
· Representative – Rockwall County EMS
· Member – Rockwall County Planning Consortium
· Member – TEX-21
· Liaison – Parks & Recreation Advisory Board
· Liaison – Traffic & Safety Advisory Commission

Tammy Dana-Bashian
· Member – Rowlett Council Finance and Audit Committee (3)
· Member – Rowlett Economic Development Advisory Board (Council appointment)
· Member – Rowlett TIF Board
· Liaison – Senior Advisory Board

Rick Sheffield
· Member – Rowlett TIF Board
· Liaison – Board of Adjustment
· Liaison – Golf Advisory Board
· Liaison – Library Advisory Board

- 8B.** Consider action to approve a resolution amending the lease agreement with American Golf Corporation and restructuring the debt service for the Waterview Golf Course and authorizing the Mayor to execute the necessary documents, after approval of the City Attorney, for said contract.

Mr. Funderburk briefly reviewed the information presented in the Work Session.

A motion was made by Mayor Pro Tem Gallops, seconded by Councilmember Bobbitt, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as RES-058-14.

- 8C.** Conduct a public hearing and take action on a request to amend Planned Development Ordinance #070-07 to allow additional parking at the Andrews office building located at 1900 Dalrock Road. (PD14-718)

Garrett Langford, Principal Planner, provided the background information on this item. The public hearing was opened and closed with no speakers.

A motion was made by Mayor Pro Tem Gallops, seconded by Councilmember Sheffield, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as ORD-023-14.

- 8D.** Conduct a public hearing and take action on a request for a Special Use Permit to allow a foot reflexology massage establishment in the General Commercial/Retail Zoning District (C-2) at 5101 Rowlett Road, Suite 5115, Rowlett, Dallas County, Texas. (SUP14-714)

Garrett Langford, Principal Planner, provided the background information on this item. The public hearing was opened and closed with no speakers.

A motion was made by Councilmember Sheffield, seconded by Deputy Mayor Pro Tem Pankratz, to approve the item with the stipulation that the Special Use Permit shall be limited to reflexology of the feet and shall not include any other unlicensed massage services. The motion carried with a unanimous vote of those members present. This item was adopted as ORD-024-14.

- 8E.** Consider action to approve an ordinance authorizing the pricing parameters for the refunding of General Obligation Bonds related to the debt service at the Waterview Golf Course.

Mr. Funderburk provided the background information on this item, which was partially reviewed in the Work Session.

A motion was made by Mayor Pro Tem Gallops, seconded by Councilmember Dana-Bashian, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as ORD-025-14.

- 8F.** Consider an ordinance authorizing the discharge and redemption of the City's General Obligation Refunding Bonds, Taxable Series 2010A; approving an escrow agreement; and enacting other provisions relating to the subject.

Mr. Funderburk provided the background information on this item, which was partially reviewed in the Work Session.

A motion was made by Councilmember Sheffield, seconded by Mayor Pro Tem Gallops, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was adopted as ORD-026-14.

Council took a short break at 8:34 p.m. and reconvened for Executive Session item 2A at 8:44 p.m.

TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS

9. ADJOURNMENT

There being no further business, the meeting adjourned at 9:20 p.m.



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 07/15/14

AGENDA ITEM: 7B

TITLE

Consider action to adopt an ordinance adopting and enacting Supplement Number 14, Volume I and Volume II, dated February 2014, to the Code of Ordinances.

STAFF REPRESENTATIVE

Laura Hallmark, City Secretary

SUMMARY

Approximately every six months or up to a year, depending upon the number of ordinances passed by City Council, the City Secretary submits changes to Municipal Code for codification. Municipal Code codifies these ordinances and submits them as supplements to the original Code of Ordinances. By approving this ordinance, it eliminates any confusion or differences in the format of the original Code of Ordinances as the supplements may include correction of typographical and scrivener errors found in the current Code. Ordinances included in this supplement were those approved by Council as Ordinance Number ORD-007-13 (dated May 7, 2013) through Ordinance Number ORD-002-14 (dated January 7, 2014).

BACKGROUND INFORMATION

At the February 17, 2004, City Council meeting, Council approved Ordinance Number 02-17-04A adopting a new Code of Ordinances. Noted below are when each additional supplement was adopted and enacted:

- March 7, 2006 – ORD-011-06 approved Supplements 1 and 2
- October 3, 2006 – ORD-046-06 approved Supplement 3
- June 5, 2007 – ORD-014-07 approved Supplement 4
- May 7, 2008 – ORD-013-08 approved Supplement 5
- January 20, 2009 – ORD-001-09 approved Supplement 6
- September 1, 2009 – ORD-026-09 approved Supplement 7
- March 2, 2010 – ORD-002-10 approved Supplement 8
- August 17, 2010 – ORD-018-10 approved Supplement 9
- January 18, 2011 – ORD-001-11 approved Supplement 10
- September 20, 2011 – ORD-021-11 approved Supplement 11
- June 15, 2012 – ORD-015-12 approved Supplement 12
- May 7, 2013 – ORD-006-13 approved Supplement 13

It is important to note that the codification of the ordinances has no bearing on their validity. Ordinances take effect immediately upon passage or once the caption has been published according to law and/or City Charter.

FINANCIAL/BUDGET IMPLICATIONS

The cost varies based upon the number of pages codified, images, graphs and tabs. Supplement 14 was budgeted in the 2013-2014 budget. The price for this supplement is \$4,319.18 (account number 101-0501-420-7104), which also includes a CD version and the update to the City's website.

RECOMMENDED ACTION

City staff recommends the City Council consider an ordinance adopting and enacting Supplement Number 14, Volume I and Volume II, dated February, 2014, as set forth on the attached Exhibit A to the Code of Ordinances.

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS ADOPTING AND ENACTING SUPPLEMENT NUMBER 14, VOLUME I AND VOLUME II, DATED FEBRUARY 2014, TO THE CODE OF ORDINANCES FOR THE CITY OF ROWLETT; PROVIDING FOR AMENDMENT TO CERTAIN SECTIONS OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rowlett, Texas adopted a new Code of Ordinances upon adoption of Ordinance Number 02-17-04A, on February 17, 2004; and

WHEREAS, Sections 5 and 6 of Ordinance Number 02-17-04A provide for amendment to said Code of Ordinances; and

WHEREAS, Section 3.17 of the City of Rowlett Home Rule Charter provides that the City Council has the power to have its ordinances codified and printed in Code form, and that such printed form shall have full force and effect without the necessity of publishing the same or any part thereof in a newspaper; and

WHEREAS, the Code of Ordinances of the City of Rowlett, Texas has been revised by previous amendments duly passed as individual ordinances by the City Council and such amendments are reflected in Supplement Number 14, Volume I and Volume II, dated February 2014, as set forth in the attached Exhibit A;

WHEREAS, the City Council wishes to adopt the ordinance codification version appearing in Supplement Number 14, Volume I and Volume II, dated February 2014, as set forth on the attached Exhibit A, of the Rowlett Code of Ordinances in order for the printed Code form to be considered identical to the original ordinance without amendment, repeal or alteration of the original ordinance and to eliminate any confusion or differences in the format of the original ordinance.

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

Section 1: The City Council hereby adopts the printed Code form of the ordinances contained in Supplement Number 14, Volume I and Volume II, dated February 2014, as set forth on the attached Exhibit A as prepared by the codifier.

Section 2: That the City Secretary is directed to file such approved supplements to the Code of Ordinances.

Section 3: This Ordinance shall become effective immediately upon its passage.

ATTACHMENT

Exhibit A – Code of Ordinances, Supplement 14 Volumes I and II

SUPPLEMENT NO. 14
VOLUME I
June 2014

CODE OF ORDINANCES

City of

ROWLETT, TEXAS

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 002-14, enacted January 7, 2014.

See the Code Comparative Table—Volume II for further information.

Remove Old Pages

Title page
iii
xxv, xxvi

TOC-i—TOC-viii
Checklist of up-to-date pages

SH:1, SH:2
CHT:1—CHT:26
CHTCT:1
CD6:3—CD6:4.1
CD6:21, CD6:22
CD38:1—CD38:7

Insert New Pages

VOLUME I
Title page
iii
xxv, xxvi
xxvii, xxviii
TOC-i—TOC-viii
Checklist of up-to-date pages
(following Table of Contents)
SH:1, SH:2
CHT:1
CHTCT:1
CD6:3—CD6:4.1
CD6:21—CD6:23
CD38:1
CD38:3—CD38:7

Insert and maintain this instruction sheet in front of Volume I. File removed pages for reference.



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Municipal Code Corporation • PO Box 2235 Tallahassee, FL 32316
info@municode.com • 800.262.2633
fax 850.575.8852 • www.municode.com

CODE OF ORDINANCES

CITY OF

ROWLETT, TEXAS

CHARTER

AND

GENERAL ORDINANCES

Published in 2004 by Order of the City Council

Adopted: February 17, 2004
Effective: February 17, 2004

VOLUME I



municode

Municipal Code Corporation • PO Box 2235 Tallahassee, FL 32316
info@municode.com • 800.262.2633
fax 850.575.8852 • www.municode.com

CURRENT OFFICIALS

of the

CITY OF

ROWLETT, TEXAS

Todd W. Gottel
Mayor

Chris Kilgore
Mayor Pro Tem

Michael Gallops
Deputy Mayor Pro Tem

Doug Phillips
Tammy Dana-Bashian
Carl Pankratz
Debby Bobbitt
City Council

Brian Funderburk
City Manager

David Berman
City Attorney

Laura Hallmark
City Secretary

CITY OF ROWLETT

Ordinance: ORD-021-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS ADOPTING AND ENACTING SUPPLEMENT NUMBER 11, VOLUME I AND VOLUME II, DATED AUGUST, 2011, TO THE CODE OF ORDINANCES FOR THE CITY OF ROWLETT; PROVIDING FOR AMENDMENT TO CERTAIN SECTIONS OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rowlett, Texas adopted a new Code of Ordinances upon adoption of Ordinance Number 02-17-04A, on February 17, 2004; and

WHEREAS, Sections 5 and 6 of Ordinance Number 02-17-04A provide for amendment to said Code of Ordinances; and

WHEREAS, Section §3.17 of the City of Rowlett Charter provides that the City Council has the power to have its ordinances codified and printed in Code form, and that such printed form shall have full force and effect without the necessity of publishing the same or any part thereof in a newspaper; and

WHEREAS, the Code of Ordinances of the City of Rowlett, Texas has been revised by previous amendments duly passed as individual ordinances by the City Council and such amendments are reflected on Supplement Number 11, Volume I and Volume II, dated August, 2011, as set forth on the attached Exhibit A;

WHEREAS, the City Council wishes to adopt the ordinance codification version appearing in Supplement Number 11, Volume I and Volume II, dated August, 2011, as set forth on the attached Exhibit A, of the Rowlett Code of Ordinances in order for the printed Code form to be considered identical to the original ordinance without amendment, repeal or alteration of the original ordinance and to eliminate any confusion or differences in the format of the original ordinance.

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

Section 1: The City Council hereby adopts the printed Code form of the ordinances contained in Supplement Number 11, Volume I and Volume II, dated August, 2011, as set forth on the attached Exhibit A as prepared by the codifier.

Section 2: That the City Secretary is directed to file such approved supplements to the Code of Ordinances.

Section 3: This Ordinance shall become effective immediately upon its passage.

At a meeting of the City Council on September 20, 2011, a motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Miller, to approve this Ordinance. The motion passed by the following vote:

Ayes: 7 Mayor Gottel, Mayor Pro Tem Phillips, Deputy Mayor Pro Tem Kilgore, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Gallops

Approved by _____ Date September 20, 2011
Mayor

Approved to form by _____ Date September 20, 2011
City Attorney

Certified by _____ Date September 20, 2011
Deputy City Secretary

CITY OF ROWLETT

Ordinance: ORD-006-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS ADOPTING AND ENACTING SUPPLEMENT NUMBER 13, VOLUME I AND VOLUME II, DATED JANUARY 2013, TO THE CODE OF ORDINANCES FOR THE CITY OF ROWLETT; PROVIDING FOR AMENDMENT TO CERTAIN SECTIONS OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rowlett, Texas adopted a new Code of Ordinances upon adoption of Ordinance Number 02-17-04A, on February 17, 2004; and

WHEREAS, Sections 5 and 6 of Ordinance Number 02-17-04A provide for amendment to said Code of Ordinances; and

WHEREAS, Section §3.17 of the City of Rowlett Charter provides that the City Council has the power to have its ordinances codified and printed in Code form, and that such printed form shall have full force and effect without the necessity of publishing the same or any part thereof in a newspaper; and

WHEREAS, the Code of Ordinances of the City of Rowlett, Texas has been revised by previous amendments duly passed as individual ordinances by the City Council and such amendments are reflected in Supplement Number 13, Volume I and Volume II, dated January 2013, as set forth in the attached Exhibit A;

WHEREAS, the City Council wishes to adopt the ordinance codification version appearing in Supplement Number 13, Volume I and Volume II, dated January 2013, as set forth on the attached Exhibit A, of the Rowlett Code of Ordinances in order for the printed Code form to be considered identical to the original ordinance without amendment, repeal or alteration of the original ordinance and to eliminate any confusion or differences in the format of the original ordinance.

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

Section 1: The City Council hereby adopts the printed Code form of the ordinances contained in Supplement Number 13, Volume I and Volume II, dated January 2013, as set forth on the attached Exhibit A as prepared by the codifier.

Section 2: That the City Secretary is directed to file such approved supplements to the Code of Ordinances.

Section 3: This Ordinance shall become effective immediately upon its passage.

At a meeting of the City Council on May 7, 2013 this Ordinance be adopted. The motion carried by the following vote:

Ayes: 5 Mayor Gottel, Mayor Pro Tem Phillips, Deputy Mayor Pro Tem Gallops, Councilmember Pankratz and Councilmember Miller

Absent: 1 Councilmember Kilgore

Approved by _____
Mayor

Date May 7, 2013

Approved to form by _____
City Attorney

Date May 7, 2013

Certified by _____
City Secretary

Date May 7, 2013

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Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

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Supp. No. 11			
031-10	12- 7-2010	Include	11
001-11	1-18-2011	Include	11
002-11	2-15-2011	Include	11
003-11	3- 1-2011	Include	11
008-11	4-19-2011	Include	11
Supp. No. 12			
013-11	7- 5-2011	Include	12
015-11	7- 5-2011	Include	12
018-11	8-16-2011	Include	12
020-11	8-16-2011	Include	12
021-11	9-20-2011	Include	12
022-11	9-20-2011	Include	12
025-11	9-20-2011	Omit	12
032-11	12- 6-2011	Omit	12
001-12	1- 3-2011	Include	12
002-12	1- 3-2012	Include	12
004-12	1- 3-2012	Omit	12
005-12	1-17-2012	Include	12
006-12	2- 2-2012	Include	12
008-12	2-12-2012	Omit	12
Supp. No. 13			
010-12	5- 1-2012	Include	13
012-12	5-15-2012	Include	13
016-12	6-19-2012	Include	13
019-12	7-24-2012	Include	13
027-12	11- 6-2012	Omit	13
028-12	11- 6-2012	Include	13
029-12	11- 6-2012	Omit	13
030-12	11- 6-2012	Omit	13
031-12	11- 6-2012	Omit	13
032-12	11- 6-2012	Omit	13
033-12	12-18-2012	Include	13

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034-12	12-18-2012	Omit	13
001-13	1-15-2013	Include	13
Supp. No. 14			
006-13	5- 7-2013	Include	14
007-13	5- 7-2013	Include	14
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013-13	5-21-2013	Include	14
018-13	7- 2-2013	Include	14
031-13	12- 3-2013	Omit	14
032-13	12-17-2013	Include	14
001-14	1- 7-2014	Include	14
002-14	1- 7-2014	Include	14

VOLUME I
CHARTER AND GENERAL ORDINANCES

PART I
CHARTER*

To view the current Charter, please visit the city's website.

***Editor's note**—The Charter of the City of Rowlett, Texas, was adopted by referendum on January 19, 1980, and was amended by referendum on April 2, 1983, May 4, 1991, January 18, 1997, February 24, 2003 and May 11, 2013. Following its repeal and reenactment by an ordinance of May 11, 2013, it will no longer be printed herein.

State law reference—Home rule charters, V.T.C.A., Local Government Code § 9.001 et seq.

CHARTER COMPARATIVE TABLE

REFERENDUMS

This table shows the location of the sections of the basic Charter and any amendments thereto adopted at referendum after January 18, 1997.

Ordinance Number	Referendum Date	Section	Section this Charter
053-08	1-19-1980		Arts. I—XII
	12- 2-2008	1(Exh. A)	3.04(2)
			Added 3.16(3)
			Added 3.22
			7.01
			9.02(1)
054-08	12-16-2008	1	6.04(1)(A)
010-09	3-17-2009	1	11.06
Ord. of	5-11-2013		Rpld Arts. I—XII
			Added Arts. I—XII

Amendments subsequent to the repeal and reenactment of the Charter on May 11, 2013 will not be reflected on this Charter Comparative Table. See page CHT:1 for further explanation.

ARTICLE I. IN GENERAL

Sec. 6-1. Title; purpose.

This chapter shall be known as the Rowlett Animal Code. This chapter has been established for the purpose of promoting the general welfare, health, and safety of the city.

(Code 1982, § 9-1-1)

Sec. 6-2. Definitions.

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

Abandon means

- (1) leaving an animal in any place without providing reasonable and necessary care including, but not limited to, air, food, water, or protection from heat, cold, or other elements of nature; or
- (2) the intentional or knowing failure of an owner to redeem an animal that has been impounded by or at the direction of the city within three days after impoundment.

Animal means any living creature, including but not limited to, dogs, cats, cows, horses, bird, fish, mammals, reptiles, insects, fowl and livestock, but specifically excluding human beings.

Animal control manager means the person designated by the city manager to supervise all aspects of animal control or his authorized representative.

Animal control officer means any person designated by the city manager to represent and act for the city to receive reports of animal bites, investigate bite reports, ensure quarantine of possibly rabid animals, and carry out and enforce the general regulations of the provisions of this chapter.

Animal shelter means a facility operated by the city for the purpose of impounding and caring for animals held under the authority of this chapter.

Bee means any common domestic honeybee (*apis mellifera*).

Dangerous dog means:

- (1) Any dog that when unprovoked inflicts bites on or attacks a human being either on public or private property or, in a terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public or private grounds or places;
- (2) Any dog with a known propensity, tendency or disposition to attack unprovoked to cause injury or to otherwise endanger the safety of human beings; or
- (3) Any dog suspected of being a dangerous dog if the owner, keeper or harbinger of such dog fails or refuses to make such dog available for inspection by an animal control officer;
- (4) Any dog that engages in an unprovoked attack causing bodily injury outside a secure enclosure, or that engages in unprovoked acts causing one to believe the dog will attack and cause bodily injury outside a secure enclosure.

Dangerous propensities means any one, or a combination, of the dog behaviors of biting, snarling, charging aggressively toward a person, growling with curled lips, popping of teeth, or barking with raised hackles.

Direct physical control means within the owner's observation and in such close proximity as to permit the owner reasonable opportunity to control the animal should it become necessary to do so in order to protect the animal, a human or another animal from harm.

Dog means a domesticated member of the family canidae, but shall not include a wolf, jackal, coyote, fox or other wild animal of this family or hybrid thereof.

Dog tethering means the use of a chain, rope, tether, leash, cable or other device to attach a dog to a stationary object or trolley system.

Exotic animals means nonnative species of animal including, but not limited to, nonpoisonous reptiles which, when mature, are over six feet

in length, ostriches, any member of the Ratite family or exotic livestock as defined by the state animal health commission.

Fowl means all of those birds commonly called poultry including, but not limited to, chickens, ducks, geese, guinea fowl, turkeys, pigeons and all the relatives of those birds which can be in pens, coops, cages or enclosures of any kind.

Harboring means the act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care for a period of five days.

Humanely euthanized means to cause the death of an animal by a method which:

- (1) Rapidly produces unconsciousness and death without visible evidence of pain or distress; or
- (2) Utilizes anesthesia produced by an approved agent which causes painless loss of consciousness, and death following such loss of consciousness.

Humane trap means a box cage for catching animals in a humane manner.

Impound means to seize and hold in the custody of the animal control division.

Large livestock means horses, mules, donkeys, cattle, goats, sheep and swine regardless of age, sex, size or breed, but does not include the pot-bellied pig, miniature horse, or pygmy goats.

Miniature livestock means swine or goats that have been specifically bred to be significantly smaller at maturity than all other breeds of similar animals. Miniature livestock includes, but is not limited to, pot-bellied pigs, pygmy goats and miniature horses.

Owner means any person having title to any animal, or a person who has, harbors or keeps, or who causes or permits to be harbored or kept, an animal in his care, or who permits an animal to remain on or about his premises.

Person means any individual, firm, association, partnership, or corporation.

Properly fitted with respect to a collar or neck restraint means one that measures the circumfer-

ence of a dog's neck plus at least one inch. With respect to a harness, "properly fitted" means one that is of an adequate size, design and construction as appropriate for the dog's size and weight.

Rabies vaccination means an injection of United States Department of Agriculture approved rabies vaccine administered every 12 months under the direct supervision of a licensed veterinarian.

Running at large means not completely confined by a building, wall or fence of sufficient strength or function to restrain the animal, except when such animal is either on a leash, or held in the hands of the owner or keeper. An animal within an automobile or other vehicle of its owner shall not be deemed to be at large.

Secure enclosure means a house or a building, or in the case of a dangerous animal being kept outdoors, the kennel/pen shall include a roof which is fastened to all vertical walls, which are submerged in a subervious material. The kennel/pen must be at least six feet in height and have the minimum dimensions of five feet by ten feet. The kennel/pen must form an enclosure suitable to prevent entry of young children, and must be locked and secured such that an animal cannot climb, dig, jump, or otherwise escape of its own volition. The enclosure shall be securely locked at all times. The kennel/pen will provide protection from the elements and allow for daily removal of waste as approved by the animal control manager or representative.

Spay/neuter means the surgical removal of the reproductive organs of a dog or cat to render the animal unable to reproduce.

Veterinarian means a doctor of veterinary medicine who holds a valid license to practice his profession in the state.

Vicious dog means any dog that has on at least two separate occasions, without provocation, attacked or bitten any domestic animal; or any dog which the police department or animal control division has reason to believe has a dangerous disposition likely to be harmful to domestic animals.

Wild animals means any poisonous or dangerous reptile, or any other animal which can nor-

ANIMALS

§ 6-2

mally be found in the wild state, not normally capable of being domesticated including, but not limited to, foxes, leopards, lions, lynx monkeys (nonhuman primates), panthers, raccoons, skunks and also includes offspring of domesticated canine and wild canine cross-breeds such as coyote or wolf hybrids. This shall apply regardless of duration of captivity.

(Code 1982, § 9-1-2; Ord. No. 031-09, § 1, 10-20-2009; Ord. No. 005-12, § 1, 2012; Ord. No. 007-13, § 1, 5-7-2013; Ord. No. 002-14, § 1, 1-7-2014)

Cross reference—Definitions generally, § 1-2.

under this article shall be allowed to take such animal from the animal shelter or other place where impounded upon the following conditions:

- (1) Payment to the city of an impoundment fee as described in section 6-282, plus an amount established by resolution of the city council per day or fractional part thereof for boarding fees for each day impounded.
- (2) If the owner cannot provide proof of a current rabies vaccination, the animal must be revaccinated or vaccinated for rabies within five days of being reclaimed by the owner of the impounded animal. Animals less than 12 weeks of age will not require a rabies vaccination in order to be released.
- (3) The owner reclaiming any animal impounded that resides within the city must provide proof of a current city license. If the owner is not able to provide proof or if the animal is not currently registered with the animal control division he will pay a late fee established by resolution of the city council to secure that they will be in compliance with the city license requirement as provided in this chapter. Animals less than 12 weeks of age will not require a city registration to be released.
- (4) When an animal has been impounded for the first time, the owner of the animal is eligible for a one-time impoundment fee rebate established by resolution of the city council upon submission, within 30 days of the animal being redeemed, of written documentation that the animal has been spayed or neutered.
- (5) Prior to the release of an impounded dog, cat or ferret to the owner, the animal shall be implanted with a microchip, at the owner's expense. Information identifying the owner shall be entered into an appropriate database to enable microchip identification. Such information shall not include the social security number or the driver's license number of the owner. Information that identifies or tends to identify the owner or an address, telephone

number, or other personally identifying information of the owner of a dog or cat is confidential and shall not be disclosed except to city animal control personnel for purposes directly related to the protection of public health and safety.

(Code 1982, § 9-1-9(E); Ord. No. 010-07, § 1, 5-15-2007; Ord. No. 018-13, § 1, 7-2-2013)

Sec. 6-276. Disposition.

If the owner has not redeemed such impounded animal within three days from its capture and impoundment, the animal may be given to a nonprofit humane organization, placed for adoption, or humanely destroyed. Animals wearing a current city license tag will be held for six days prior to their disposition.

(Code 1982, § 9-1-9(F))

Sec. 6-277. Owner relinquishing responsibility.

An owner who no longer wishes responsibility for an animal, or does not desire to regain possession of an impounded animal may, upon signing a waiver in a form provided by the animal control manager, allow the animal to be placed for adoption, given to a humane nonprofit organization, or humanely destroyed; provided, however, that the animal has not bitten a human within the last ten days of the owner wanting to relinquish his responsibility of ownership.

(Code 1982, § 9-1-9(G))

Sec. 6-278. Sick or injured animals.

Any impounded animal which has been seriously injured or is seriously ill may be euthanized immediately to prevent suffering, or given to a nonprofit humane organization for the purpose of veterinary medical care, as determined by the animal control manager. The animal shelter shall not be responsible for providing veterinary care for any sick or injured animal.

(Code 1982, § 9-1-9(H))

State law reference—Restraint and impoundment of dogs and cats, Vernon's Ann. Civ. St. art. 4477-6a, §3.08.

Sec. 6-279. Disposition of wild animals.

Any impounded wild animal, unless there is a reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate by the animal control officer.

(Code 1982, § 9-1-9(I))

Sec. 6-280. Baby animals.

Any nursing baby animal impounded without the mother or where the mother cannot or refuses to provide nutritious meals may be immediately euthanized to prevent suffering or given to an individual or to a nonprofit humane organization for the purpose of caring for such animal.

(Code 1982, § 9-1-9(J))

Sec. 6-281. Disposition of animals treated inhumanely.

The final disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the animal control manager.

(Code 1982, § 9-1-9(K))

Sec. 6-282. Impoundment fees.

(a) *Generally.* Fees established by resolution of the city council for first, second and third impoundments within a 12-month period shall be collected.

(b) *Daily shelter fee.* A daily shelter fee established by resolution of the city council shall be charged for every day or fraction thereof after the first day of impoundment that an animal is at the animal shelter in addition to the impoundment fee.

(c) *Quarantine fee.* The owner of a cat, dog or ferret held in quarantine for observation purposes shall be charged an amount established by resolution of the city council for every day or fraction of a day an animal is quarantined. This is in addition to any impoundment fee.

(d) *Payment of fees.* It shall be a violation of this article to fail to pay all fees due in accordance with this article.

(Code 1982, § 9-1-10; Ord. No. 010-07, § 1, 5-15-2007)

Sec. 6-283. Adoption of animals.

A person may adopt an animal from the animal shelter under the following conditions:

- (1) The animal to be adopted must be classified as adoptable by the animal control manager.
- (2) The prospective adopter has the proper facilities to care for the animal.
- (3) The prospective adopter completes the animal adoption agreement form.
- (4) The prospective adopter pays an adoption fee established by resolution of the city council based on the following:
 - a. Sterilized adoption package (animals previously rendered sterile) includes: rabies vaccine, heartworm check for dogs, Leukemia/AIDs check for cats, DHPPC combination vaccine for dogs or RCPC vaccine for cats, worming, collar, a leash for dogs or a box type carrier for cats.
 - b. Sterilization adoption package (animals that require sterilization) includes: sterilization, rabies vaccine, heartworm check for dogs, Leukemia/AIDs check for cats, DHPPC combination vaccine for dogs or RCPC vaccine for cats, worming, collar, a leash for dogs or a box type carrier for cats. Adopters of animals under six months of age will be provided with a sterilization voucher and must have the animal sterilized by a veterinarian designated by the city animal shelter when the animal reaches six months of age.
- (5) The adoption fee may be waived for nonprofit humane animal rescue organizations in good standing with the city animal shelter. When the fee is waived for such organizations, no rabies vaccination or sterilization services will be provided. Nonprofit organizations that have the fee waived must present proof of rabies vaccination and sterilization within 30 days from the date the animal is received from

the city animal shelter. Additional time shall be allowed for animals less than six months of age.

- (6) The prospective adopter must pay a license fee if required by any provision of this chapter.
- (7) The animal, if a dog, cat or ferret, must be implanted with a microchip and information identifying the owner shall be entered into an appropriate database to enable microchip identification. Such information shall not include the social security number or the driver's license number of the owner of the animal. Information that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of a dog or cat is confidential and shall not be disclosed except to city animal control personnel for purposes directly related to the protection of public health and safety.

(Code 1982, § 9-1-11; Ord. No. 11-19-02B, § 1, 11-19-2002; Ord. No. 010-07, § 1, 5-15-2007; Ord. No. 018-13, § 2, 7-2-2013)

Chapter 38

MUNICIPAL COURT*

Sec. 38-1.	Established.
Sec. 38-2.	Judge and alternate judge.
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Sec. 38-12.	Building security fund.
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Sec. 38-14.	Municipal court technology fund.
Sec. 38-15.	City marshal.
Sec. 38-16.	Municipal court juvenile case manager fund.

***Charter reference**—Municipal court, § 4.26.

Cross references—Administration, ch. 2; civil emergencies, ch. 14; miscellaneous provisions, ch. 34; traffic and vehicles, ch. 66.

State law reference—Municipal court, V.T.C.A., Government Code § 29.001 et seq.

Sec. 38-1. Established.

Pursuant to the city Charter, § 4.26, there is hereby created and established a court to be known as the Municipal Court of Record No. 1 of the city, which court has the jurisdiction provided by general law for municipal courts contained in Section 29.003, Texas Government Code, including concurrent jurisdiction with justice courts as provided by V.T.C.A., Government Code § 29.003. The court also has jurisdiction over criminal cases arising outside the territorial limits of the city under ordinances authorized by V.T.C.A., Local Government Code §§ 215.072, 217.042, 341.903, and 401.002, or otherwise as provided by law. (Code 1982, § 5-1-1)

Sec. 38-2. Judge and alternate judge.

(a) The municipal court shall be presided over by a municipal judge, who shall be appointed by ordinance for a term of two years and shall be entitled to a salary set by the city council. The amount of the judge's salary may not be diminished during the judge's term of office. The salary may not be based directly or indirectly on fines, fees, or costs collected by the court.

(b) The municipal judge must:

- (1) Be a resident of this state;
- (2) Be a citizen of the United States;
- (3) Be a licensed attorney in good standing; and
- (4) Have two or more years of experience in the practice of law in the state.

(c) A person may not serve as a municipal judge if the person is employed by the city. A municipal judge who accepts employment with the city vacates the judicial office.

(d) If a vacancy occurs in the office of the municipal judge, the city council shall adopt an ordinance appointing a qualified person to fill the office for the remainder of the unexpired term.

(e) The city council shall appoint one or more alternate municipal judges, subject to the same qualifications as the municipal judge, who shall have all the powers and shall discharge all the duties of the municipal judge while serving in

that capacity. Alternate judges shall be appointed by ordinance. Their salaries may be fixed by ordinance or resolution.

(f) If the regular municipal judge is temporarily absent due to illness, family death, continuing legal or judicial education programs, or for any other reason, he shall select one of the alternate judges to serve during his absence.

(g) Municipal judges shall take judicial notice of state law and the ordinances and corporate limits of the city. They may grant writs of mandamus, attachment, and other writs necessary to the enforcement of the jurisdiction of the court and may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court. A municipal judge is a magistrate and may issue administrative search warrants. A municipal judge shall devote as much time to the office as it requires.

(h) Municipal judges may exchange benches and act for each other in any proceeding pending in the municipal court. An act performed by any of the judges is binding on all parties to the proceeding.

(i) A municipal judge may be removed from office as provided by section 1-a, article V of the state constitution.

(j) The municipal judge shall be the presiding judge and make such assignment to the alternate judge as is necessary for the efficient functioning of the municipal court.

(Code 1982, § 5-1-2; Ord. No. 8-22-02B, § 1, 8-22-2002)

Cross reference—Officers and employees, § 2-451 et seq.

Sec. 38-3. Court rules.

(a) The Texas Code of Criminal Procedure and the Texas Rules of Appellate Procedure, as modified by V.T.C.A., Government Code ch. 30A govern the trial of cases before the municipal court of record.

(b) The court may make and enforce all rules of practice and procedure necessary to expedite the trial of cases before the court that are not inconsistent with law.

(Code 1982, § 5-1-3)

Sec. 38-4. Jury.

(a) Rules and procedures concerning a trial by a jury, including the summoning of jurors, must substantially conform to Vernon's Ann. C.C.P. ch. 45.

(b) The court administrator shall supervise the selection of persons for jury service. (Code 1982, § 5-1-4)

Sec. 38-5. Prosecutions.

Prosecutions in the municipal court shall be conducted as provided by Vernon's Ann. C.C.P. art. 45.03. (Code 1982, § 5-1-5)

Sec. 38-6. The clerk of the court.

(a) The city manager shall appoint the clerk of the municipal court who may hire, direct, and remove the personnel authorized in the city's annual budget for the clerk's office. The clerk shall perform the duties in accordance with statutes, the City Charter, and city ordinances.

(b) The clerk shall keep the records of the municipal court, issue process, and generally perform the duties that a clerk of a county court at law exercising criminal jurisdiction performs for that court.

(c) The clerk shall maintain an index of all court judgments in the same manner as county clerks are required by law to prepare for criminal cases arising in county courts.

(d) The city council may provide deputy clerks, warrant officers, and other personnel as needed for the proper operation of the court. (Code 1982, § 5-1-6)

Cross reference—Officers and employees, § 2-451 et seq.

Sec. 38-7. Preserving court record.

(a) When requested by the judge or one of the parties, trial proceedings shall be recorded by a good quality electronic audio recording device or videotape recording device.

(b) The recording shall be kept and stored for a 20-day period beginning the day after the last day of the proceeding, trial, or denial of motion for new trial, whichever occurs last.

(c) Proceedings that are appealed shall be transcribed from the recording by an official court reporter.

(d) Fees for preparation of a record for purposes of appeal must be paid before the preparation of the record. An extension of time for the appeal may not be granted due to a party's failure to timely pay the fees. (Code 1982, § 5-1-7)

Sec. 38-8. Court facilities and seal.

(a) The city council shall provide courtrooms, jury rooms, offices, office furniture, libraries, law books, and other facilities and supplies that the council determines necessary for the proper operation of the court.

(b) The city council shall provide the court with a seal that contains the phrase "Municipal Court in Rowlett, Texas." The seal's appearance and use must substantially conform to Vernon's Ann. C.C.P. art. 45.012. (Code 1982, § 5-1-8)

Sec. 38-9. Complaints and pleadings.

Complaints and pleadings must substantially conform to the relevant provisions of Vernon's Ann. C.C.P. chs. 27 and 45. (Code 1982, § 5-1-9)

Sec. 38-10. Failure to appear; warrants and fees.

(a) A person commits an offense if that person is issued a citation by city personnel authorized to enforce criminal provisions of the Code of Ordinances and knowingly or intentionally fails to appear and enter a plea in the municipal court on or before the date set forth in the citation, which date shall not be less than ten days following service of the citation. A plea of guilty, not guilty or no contest may be submitted in person, by mail, or by other method acceptable to the court.

(b) A person commits an offense if that person makes a written promise to appear in the municipal court by signing a written notice prepared by the clerk of the municipal court, and subsequently fails to appear as required by the written notice. A person may comply with a written prom-

ise to appear in court by an appearance of counsel. This offense applies regardless of the disposition of the charge on which the person was before the court.

(c) When the Judge of the Municipal Court of Record No. 1 of Rowlett, Texas, shall cause to be issued any warrant of arrest for a defendant in any criminal action prosecuted in the municipal court or for the arrest of any witness who has failed to appear in such cause as required by a summons or subpoena previously issued in any such cause prosecuted in the municipal court, the clerk of the municipal court shall be authorized, in addition to such fines as may be levied by the judge as a result of such criminal action, to assess a special expense, not to exceed an amount established by resolution of the city council for the issuance and service of a warrant of arrest for any offense under § 38.10 of the Texas Penal Code, § 543.009 of the Texas Transportation Code, or a special expense prescribed in the Texas Code of Criminal Procedure, Section 102.011, for the issuance and service of a warrant of arrest, after due notice, for a defendant failing to appear after having given a personal bond, such special expense not to exceed the amount established by resolution of the city council. Any such expenses shall be paid, along with the applicable fine and court costs, into the city treasury for the use and benefit of the city, and the court costs and special expenses by execution against the property of the defendant, or imprisonment of the defendant, until such time as all costs described in this section have been paid.

(Ord. No. 032-13, § 1, 12-17-2013)

Editor's note—Ord. No. 032-13, § 1, adopted Dec. 17, 2013, repealed § 38-10, which pertained to warrants and fees and derived from Code 1982, § 5-1-10; and Ord. No. 015-07, § 1, adopted June 5, 2007.

State law reference—Special expenses, Vernon's Ann. C.C.P. art. 45.203(a).

Sec. 38-11. Defensive driving fee.

A nonrefundable fee as established by resolution of the city council shall be charged as a special expense each time a person requests to take a defensive driving course for the purpose of having the charge dismissed after the successful completion of the course. The fee shall be paid

into the city treasury to recover the costs incurred by the city in processing the person's request for defensive driving school.

(Code 1982, § 5-1-11; Ord. No. 015-07, § 1, 6-5-2007)

Sec. 38-12. Building security fund.

(a) *Creation.* The municipal court building security fund (referred to in this section as the "fund") is hereby created. All monies deposited into the fund shall be expended in accordance with this section.

(b) *Imposition of security fee.* Any defendant convicted in the municipal court shall be charged and shall pay as a cost of court, in addition to all other costs of court, a security fee as established by resolution of the city council. For purposes of this section, a defendant is considered convicted if:

- (1) A sentence is imposed on the defendant through:
 - a. A plea of guilty or no contest; or
 - b. A trial by judge or jury on a plea of not guilty where the defendant is found to be guilty.
- (2) The defendant receives community supervision, including deferred adjudication; or
- (3) The court defers final disposition of the defendant's case.

(c) *Deposit of fee into fund; fund administration; use of fee.* The municipal court clerk shall collect the security fee, pay the fee to the finance director, and the fee shall be deposited by the finance director into the fund. The fund shall be administered under the direction of the city council. The fund may be used to finance the following items when used for the purpose of providing security services for the municipal court, as appropriate, including:

- (1) The purchase or repair of X-ray machines and conveying systems;
- (2) Handheld metal detectors;
- (3) Walk-through metal detectors;
- (4) Identification cards and systems;

- (5) Electronic locking and surveillance equipment;
- (6) Bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
- (7) Signage;
- (8) Confiscated weapon inventory and tracking systems;
- (9) Locks, chains, alarms or similar security devices;
- (10) The purchase or repair of bullet-proof glass; and
- (11) Continuing education on security issues for court personnel and security personnel.

(Code 1982, § 5-1-12; Ord. No. 015-07, § 1, 6-5-2007)

State law reference—Building security fund, Vernon's Ann. C.C.P. art. 102.017.

Sec. 38-13. Use of municipal court fines.

(a) The city council hereby authorizes that an amount as established by resolution of the city council out of every municipal court fine be dedicated to additional traffic enforcement and public safety purposes, the method and manner of which shall be determined by the city manager.

(b) The fee mentioned in subsection (a) of this section is not intended to delete or diminish other programs and public purposes for which Municipal Court fines are used.

(c) The fee established by resolution of the city council shall be accounted for in a similar manner as other authorized court costs.

(Code 1982, § 5-2-1; Ord. No. 015-07, § 1, 6-5-2007)

Sec. 38-14. Municipal court technology fund.

(a) *Creation.* The municipal court technology fund (referred to in this section as the "fund") is hereby created. All monies deposited into the fund shall be expended in accordance with this section.

(b) *Imposition of technology fee.* Any defendant convicted in the municipal court shall be charged and shall pay as a cost of court, in addition of all other costs of court, a technology fee in an amount not to exceed \$4.00. For the purposes of this section, a defendant is considered convicted if:

- (1) A sentence is imposed on the defendant though:
 - a. A plea of guilty or no contest; or
 - b. A trial by judge or jury on a plea of not guilty where the defendant is found to be guilty.
- (2) The defendant receives community supervision, including deferred adjudication; or
- (3) The court defers final disposition of the defendant's case.

(c) *Deposit of fee into the fund; fund administration; use of fee.* The municipal court clerk shall collect the technology fee, pay the fee to the city's finance director, and the fee shall be deposited by the finance director into the fund. The fund shall be administered under the direction of the city council. The fund may be used to finance the following when used for the purposes of providing technology enhancements for the municipal court:

- (1) Computer systems;
- (2) Computer networks;
- (3) Computer hardware;
- (4) Computer software;
- (5) Imaging systems;
- (6) Electronic kiosks;
- (7) Electronic ticket writers; and
- (8) Docket management systems.

(Ord. No. 10-05-04C, § 2, 10-5-2004)

Sec. 38-15. City marshal.

(a) There is hereby created the office of city marshal, to be filled by qualified persons, appointed by the city manager or his designee. The city marshal and all persons serving in the capacity as city marshal or deputies thereof shall meet all qualifications necessary to be certified as peace officers by the state.

(b) The city marshal, acting under the direction of the city manager or his designee, shall perform the following duties:

- (1) Execute warrants of arrest, subpoenas, summons, and other legal process issued by a judge of the municipal court;
- (2) Execute other warrants of arrest, subpoenas, summons, and other legal process as determined by the municipal court administrator;
- (3) Serve as bailiff of the municipal court when necessary; and
- (4) Transport municipal court prisoners between law enforcement holding facilities.
- (5) Perform such other duties as may be in the authority of certified peace officers or as may be determined by the city manager or his designee.

(c) The city marshal and deputies shall serve as peace officers of the city and have full police authority in the exercise of their assigned duties.

(d) The city marshal is eligible for membership in the Texas Municipal Retirement System. The city marshal's office will be responsible for carrying the commission of all marshals through the Texas Commission on Law Enforcement Officer Standards and Education, or any successor agency of the state.

(e) The city marshal shall be required to take an oath of office before entering upon the discharge of duties, the oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the city secretary.

(Ord. No. 64-05, § 1, 12-6-2005)

Sec. 38-16. Municipal court juvenile case manager fund.

(a) *Creation.* The municipal court juvenile case manager fund (referred to in this section as the "fund") is hereby created. All monies deposited into the fund shall be expended in accordance with this section.

(b) *Imposition of juvenile case manager fee.* Any defendant convicted in the municipal court shall be charged and shall pay as a cost of court,

in addition of all other costs of court, a juvenile case manager fee in an amount not to exceed \$5.00. For the purposes of this section, a defendant is considered convicted if:

- (1) A sentence is imposed on the defendant through:
 - a. A plea of guilty or no contest; or
 - b. A trial by judge or jury on a plea of not guilty where the defendant is found to be guilty.
- (2) The defendant receives community supervision, including deferred adjudication; or
- (3) The court defers final disposition of the defendant's case.

(c) *Deposit of fee into the fund; fund administration; use of fee.* The municipal court clerk shall collect the juvenile case manager fee, pay the fee to the city's finance director, and the fee shall be deposited by the finance director into the fund. The fund shall be administered under the direction of the city council. The fund may be used only to finance the salary and benefits of a juvenile case manager employed under Article 102.0174 of the Texas Code of Criminal Procedure.

(Ord. No. 067-07, § 1, 10-2-2007)

SUPPLEMENT NO. 14
VOLUME II
June 2014

CODE OF ORDINANCES

City of

ROWLETT, TEXAS

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 002-14, enacted January 7, 2014.

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CODE OF ORDINANCES

CITY OF

ROWLETT, TEXAS

CHARTER

AND

GENERAL ORDINANCES

Published in 2004 by Order of the City Council

Adopted: February 17, 2004
Effective: February 17, 2004

VOLUME II



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CURRENT OFFICIALS

of the

CITY OF

ROWLETT, TEXAS

Todd W. Gottel
Mayor

Chris Kilgore
Mayor Pro Tem

Michael Gallops
Deputy Mayor Pro Tem

Doug Phillips
Tammy Dana-Bashian
Carl Pankratz
Debby Bobbitt
City Council

Brian Funderburk
City Manager

David Berman
City Attorney

Laura Hallmark
City Secretary

CITY OF ROWLETT

Ordinance: ORD-021-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS ADOPTING AND ENACTING SUPPLEMENT NUMBER 11, VOLUME I AND VOLUME II, DATED AUGUST, 2011, TO THE CODE OF ORDINANCES FOR THE CITY OF ROWLETT; PROVIDING FOR AMENDMENT TO CERTAIN SECTIONS OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rowlett, Texas adopted a new Code of Ordinances upon adoption of Ordinance Number 02-17-04A, on February 17, 2004; and

WHEREAS, Sections 5 and 6 of Ordinance Number 02-17-04A provide for amendment to said Code of Ordinances; and

WHEREAS, Section §3.17 of the City of Rowlett Charter provides that the City Council has the power to have its ordinances codified and printed in Code form, and that such printed form shall have full force and effect without the necessity of publishing the same or any part thereof in a newspaper; and

WHEREAS, the Code of Ordinances of the City of Rowlett, Texas has been revised by previous amendments duly passed as individual ordinances by the City Council and such amendments are reflected on Supplement Number 11, Volume I and Volume II, dated August, 2011, as set forth on the attached Exhibit A;

WHEREAS, the City Council wishes to adopt the ordinance codification version appearing in Supplement Number 11, Volume I and Volume II, dated August, 2011, as set forth on the attached Exhibit A, of the Rowlett Code of Ordinances in order for the printed Code form to be considered identical to the original ordinance without amendment, repeal or alteration of the original ordinance and to eliminate any confusion or differences in the format of the original ordinance.

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

Section 1: The City Council hereby adopts the printed Code form of the ordinances contained in Supplement Number 11, Volume I and Volume II, dated August, 2011, as set forth on the attached Exhibit A as prepared by the codifier.

Section 2: That the City Secretary is directed to file such approved supplements to the Code of Ordinances.

Section 3: This Ordinance shall become effective immediately upon its passage.

At a meeting of the City Council on September 20, 2011, a motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Miller, to approve this Ordinance. The motion passed by the following vote:

Ayes: 7 Mayor Gottel, Mayor Pro Tem Phillips, Deputy Mayor Pro Tem
Kilgore, Councilmember Davis, Councilmember Pankratz,
Councilmember Miller and Councilmember Gallops

Approved by _____ Date September 20, 2011
Mayor

Approved to form by _____ Date September 20, 2011
City Attorney

Certified by _____ Date September 20, 2011
Deputy City Secretary

CITY OF ROWLETT

Ordinance: ORD-006-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS ADOPTING AND ENACTING SUPPLEMENT NUMBER 13, VOLUME I AND VOLUME II, DATED JANUARY 2013, TO THE CODE OF ORDINANCES FOR THE CITY OF ROWLETT; PROVIDING FOR AMENDMENT TO CERTAIN SECTIONS OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rowlett, Texas adopted a new Code of Ordinances upon adoption of Ordinance Number 02-17-04A, on February 17, 2004; and

WHEREAS, Sections 5 and 6 of Ordinance Number 02-17-04A provide for amendment to said Code of Ordinances; and

WHEREAS, Section §3.17 of the City of Rowlett Charter provides that the City Council has the power to have its ordinances codified and printed in Code form, and that such printed form shall have full force and effect without the necessity of publishing the same or any part thereof in a newspaper; and

WHEREAS, the Code of Ordinances of the City of Rowlett, Texas has been revised by previous amendments duly passed as individual ordinances by the City Council and such amendments are reflected in Supplement Number 13, Volume I and Volume II, dated January 2013, as set forth in the attached Exhibit A;

WHEREAS, the City Council wishes to adopt the ordinance codification version appearing in Supplement Number 13, Volume I and Volume II, dated January 2013, as set forth on the attached Exhibit A, of the Rowlett Code of Ordinances in order for the printed Code form to be considered identical to the original ordinance without amendment, repeal or alteration of the original ordinance and to eliminate any confusion or differences in the format of the original ordinance.

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

Section 1: The City Council hereby adopts the printed Code form of the ordinances contained in Supplement Number 13, Volume I and Volume II, dated January 2013, as set forth on the attached Exhibit A as prepared by the codifier.

Section 2: That the City Secretary is directed to file such approved supplements to the Code of Ordinances.

Section 3: This Ordinance shall become effective immediately upon its passage.

At a meeting of the City Council on May 7, 2013 this Ordinance be adopted. The motion carried by the following vote:

Ayes: 5 Mayor Gottel, Mayor Pro Tem Phillips, Deputy Mayor Pro Tem Gallops, Councilmember Pankratz and Councilmember Miller

Absent: 1 Councilmember Kilgore

Approved by _____
Mayor

Date May 7, 2013

Approved to form by _____
City Attorney

Date May 7, 2013

Certified by _____
City Secretary

Date May 7, 2013

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Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

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001-11	1-18-2011	Include	11
002-11	2-15-2011	Include	11
003-11	3- 1-2011	Include	11
008-11	4-19-2011	Include	11
Supp. No. 12			
013-11	7- 5-2011	Include	12
015-11	7- 5-2011	Include	12
018-11	8-16-2011	Include	12
020-11	8-16-2011	Include	12
021-11	9-20-2011	Include	12
022-11	9-20-2011	Include	12
025-11	9-20-2011	Omit	12
032-11	12- 6-2011	Omit	12
001-12	1- 3-2011	Include	12
002-12	1- 3-2012	Include	12
004-12	1- 3-2012	Omit	12
005-12	1-17-2012	Include	12
006-12	2- 2-2012	Include	12
008-12	2-12-2012	Omit	12
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006-13	5- 7-2013	Include	14
007-13	5- 7-2013	Include	14
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018-13	7- 2-2013	Include	14
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VOLUME II

PART II

DEVELOPMENT REGULATIONS

Subpart B

DEVELOPMENT CODE

Chapter 77

DEVELOPMENT CODE*

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***Editor's note**—Printed herein is the Rowlett Development Code, Ordinance No. 025-06, § 1(Exh. A), as adopted on June 6, 2006. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Cross references—Environment, ch. 22; public improvements, ch. 46; streets, sidewalks and other public ways, ch. 54; telecommunications, ch. 62; buildings and building regulations, ch. 78; fences, § 78-311 et seq.; floods, ch. 82; manufactured homes and parks, ch. 86; vegetation, ch. 98.

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CHAPTER 77-200. ZONING DISTRICTS

Sec. 77-201. General provisions.

This chapter establishes the zoning districts and contains basic information pertaining to zoning districts, primarily statements of purpose and district-specific regulations. Chapter 77-300, Use regulations, and Chapter 77-400, Dimensional standards, set forth the uses allowed within the districts and the dimensional standards applying to development in the districts.

A. *Districts established; zoning map.*

- (1) *Zoning districts established.* The city is divided into the following zoning districts:

TABLE 2.1-1: ZONING DISTRICTS ESTABLISHED HIERARCHY OF DISTRICTS		
District Type	Abbreviation	District Name
Residential	SF-40	Single-Family Residential—40/24
	SF-20	Single-Family Residential—20/24
	SF-15	Single-Family Residential—15/21
	SF-10	Single-Family Residential—10/21
	SF-9	Single-Family Residential—9/18
	SF-8	Single-Family Residential—8/18
	SF-7	Single-Family Residential—7/15
	SF-5	Single-Family Residential—5/15
	MF-2F	Multi-Family Attached Residential Duplex
	MF-TH	Multi-Family Attached Residential Townhouse
	MF-S	Multi-Family Attached Residential Suburban
MF-U	Multi-Family Attached Residential Urban	
Commercial	IU	Institutional-Urban
	O-1	Limited Office
	O-2	General Office
	C-1	Limited Commercial/Retail
	C-2	General Commercial/Retail
	C-3	Commercial/Retail Highway
	M-1	Light Manufacturing
	M-2	General Manufacturing
Mixed-Use	MU-WF	Mixed-Use Waterfront
	MU-NS	Mixed-Use North Shore District
Special Purpose and Overlay	TL	Take Line
	PD	Planned Development
	IO	Industrial Overlay
Form Based	NN	New Neighborhood
	UV	Urban Village

- (2) *Explanation of zoning district abbreviations.* Zoning district abbreviations depict the category of use allowed (i.e. SF for single-family, C for commercial, MU for mixed use, etc.). In the residential zoning districts, the first set of numbers separated by a slash represents the minimum lot size in thousands of square feet, and the second number following the slash represents the minimum dwelling size in hundreds of square feet. (For example, i.e. SF-20/24 would indicate a minimum lot size of 20,000 square feet with a minimum dwelling size of 2,400 square feet).
- (3) *Zoning map.* The zoning districts are shown on the official zoning map. Procedures for amending the official zoning map are set forth in subchapter 77-805, Rezonings.
- (a) *Boundaries generally.* The boundaries of zoning districts set out in this Code are delineated upon the official zoning map, adopted as part of this Code as fully as if the same were set forth in this section in detail.
- (b) *Original map and copies.*
1. The original official zoning map shall be placed in the office of the director of planning and community development. It shall be used for reference and shall be maintained up-to-date by posting all subsequent amendments on such map. A copy of the most recent update shall be provided to the city secretary, and shall be provided to other city departments as required.
 2. Reproductions for informational purposes may be made of the official zoning map.
- (c) *Zoning district boundaries; rules.* The district boundary lines shown on the zoning district map are usually along centerlines of streets, or along alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 3. Boundaries indicated as approximately following city limits shall be construed as following city limits of the most recently adopted city limits map.
 4. Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.
 5. With the exception of the take line area, boundaries indicated as following shorelines shall be construed to follow such shorelines. With the exception of the take line area, a change in the shoreline boundaries shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of all bodies of water shall be construed to follow such centerlines.

and in the event of change in the centerline, shall be construed to move with such centerline.

6. Boundaries indicated as parallel to or extensions of features indicated above shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the planning department.
7. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street, unless as a condition of zoning approval it is stated that the zoning classification shall not apply to the street.
8. Where physical features on the ground vary from information shown on the official zoning map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of the subsections of this chapter, the city council shall determine the zoning following procedures established under chapter 77-800.

(4) *Newly annexed areas.* Unless otherwise zoned at annexation, all undeveloped or unplatted territory hereafter annexed to the city shall be zoned SF-40. The procedure for establishing the zoning on any annexed territory shall be the same as is provided by this Code.

B. *Relationship to overlay districts.* All lands within the city shall be designated as one of the base zoning districts set forth in subchapter 77-202 through 77-204. In ad-

dition, some lands may be designated as one or more of the special purpose and overlay districts set forth in subchapter 77-205. Where the property is designated as an overlay district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base district. In the event of an express conflict between the two sets of standards, the standards for the overlay district shall control.

(Ord. No. 025-06, § 1(Exh. A), 6-6-2006; Ord. No. 016-09, § 2, 6-2-2009; Ord. No. 002-12, § 1, 1-3-2012; Ord. No. 028-12, § 1, 11-6-2012; Ord. No. 013-13, § 1, 5-21-2013)

Sec. 77-202. Residential districts.

A. *General purposes of all residential districts.* The residential zoning districts contained in this section are intended to:

1. Provide appropriately located areas for residential development that are consistent with the Comprehensive Plan and with standards for public health, safety, morals, and general welfare;
2. Allow for a variety of housing types that meet the diverse economic and social needs of residents;
3. Allow mixed-density residential development in certain districts, provided the development maintains or improves the function and appearance of surrounding development and traffic flow;
4. Protect sensitive environmental and cultural resources;
5. Protect the scale and character of existing residential neighborhoods and community character;
6. Ensure adequate light, air, privacy, and open space for each residential dwelling, and protect residents from the harmful effects of excessive noise, glare and light pollution, traffic congestion, and other significant adverse environmental effects;

7. Protect residential areas from commercial and industrial hazards such as fires, explosions, toxic fumes and substances, and other public safety hazards;
8. Facilitate the provision of services, such as utilities, telecommunications technology, and streets and roads to accommodate planned population densities; and
9. Protect residential development from the encroachment of uses that are not appropriate to a residential environment.

B. Specific purposes of individual residential districts.

1. *Single-Family Residential District—SF-40.* This district is intended to accommodate primarily single-family residential development with a minimum lot area of 40,000 square feet (one-acre).
2. *Single-Family Residential District—SF-20.* This district is intended to accommodate primarily single-family residential development with a minimum lot area of 20,000 square feet.
3. *Single-Family Residential District—SF-15.* This district is intended to accommodate primarily single-family residential development with a minimum lot area of 15,000 square feet.
4. *Single-Family Residential District—SF-10.* This district is intended to accommodate primarily single-family residential development with a minimum lot area of 10,000 square feet.
5. *Single-Family Residential District—SF-9.* This district is intended to accommodate primarily single-family residential development with a minimum lot area of 9,000 square feet.
6. *Single-Family Residential District—SF-8.* This district is intended to accommodate primarily single-family residential development with a minimum lot area of 8,000 square feet.
7. *Single-Family Residential District—SF-7.* This district is intended to accommodate

primarily single-family residential development with a minimum lot area of 7,000 square feet.

8. *Single-Family Residential District—SF-5.* This district is intended to accommodate primarily single-family residential development with a minimum lot area of 5,000 square feet.
9. *Multi-Family Attached Residential Duplex District—MF-2F.* The MF-2F district is intended to accommodate the development of duplex and two-family dwellings.
10. *Multi-Family Attached Residential Townhouse District—MF-TH.* The MF-TH district is intended primarily to accommodate the development of attached side-by-side townhouses, each of which has a direct entry from the ground level.
11. *Multi-Family Attached Residential Suburban District—MF-S.* The MF-S district is intended to accommodate the development of apartment and condominium units where each unit may not have a direct entry at ground level.
12. *Multi-Family Attached Residential Urban District—MF-U.* The MF-U zone district, like the MF-S district, is intended to accommodate the development of apartment and condominium units where each unit may not have a direct entry at ground level. The MF-U district is intended to be used only within the boundaries of the downtown plan, and as shown on that plan.

(Ord. No. 025-06, § 1(Exh. A), 6-6-2006)

Sec. 77-203. Nonresidential districts.

A. General purposes of all nonresidential districts. The nonresidential zoning districts contained in this section generally are intended to:

1. Provide appropriately located areas consistent with the Comprehensive Plan for retail, service, industrial, and office uses;
2. Provide adequate space and locations to meet the needs of commercial development;

3. Encourage the redevelopment, conversion, and reuse of underused commercial areas;
4. Minimize traffic congestion and avoid the overloading of utilities and other infrastructure and services;
5. Strengthen the city's economic base and provide employment opportunities;
6. Provide for commercial land uses that meet the needs of and attract regional and statewide populations;
7. Minimize negative impacts of commercial development on residential uses and districts;
8. Ensure that the appearance and effects of commercial buildings and uses are of high quality and are harmonious with the character of the area in which they are located; and
9. Provide for utilities, telecommunications, and street and road infrastructure needed to support nonresidential development.

B. Specific purposes of individual nonresidential districts.

1. *Institutional-Urban District—IU.* The IU district is intended to be used on land that contains public or quasi-public facilities or private facilities of a non-commercial character serving the general public. Examples of such facilities are public schools, parks, recreation centers, hospitals, and universities.
2. *Limited Office District—O-1.* The O-1 district is intended to accommodate low-intensity office uses of a size and scale that will provide a transition from more intense commercial uses and not adversely affect nearby residential uses.
3. *General Office District—O-2.* The O-2 office district is intended to encourage moderate- to high-intensity office development in locations not adjacent to single-family residential uses, unless architecturally compatible and sited so as to not adversely affect adjacent residential uses or districts. Activities located in the office districts should have traffic generation characteristics associated with an office environment, may have retail or commercial uses as part of a master planned development, should require limited identification by signage, and should generate virtually no noise, odor, dust, or vibration.
4. *Limited Commercial/Retail District—C-1.* The C-1 district is intended for the conduct of retail trade and personal service uses to meet the needs and for the convenience of the community. These shops and stores may be an integral part of the neighborhood closely associated with residential uses.
5. *General Commercial/Retail District—C-2.* The C-2 district is intended for the conduct of retail sales-type uses, with only a subordinate percentage of a development associated with other retail and office uses. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery. The C-2 district is intended to be applied primarily to areas of high traffic volume and along areas accessing high-volume streets.
6. *Commercial/Retail Highway District—C-3.* The C-3 district is intended for regional retail. Uses within this district should be high sales tax generators and/or large employment generators that would contribute to the need and support for retail sales. Traffic generated by the uses may include high volumes of vehicle traffic, and trucks and commercial vehicles as appropriate for sites adjacent to regional roadways. The C-3 district is intended to be applied primarily adjacent to the turnpike corridor, SH 66, and Interstate 30.
7. *Light Manufacturing District—M-1.* The M-1 district is intended for manufacturing and assembly plants and warehousing that is conducted so the noise, odor, dust, and glare of each operation is completely confined within an enclosed building. These manufacturing uses may require direct

access to rail, air, or street transportation facilities. Land uses in the M-1 district proposed in the vicinity of residential and office developments shall be subject to compatibility standards as set forth in this Code, particularly in Chapter 77-500, Development and design standards.

8. *General Manufacturing District—M-2.* The M-2 district is intended primarily for the conduct of heavier manufacturing, assembling, fabrication warehousing, and distribution. These uses usually require accessibility to major rail, air, or street transportation facilities. These uses will not typically be in the area of residential uses, office, or retail developments.

(Ord. No. 025-06, § 1(Exh. A), 6-6-2006)

Sec. 77-204. Mixed-use districts.

A. *General purposes of all mixed-use districts.* The mixed-use districts are established to provide for and encourage development and redevelopment that contains a compatible mix of residential and nonresidential uses within close proximity to each other. Mixed-use districts define the uses of land and the siting and character of the improvements and structures to promote compatibility between uses. Buildings are typically oriented so as to maximize visibility and provide a higher level of open space, landscaping, and architectural features. The districts are also intended to recognize areas where redevelopment of underutilized parcels and infill development of vacant parcels should consider pedestrian-oriented development. The mixed-use districts specifically are intended to:

1. Promote higher-density residential development near and within neighborhood and town centers, redevelopment/mixed use areas, major employment centers, and other areas as appropriate;
2. Concentrate higher-intensity commercial and office employment growth efficiently in and around major employment centers, town centers, and other centers of community activity;
3. Encourage mixed-use redevelopment, conversion, and reuse of aging and

underutilized areas, and increase the efficient use of available commercial land in the city;

4. Create pedestrian-oriented urban environments that encourage transit use and pedestrian access;
5. Concentrate a variety of commercial retail services and public facilities that serve the surrounding community; and
6. Ensure that the appearance and function of residential and nonresidential uses are of high and unique aesthetic character and quality, and are integrated with one another and the character of the area in which they are located.

B. *Specific purposes of individual mixed-use districts.*

1. *Mixed-Use Waterfront District—MU-WF.* The MU-WF district is intended to accommodate a variety of moderate-intensity nonresidential entertainment and retail uses that take advantage of lakefront locations and views. It is intended to be applied to waterfront locations, including, but not limited to, that area proposed for retail-waterfront uses in the downtown plan.
2. *Mixed-Use North Shore District—MU-NS.* The MU-NS district is intended to accommodate a variety of residential and nonresidential uses in small-, medium-, and large-scale developments. It is intended to be applied to both sides of the multi-modal turnpike corridor north of Lakeview Parkway/State Highway 66. Although the district accommodates a wide variety of land uses, development should retain an open and semi-rural character when viewed from the corridor.

(Ord. No. 025-06, § 1(Exh. A), 6-6-2006; Ord. No. 013-13, § 2, 5-21-2013)

Sec. 77-205. Special purpose and overlay districts.

The following special purpose and overlay zone districts are hereby established by the city, and each such district is intended for the purposes described below.

- A. *Planned Development District—PD.* The PD district is a district that accommodates planned associations of various uses such as manufacturing, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, or any appropriate combination of uses that may be planned, developed, or operated as integrated land uses.

The PD district is intended to be used to:

1. Allow integrations of various land uses, or
2. Accommodate the use of alternative development standards and integration of uses that result in a higher quality of development that can be achieved by other zoning districts.
3. Permit the imposition of development regulations specifically tailored to the development and the provisions of this Code; and, the city council shall establish, as part of the approving ordinance, appropriate plans and development standards which may conform, alter or except any of the designs standards and requirement adopted under this Code.

- B. *Take Line District—TL.* Lake Ray Hubbard is owned by the City of Dallas. In addition to the lake, the City of Dallas owns areas adjacent to the lake. The TL district is intended for the regulation of those areas along the shores of Lake Ray Hubbard that are owned and/or are regulated by the City of Dallas. The City of Dallas and the City of Rowlett have imposed additional requirements for land use activities and development in such areas, and the City of Rowlett implements those requirements. Development or construction proposals in these areas will be subject to said regulations as adopted, as amended.

struction proposals in these areas will be subject to said regulations as adopted, as amended.

- C. *Industrial Overlay District—IO.* The IO industrial overlay district is intended to accommodate industrial, manufacturing, warehousing, distribution and assembly plants and facilities typically allowed in the light manufacturing (M-1) and general manufacturing (M-2) districts by modifying certain development and use standards in order to facilitate economic development. The regulations applicable within this district are designed to accommodate entrepreneurship and function as an incubator area for small businesses, maintain development consistent with the comprehensive plan, protect the character of this area and neighboring residential areas, and enhance two major entryways into the city—The DART Rail Corridor and Lakeview Parkway.
- D. *Form Based District—FB District.* The FB district is designed to achieve a more positive and sustainable outcome for development, to improve the quality of life both within new and infill development, to enhance property values, and to improve the overall perception of the city within the region. The regulations combine minimum and maximum specifications with standards for site layout, building design and streetscaping. It provides for flexibility among compatible uses to allow developers and the city to respond to changing market demands, and encourages parking that increases land use efficiency and minimizes disruption of the public realm. Except where noted, FB district regulations supplant the application of conflicting provisions in this Code.

The City of Rowlett's Form Based Code, containing the comprehensive regulations applicable to all areas zoned as FB district will be maintained in the office of the city secretary and in the office of the city's planning department and will be made available for review and copying.

Any provision in the FB district regulations that conflicts with this Code or any other city regulation will govern and control. The specifications for and quality of construction and installation of all infrastructure will comply with the rules, regulations, standards and requirements of the city. The codes and ordinances of the city will continue to be applicable to matters not covered by the FB district regulations except where the city's other codes and ordinances would contradict the intent and purpose stated in the FB district regulations, in which case the conflict will be resolved in favor of the FB district regulations.

(Ord. No. 025-06, § 1(Exh. A), 6-6-2006; Ord. No. 002-12, § 2, 1-3-2012; Ord. No. 028-12, § 2, 11-6-2012)

Editor's note—Section 5 of Ord. No. 028-12, adopted Nov. 6, 2012, states "that an offense committed before the effective date (11-6-2012) of said ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose."

Sec. 77-206. Special use permits.

A. *Special use permits*—*SUP*. A special use permit is a formal zoning action that encourages public review and evaluation of site development features and is intended to ensure that proposed uses will not have a significant adverse impact on surrounding uses, infrastructure, the transportation corridors, or on the community at large. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person. The special use permit review and approval procedure provides a discretionary approval process for development and uses that may have unique or widely varying operating characteristics or unusual site development features. Special use permits shall not be used as a way to legitimize nonconforming structures or uses, and shall not be used when a variance, deviation, waiver or minor modification could be used to achieve the same result. Special use permits shall be required for any use designated as such in Table 3.1-1 (Table of Allowed Uses).

B. *Relationship to development plan requirements.*

1. *Coordination with review of development plans.* A development plan may be sub-

mitted concurrently with the application for a special use permit. However, development plans will not be approved until and unless the special use permit is approved by the city council. Approval of the special use permit does not constitute approval of a development plan.

2. *Lapse and expiration of special use permit.* A building permit shall be applied for and secured within two years from the time of granting the special use permit; provided, however, that the city council may authorize an extension of this time upon recommendation by the planning and zoning commission. If no building permit has been applied for within two years of approval, the special use permit and all rights and privileges granted thereunder shall automatically terminate without formal action by the city council or planning and zoning commission. After two years has elapsed, the planning and zoning commission and city council, upon application of the owner, may review the special use permit for continued validity. If the special use permit is not extended, the property owner shall submit a new or revised special use permit application for

CHAPTER 77-300. USE REGULATIONS

Sec. 77-301. Table of allowed uses.

Table 3.1-1 below lists the uses allowed within all base zoning districts. Each of the listed uses is defined in Chapter 77-1100, Definitions.

A. *Explanation of table abbreviations.*

1. *Allowed by-right uses.* "A" in a cell indicates that the use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Code, including the use-specific standards set forth in this chapter and the requirements of Chapter 77-500, Development and design standards.
2. *Special Uses.* "S" in a cell indicates that, in the respective zoning district, the use is allowed only if reviewed and approved as a special use permit in accordance with subchapter 77-206(A).
3. *Prohibited uses.* A blank cell indicates that the use is prohibited in the respective zoning district.
4. *Use-specific standards.* Regardless of whether a use is allowed by right or permitted as a special use, there may be additional standards that are applicable to the use. The existence of these use-specific standards is noted through a cross-reference in the last column of the table. Cross-references refer to subchapter 77-302, Use-specific standards. These standards apply in all districts unless otherwise specified.

- #### B. *Table organization.*
- In Table 3.1-1, land uses and activities are classified into general "use categories" and specific "use types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis

for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

- #### C. *Use for other purposes prohibited.*
- Approval of a use listed in Table 3.1-1, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 3.1-1 and approved under the appropriate process is prohibited.

- #### D. *Classification of new and unlisted uses.*
- It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the city. In order to provide for such situations, a determination as to the appropriate classification of any new or unlisted form of land use shall be made. When application is made for a use category or use type that is not specifically listed in Table 3.1-1, the procedure set forth below shall be followed.

1. The director of planning shall provide an interpretation as to the zoning classification into which such use should be placed. In making such interpretation, the director shall consider the nature of the use and whether it involves dwelling activity; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer.

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2. Standards for new and unlisted uses may be interpreted as those of a similar use.
3. Appeal of the director's decision shall be made to the board of adjustment following procedures under subchapter 77-813, Appeals of administrative decisions.

E. Table of allowed uses.

General Use Categories		TABLE 3.1-1: TABLE OF ALLOWED USES													Use-Specific Regulations				
		S - Special Use			Residential				Non-Residential							Mixed-Use			
General Use Categories	Specific Use Types	SF-40	SF-20, -15, -10, -9, -8, -7	SF-6	MF-2F	MF-7H	MF-S	MF-U	IU	O-1	O-2	C-1	C-2	C-3	M-1	M-2	MU-WF	MU-NS	
		RESIDENTIAL USES																	
Household Living	Dwelling HUD-code Manufactured Home	A	A	A	S														Subchapter 77:302A.1
	Dwelling, Mixed Use					A	A												Subchapter 77:302A.3
	Dwelling, Multi-Family					A													
	Dwelling, single family (attached)					A													
	Dwelling, single family (detached)	A	A	A	S														
	Dwelling, two-family					A													
	Dwelling, townhouse					A	A	A											
	Dwelling, zero lot line					A	A	A											
	Manufactured Housing Park					A	A	A											
Group Living	Group Home						S	S	A										
	Retirement Home, Nursing Home, Continuing Care, or Assisted Living Facility						A	A	A										
INSTITUTIONAL AND PUBLIC USES																			
Aviation	Airports, landing fields	S								S									
	Heliports and helistops	S								S									
Community Facility	Animal Shelter														A	A			
	Athletic Stadium									A					S	S			
	Athletic Field									A					S	S			
	Municipal Uses									A					S	S			
Cultural Facilities	Library	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Museum or art gallery	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Day Care	General Day Care, 20 or more enrolled	S	S	S						S	S								
	Limited Day Care, less than 20 enrolled (excluding "Family Home" as defined in the accessory use chart)	S	S	S						S									
Education	College or University						S			S									A
	Commercial School	S								S									A

TABLE 3.1-1: TABLE OF ALLOWED USES

General Use Categories	S = Special Use		Residential										Non-Residential						Mixed-Use		Use-Specific Regulations
	A = Allowed Use	S = Special Use	SF-40	SF-20, -15, -10, -9, -8, -7	SF-5	MF-2F	MF-7H	MF-S	MF-U	IU	O-1	O-2	C-1	C-2	C-3	M-1	M-2	MU-WF	MU-NS		
General Use Categories																					
Retail (Personal Service)																					
Theater (outdoor)																					
Barbershop or Beauty Shop																					
General Personal Service Establishment																					
Self Service Laundromat																					
Spa or massage establishment																					
Permanent Cosmetics																					
Tattoo Parlor																					
Bakery (excluding donut shops)																					
Building Improvement Center (with no outside display of merchandise)																					
Building Improvement Center (with approved outdoor storage)																					
General Retail, 25,000 square feet gfa or more																					
General Retail, 14,000-24,999 Square Feet gfa																					
General Retail, less than 14,000 square feet gfa																					
Feed store (with no outside display of merchandise)																					
Flea Market																					
Funeral parlor or mortuary																					
Greenhouse and/or plant sales																					
Commercial Grower																					
Pet Store																					
Print Shop																					
Repair Shop																					
Convenience Store (gas pumps required)																					
Small-scale manufacturing for on-site retail sale																					
Pawn Shop																					

vehicle service areas, bays, or canopies is required from a public street. The setback shall be landscaped in accordance with the minimum plant material requirements of subchapter 77-504, Landscaping and screening, in order to screen the facility from view from public streets, residential uses and/or districts, and less intense nonresidential uses.

- (3) Vehicle wash or service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening wall, fence, or other screening method allowed under subchapter 77-504, Landscaping and screening, of at least eight feet in height.
 - (4) Outdoor vacuuming facilities may be located outside, but may not be located in the front building setback nor closer than 50 feet from any residential use or district.
- (c) *Outside displays.* Outside display of merchandise shall require approval by the planning and zoning commission based on the standards in Chapter 77-303D.3, Outdoor display and sales.

D. Industrial uses.

1. *Batching or manufacturing plant.* Such uses shall comply with Chapter 10, Article IV, Concrete or asphalt batching plant, of the Rowlett Code of Ordinances.
2. *Recycling collection point.* A permit must be approved for such uses by the chief building official and director of planning and community development. The following regulations shall apply to such uses:
 - (a) Recycling collection points located on a parking lot may not occupy

required off-street parking spaces and shall be located so as not to impede free traffic flow.

- (b) No processing of the goods or products, including flattening of aluminum cans, may be performed on the site.
 - (c) A vehicle in which a recycling collection point is operated must be kept in proper repair and the exterior must have a neat and clean appearance.
 - (d) Any container used as a recycling collection point must be kept in proper repair and the exterior must have a neat and clean appearance.
 - (e) Litter in the immediate vicinity of a recycling collection point must be collected and disposed of properly. Goods or products shall not be stored outside the vehicle or container.
3. *Wrecking or salvage yard.* All salvage operations shall be so screened by masonry walls or fences so that they cannot be seen by a person standing at ground level at any place immediately adjacent to the lot, or seen from a point of view five feet above the road grade from any public street or road on which the salvage operation is located. This includes wrecking yards (junkyards), recycling centers, and recycling plants.

(Ord. No. 025-06, § 1(Exh. A), 6-6-2006; Ord. No. 017-08, § 1, 7-1-2008; Ord. No. 016-09, §§ 4—6, 6-2-2009)

Sec. 77-303. Accessory uses and structures.

A. *Purpose.* This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. An accessory use is "incidental and customarily subordinate" to a principal use if it complies with the standards set forth in this section.

B. *Table of allowed accessory uses.* Table 3.4-1 below lists the accessory uses allowed within all base zoning districts.

1. *Explanation of table abbreviations.*
 - (a) *Allowed by-right accessory uses.* "A" in a cell indicates that the accessory

use is allowed by right in the respective zoning district. Accessory uses are subject to all other applicable regulations of this Code, including the use-specific standards set forth in this chapter and the requirements of Chapter 77-500, Development and design standards.

- (b) *Special uses.* "S" in a cell indicates that, in the respective zoning district, the accessory use is allowed only if reviewed and approved as a special use in accordance with the procedures of Chapter 77-206, Special uses.
- (c) *Prohibited uses.* A blank cell indicates that the accessory use is prohibited in the respective zoning district.
- (d) *Use-specific standards.* Regardless of whether an accessory use is allowed by right or subject to review, there may be additional standards that are applicable to the use. The existence of these use-specific standards is noted through a section reference in the last column of the table. References refer to [subchapter] 77-303D., below. These standards apply in all districts unless otherwise specified.
- (e) *Unlisted accessory uses or structures.* An accessory use or structure that is not listed in Table 3.4-1 may be permitted subject to compliance with all standards set forth in [subchapter] 77-303C., below.

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TABLE 3.4-1: TABLE OF ACCESSORY USES

	Residential										Nonresidential							Mixed-Use		Use-Specific Regulations
	SF-40	SF-20, -15, -10, -9, -8, -7	SF-5	MF-2F	MF-TH	MF-S	MF-U	IU	O-1	O-2	C-1	C-2	C-3	M-1	M-2	MU-WF	MU-NS			
Accessory Building	A	A	A					S						S	S			III.C.3		
Day care for not more than six children, including the caregiver's own under-aged children	S	S	S																	
Family home	A	A	A		A				A	A	A	A	A			A	A			
Financial institutions within and incidental to a primary use																				
Garage apartment	A	A		A																
Greenhouse that does not exceed 50 percent of the principal dwelling	A	S	S	S	S			S												
Heliports and helistops	S							S	S	S	S	S	S	S	S	S	S	III.C.4		
Home occupations	A	A	A	A	A	A										A	A			
Incidental accessory uses	A								A		A	A	A	A	A	A	A			
Outdoor storage, display and sales									S	S	S	S	S	S	S	S	S	III.C.4		
Produce stand	A							S												
Public park or playground	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Quarters for caretaker/guard as part of a permanent structure	S	S				S			A	A	A	A	A	A	A	A	A			
Restaurants incidental to main use									S	S	S	S	S	S	S	S	S			
Retail sales or service, incidental									A	A	A	A	A	A	A	A	A			

C. *General standards.* All accessory uses and structures shall comply with the general standards in this section.

1. *Approval of accessory uses and structures.* All principal uses allowed in a zoning district shall be deemed to include the accessory uses, structures, and activities allowed for that district, as set forth in Table 3.4-1.

2. *Compliance with this Code.*

(a) All accessory uses and structures shall be subject to the standards set forth in this section, and also the use-specific standards of 77-302 and the dimensional standards of Chapter 77-400. If the case of any conflict between the accessory use/structure standards of this section and any other requirement of this Code, the standards of this section shall control.

(b) Commercial accessory uses shall comply with all standards of this Code applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use and any accessory use associated with commercial and residential uses. In addition, residential accessory uses shall comply with the following standards.

3. *Dimensional standards for residential accessory buildings and structures.*

(a) *Size, height and building materials.*

1. The number and size of accessory structures permitted on residential lots shall be regulated by the maximum lot coverage permitted in the zoning district or 35 percent of rear yard, whichever is less.
2. Accessory structures shall not exceed the height of the primary structure or the maximum height for the zoning district, whichever is less. However,

accessory structures in the front yard shall not exceed seven feet in height.

3. Accessory structures located in the front or side yard shall adhere to the same front and side yard setbacks as required for the primary structure.

4. When an accessory structure is located in the rear yard, a minimum three foot side setback is required.

5. No accessory structure or portion of an accessory structure shall be used as a dwelling.

6. A building permit shall not be required for accessory structures less than 120 square feet.

7. An accessory structure of between 120 square feet and 500 square feet, and which is an enclosed structure, shall have exterior walls constructed of building materials other than metal that are weather resistant, including the roof; provided, however, that if the primary structure on the lot has a metal roof, the accessory structure may also have a metal roof of similar type. A building permit shall be required.

8. Any accessory structure in a residential zoning district that is over 500 square feet in size and which is enclosed shall require a special use permit. A building permit shall be required.

9. Any accessory structure that does not meet the above requirements may be allowed only by special use permit.

(b) *Same lot.* The accessory use or structure shall be conducted and/or located on the same lot as the principal use.

(c) Reserved.

- (d) Reserved.
4. *Same ownership required.* The principal use and the accessory use shall be under the same ownership.
 5. *Same utility meter required.* The principal use and the accessory use shall utilize the same utility meter.
 6. *Temporary accessory uses and structures.* Temporary accessory uses and structures shall be governed by the temporary use permit procedures and standards set forth in [subchapter] 77-304.
 7. *Carports.* A carport is defined as a structure open on a minimum of three sides designed or used to shelter vehicles.
 - (a) No carport may be erected without a building permit.
 - (b) For carports located in front yards, side yards, or in rear yards visible from a public street, the following regulations shall apply:
 - (i) Carports shall not be located within any required front or side yard setback.
 - (ii) The carport shall be architecturally integrated with the main structure. The exterior building materials and roof materials shall not consist of metal and shall be comprised of materials of similar type, size, shape, texture, and color of the primary structure.
 - (iii) The ceiling height shall not exceed eight feet.
 - (iv) The carport shall have a pitched roof that is either a closed or opened gable or hip design that matches the existing pitch and is structurally integrated into the roof of the principal structure provided that, if the carport abuts a two-story wall of the home, the carport shall be attached to the abutting wall. The carport shall use roofing materials that substantially match the color and type of the roofing materials used on the principal structure.
- (v) In front yards, carports shall be no greater than 500 square feet and cannot extend 20 feet beyond the front or exterior building line proper. The width of a front carport shall not exceed 40 percent of the length of the front façade of the principal structure.
- (c) For carports located in rear yards and that are not visible from a public street, the following regulations shall apply:
 - (i) Carports must be a minimum of three feet from side and rear property lines.
 - (ii) Rear yard carports must be constructed of either pre-engineered metal-based systems or be comprised of materials of similar type, size, shape, texture and color of the primary structure.
 - (iii) Rear yard carports shall not exceed 500 square feet.
 - (d) The ceiling height for carports attached to the rear of a one-story residence cannot exceed the height of the peak of the roof of the residence or 15 feet, whichever is greater. The ceiling height for carports attached to the rear of a two-story or greater residence shall be restricted to 15 feet.
 - (e) The roof material of a carport must be approved by the building official.
 - (f) Parking within carports must be on an approved surface.
 - (g) Any carport that does not meet the above requirements or exceeds 500 square feet may be allowed only by special use permit.

D. *Additional standards for specific accessory uses.* The accessory uses listed in this section shall comply with the general standards of [subchapter] 77-303C as well as the specific standards of this [subchapter] 77-303D.

1. *Home occupations.* A home occupation may be permitted as accessory to any principal dwelling unit subject to the following standards:

(a) *Size/area.* The business or service is located within the dwelling or an associated accessory building, and does not exceed 20 percent of the combined floor area of the structures or 500 square feet, whichever is less.

(b) *Employees and residency.*

(1) The principal person or persons providing the business or service shall reside in the dwelling on the premises.

(2) The home occupation shall employ no more than one person who does not reside on the premises.

(c) *Neighborhood compatibility.*

(1) The home occupation shall cause no change in the external appearance of the existing buildings and structures on the property.

(2) All vehicles used in connection with the home occupation shall be of a size, and located on the premises in such a manner, so that a casual observer or a person of normal sensibilities will not be able to detect any sign of the premises being used as a home occupation. No more than one commercial vehicle displaying commercial signage and/or side tool boxes and/or with mounted ladders shall be located on the premises. No vehicle larger than one ton shall be kept on the premises.

(3) Subject to requirements herein, there shall be sufficient off-street parking for employees of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself pursuant to [subchapter] 77-506, Off-street parking.

(4) No additional parking areas shall be located in the front setback or exterior side setback.

(5) There shall be no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building.

(6) The property shall contain no outdoor display or storage of goods or services that are associated with the home occupation.

(7) Wholesale or retail sales of goods shall not occur on the premises.

(8) The home occupation shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

2. *Outdoor storage, display, and sales.* Outdoor storage, display, and/or sale of new merchandise may be considered as an accessory use for all uses following site

plan approval for the principal use. The display of goods shall meet all of the following requirements:

(a) *Purpose.* The purpose of these regulations is to:

- (1) Conserve the value of buildings and land by preserving, improving, or enhancing property values;
- (2) Encourage the appropriate use of land;
- (3) Protect public health, safety and welfare by the control, prevention, elimination, or otherwise reduction in opportunity for hiding, nesting or residence of pest, vermin or wildlife;
- (4) Improve aesthetics along street corridors so as to improve the quality of life of those traveling the streets and living in the city and to enhance the attractiveness along street, road and highway corridors related to tourism;
- (5) Enhance the economic development climate for those proposing or considering the city for location or relocation; and
- (6) Protect and enhance places and areas of historical and cultural importance.

(b) *Procedural requirements.* Outdoor storage, display, and/or sale shall require approval of the planning and zoning commission. All new development plans must show the location of such areas in accordance with this section. Existing non-residential uses must submit a plan showing the location of the outdoor display or sales areas and how the requirements of this section are to be met. Approval may be subject to appropriate conditions by the planning director.

(c) *General requirements.*

- (1) Subject to provisions of this Code, there shall be no keeping of unlicensed or unregistered vehicles used for salvage, storage or other such use. An exception to this provision exists for single-family dwellings for two such vehicles within other than a setback area, not viewable from an adjacent property or a public street.
- (2) Upon every lot, tract or parcel there shall be no permanent or temporary keeping of materials, goods or products. This provision shall also prohibit the placement or continued operation of trailers, drop-boxes and other such facility where the purpose is to collect used materials, products, goods, clothing and similar such items. An exception to this provision exists for the following:
 - a. Materials kept on the site intended to be used in the construction of a building or building improvement, if there is a current building permit. The maximum length of time for such storage shall be six months. If it has been determined by the department of planning and development that substantial progress has been made and is on going toward the completion of such construction or improvement, a six month extension may be granted. The maximum length of time for the keeping of such shall be one year.
 - b. For a nonresidential use, a plan has been approved for the location, time period and other conditions

necessary to prevent a public nuisance and to fulfill the intent of this regulation.

- c. Any project belonging to or under the control or the responsibility of a government agency.
- (3) No area defined as the exterior or front setback or yard area, and that area adjoining the property as a public right-of-way, shall be used for the placement or parking of any vehicle, storage unit or object exceeding 20 feet in length with a height exceeding eight feet for a period exceeding two weeks per calendar year.
 - (4) The setback and yard area shall not be used for other than intended or approved.
 - (5) Within all residential zoning districts, and upon every lot, tract or parcel where a residential land use exists, there shall be no keeping of a storage unit within a front or exterior yard or setback for a period exceeding two weeks.
 - (6) Upon every lot, tract or parcel there shall be no permanent placement, storing or holding of trailers or trailer components designed for storage or cartage or for any storage unit.
 - (7) Upon every nonresidential district or upon any lot, tract or parcel where a nonresidential use exist, there shall not be the keeping of any vehicle, boat or trailer awaiting repair for a period exceeding seven days within any area where such can be viewed from a public street or adjacent property.
 - (8) In those zoning districts where retail sales are permitted, outdoor display and sales shall be permitted a total of 14 consecutive days or less, four times per calendar year, each 14 day or less period shall be separated by not less than 60 days. Such uses shall be required to secure a temporary use permit.
 - (9) Seasonal merchandise may be placed within the setback area if it is found that the location of merchandise and length of time of placement as is defined by the seasonal nature of the merchandise will maintain the purpose of this provision and subject to the following conditions:
 - a. With the exception of Christmas trees, no area required for off-street parking may be used for outdoor storage or display of merchandise.
 - b. To allow for safe pedestrian traffic, a four-foot wide unobstructed walkway must be provided between the curb, edge of walkway, fire lane, turning aisle or parking space and any stored and/or displayed merchandise.
 - c. No stored or displayed merchandise, goods or products may be situated such that visibilities of on-site or off-site traffic lanes are obstructed.
 - d. No merchandise shall hamper pedestrian movement.
 - (10) No off-site outdoor storage or display shall be permitted.
 - (11) No storage or display shall interfere with required parking or required landscaping.
 - (12) The setback and yard areas shall be used only for parking of op-

- erable vehicles incidental to activities of nonresidential businesses and governmental activities within designated parking spaces.
- (13) The setback or yard areas may be used to display or store equipment used in a rental business, holding a valid sales tax permit, where the site and equipment is kept in an ordered and well maintained condition, free of trash, weeds and in conformance with other provisions herein.
- (14) Unless otherwise approved by the planning and zoning commission, every outdoor storage use shall have an approved device or method that when installed will obscure the view of such outdoor storage from a public right-of-way, or zoning district or land use of a more restrictive zoning classification as defined herein.
- (15) Where a screening device or method is required, outdoor storage shall not exceed the height of an approved screening device. Where a screening device is required for a residential use, and an eight foot fence will not totally screen a boat, RV or similar situation, the director of planning may permit such if it is found that such will not be detrimental to the neighborhood and is in keeping with the intent of this provision.
- (16) Outdoor storage areas shall be kept and maintained in such a manner that will not hinder nor obstruct fire-fighting or other emergency operations. Access to each area of storage and each building on the premises shall be provided by means of roadways and/or aisles as required by the fire chief or designee.
- (17) Where a screening device or method is required to obstruct the view of outdoor storage, the land used to place outdoor storage upon shall not have a topographic elevation, which, with the required screening, shall allow the outdoor storage to be viewed from a public right-of-way or adjacent residential use.
- (18) No outdoor storage of material as defined herein shall be located within a public right-of-way unless awaiting pick up by a solid waste collection facility if such pickup or collection is permitted.
- (19) No outdoor display of materials or products of any type, nor any signs used to advertise a business activity, shall be located within a public right-of-way.
- (20) Where driveways are located within the front or exterior side setback, such shall not be used for the parking or storage of boats, RVs, service vehicles, trailers, or other such use other than operable automobiles and passenger trucks one-ton or less in capacity. This provision shall also include the prohibition for on-street parking of such.
- (21) When in his opinion, the character of the neighborhood, the appearance of a the activity from a transportation corridor, or the impacts of an action upon adjacent properties, and based upon the location and duration, the director may require a temporary use permit for any situation described herein, and may refer the approval for such a permit to the commission.

3. *Agricultural buildings.* Agricultural buildings are those structures designed and used for the storage of farm and ranching equipment and products, or for sheltering livestock. Agricultural buildings may be permitted only in zoning districts in which the agricultural use supported by the agricultural building is allowed.
- (a) Agricultural buildings not meeting the requirements for accessory structures on residential lots may be approved only with a conditional use permit.
 - (b) The number and size of agricultural buildings permitted shall be limited by the maximum lot coverage permitted in the zoning district.
 - (c) The front, side and rear setbacks applicable in the zoning district shall apply.
 - (d) Agricultural building materials shall be at the discretion of the planning and zoning commission when issuing the conditional use permit. Metal, wood, masonry, or other approved materials may be used to construct an agricultural building with the approval of the commission.
 - (e) Agricultural buildings may be erected prior to the erection of a primary structure on the property and, in such event, no plat shall be required.
4. *Solar panels.*
- (a) *Location.* Solar panels may be located on the roof of a structure or be attached to a freestanding structure.
 - (i) Freestanding solar panels are allowed only in rear yards and must meet accessory structure setback and height restrictions or those provided herein, whichever are more restrictive.
 - (ii) Solar panels on the roof of a structure shall be located on a rear or side facing roof or, in the case of a flat roof, behind a parapet wall.
 - (iii) Solar shingles may be located anywhere on the roof of a home. Solar shingles are defined herein as solar cells designed to resemble traditional asphalt or roof shingles.
 - (b) *Height.*
 - (i) Solar panels located on a roof may not project higher than five feet over the roof plane and shall not be taller than the roof peak so as not to be visible from the front yard.
 - (ii) Solar shingles located on a roof visible from a front yard will be allowed as part of the roof structure with no additional apparent change in relief or projection.
 - (iii) Freestanding solar panels shall be no taller than six feet in residential zoning districts and no taller than 12 feet in nonresidential zoning districts.
 - (c) *Screening.* Freestanding solar panels or solar panels located on flat roofs must be screened from public view and adjacent properties using a parapet wall, fence, or living screen with a minimum height equal to the height of the solar panels.
 - (d) *Permit required.* Any solar panel or supporting structure that does not meet the above requirements will require a special use permit.

(Ord. No. 025-06, § 1(Exh. A), 6-6-2006; Ord. No. 019-08, § 2, 7-15-2008; Ord. No. 016-09, § 7, 6-2-2009; Ord. No. 005-10, §§ 2—5 4-6-2010; Ord. No. 020-11, § 2, 8-16-2011; Ord. No. 013-13, §§ 5—8, 5-21-2013)

Sec. 77-304. Temporary uses and structures.

A. *Purpose.* This section allows for the establishment of specifically enumerated uses for a temporary period when such activities are desirable for the community in the short term but may have detrimental effects if allowed to continue on a long term basis, provided that (1) a temporary

use permit is properly obtained pursuant to [section] 77-810 of this Code; (2) the proposed temporary use complies with the requirements of this section.

B. *Permitted temporary uses and structures.* The following temporary uses and structures may be permitted in accordance with the requirements of this section:

1. *Temporary expansion or replacement facilities.* Expansion or replacement facilities, consisting of transportable buildings that are pre-constructed and arrive at the site ready for occupancy and are readily removed and installed at other sites, may be permitted in accordance with the requirements herein. Such facilities may include, but are not limited to, the following:
 - (a) Religious assembly facilities, health care facilities, entertainment uses, and government offices, following the approval of filed plans and applications for the permanent alteration/expansion of these facilities, if required.
 - (b) Temporary classroom space for existing public and accredited private schools. Such facilities shall not be subject to general time limitations.
 - (c) Temporary office space for construction and security personnel during the construction of an approved development for which a grading or building permit has been issued or for temporary office space (one per site) for hiring, membership solicitation, apartment office/leasing, and general office use following the issuance of a building permit for the construction of a permanent office building.
 - (d) Temporary space for a non-residential use following the destruction of a building by fire or other catastrophic event. The building permit for the reconstruction of the permanent building must be obtained within 120 days of the approval of the temporary use permit. For good cause,

the planning director may approve a written request for a 120-day extension of the temporary use permit provided that the request is filed prior to the lapse of the original permit term.

2. *Temporary parking areas.*
 - (a) *Temporary parking areas located within projected rights-of-way.* Parking required by this Code may be provided temporarily within a setback area required under this Code if approved in accordance with the site plan.
 - (b) *Temporary parking on unimproved surfaces.* Temporary parking on unimproved surfaces such as dirt and gravel may be approved in conjunction with events provided the grass is maintained and kept short to reduce the risk of fire.
3. *Real estate sales offices and model homes.*

TABLE 4.1-1: DIMENSIONAL REQUIREMENTS—RESIDENTIAL DISTRICTS
(Additional standards may apply. See Use-Specific Standards in Subchapter 77-302)

District	Lot Size and Density					Minimum Setback Requirements			Min. Floor Area per Dwelling Unit (sq. ft.)	Max. Height (ft.)
	Max. Density (du./acre)	Min. Lot Area (sq. ft./lot)	Min. Width (ft.)	Min. Depth (ft.)	Max. Lot Coverage (%)	Front (ft.)	Side (ft.)	Rear (ft.)		
MF-2F	10.2 du/acre (or 5.1 duplex buildings/acre)	Dwellings: 3,250 (or 8,500 per duplex) Other: 21,780	65, with 35 min. for street frontage	110	45	25	Duplex and Double Frontage: See Note 5	Same as side yard, except 25 foot minimum rear setback if property backs up to residential district	900	35, or 2.5 stories
MF-TH	DT Central: 52 max du for area DT Oliver Village: 98 max du for area	None	30, with 35 min. for corner lots	100	Min: 50 Max: 90 (Includes main building plus parking structure)	DT Central: 5 to the front facade wall for all lots	Between parcels: 0	5	2,200	Min: 2 stories Max: 4 stories
MF-S	17.4	None	70	100	60	25	See Note 6	Same as side yard, except 25 foot minimum rear setback if property backs up to residential district	700	35 ft. or 2 stories See Note 7
MF-U	20	None	None	None	85	30	20	20	Loft/condo-minimum: 1,000 1-bedroom: 700 2-bedroom: 900 3-bedroom: 1200	3 stories

NOTES:

Note 1: Average front yard setbacks in SF-20, SF-15, and SF-10 Districts: If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 35 feet, and no building varies more than six feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the buildings; but, not greater than 40 feet.

Note 2: Average front yard setbacks in SF-9, SF-8, and SF-7 Districts: If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than six feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the buildings; but, not greater than 35 feet.

Note 3: Side setbacks for accessory buildings: For accessory buildings, a five feet minimum side setback; provided, however, that unattached one-story accessory buildings shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory buildings are located more than 90 feet behind the front lot line.

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Note 4: Unattached accessory buildings: Unattached accessory buildings may be located in the rear yard of a main building and shall be set back not less than three feet from the rear lot line.

Note 5: Side yard requirements for duplexes and double frontage lots: Duplex residences shall have combined side yards of not less than ten percent of the width of the lot, but no side yard shall be less than five feet in width. The side of a corner lot adjacent to a side street shall not be less than ten feet in width. Where the corner lot is a key lot, the required front yard shall be provided on both streets. Double Frontage—Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.

Note 6: Side setbacks in MF-S: If no doors, windows, or other openings for light face the side yard, the minimum side yard setback shall be ten feet. If there are doors, windows, or other openings for light facing the side yard, the minimum side yard setback shall be 12 feet, plus one foot for each 15 feet in side wall length. For instance, a building with a side wall length of ten feet and side-facing doors or windows shall have a minimum side yard setback of 12 feet. A building with a side wall length of 15 feet and side-facing doors or windows shall have a minimum side yard setback of 13 feet (12 + 1).

Note 7: Height in MF-S: The height of any apartment building adjacent to an area which is zoned for single-family or duplex residential dwellings, or where single-family dwellings of one story in height exist shall be limited to one story for a distance of 50 feet from the single-family or two-family district boundary.

TABLE 4.1-3. DIMENSIONAL REQUIREMENTS—MIXED-USE DISTRICTS
(Additional standards may apply. See Use-Specific Standards in Subchapter 77-302)

District	Lot Size and Density				Minimum Setback Requirements			Min. Floor Area per Dwelling Unit (sq. ft.)	Max. Height (ft.)
	Max. Density (du/acre)	Min. Lot Area (sq. ft./lot)	Min. Width (ft.)	Min. Depth (ft.)	Max. Lot Coverage (%)	Front (ft.)	Side (ft.)		
MU-WF	None	None	None	None	65	50 (Front setbacks include those facing the lake; setbacks must be above 440.45 mean sea level)	Yard adjoining residential district or street: 50 Corner lot: 50 ft. from all street rights-of-way	30 (comprised of alley, services court, rear yard, or combination thereof)	None 30, or 2 stories
MU-NS	None	4 acres	None	None	30	50	50	50	None None

[NOTES:]

Note 1: Average front yard setbacks in IU District: If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than six feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the buildings; but, not greater than 35 feet.

(Ord. No. 025-06, § 1(Exh. A), 6-6-2006; Ord. No. 012-08, §§ 1, 2, 4-1-2008; Ord. No. 013-13, §§ 9, 10, 5-21-2013)

Sec. 77-402. General measurement rules and exceptions.

A. Lot size and density requirements.

1. *Minimum lot dimensions.* Any lot that is created, developed, used, or occupied shall meet the minimum lot area, width, depth, and coverage requirements set forth in Tables 4.1-1, 4.1-2, and 4.1-3 for the zoning district in which it is located, except as otherwise established in this Code for particular uses. New lots shall also meet the development standards set forth in [subchapter] 77-603F, Lots.

2. *Number of principal buildings or uses per lot.*

(a) Only one main building for single-family, two-family, or multiple-family use, with permitted accessory buildings, may be located upon a lot or unplatted tract. Every dwelling shall face or front upon a street or officially approved place, other than an alley, with means of access having a minimum width at the building line of 50 feet and a minimum street frontage of 35 feet.

(b) Where a lot or tract of land is used for local retail or manufacturing purposes, more than one main building may be located upon the lot but only when such buildings conform to all requirements of this Code applicable to the uses and district, and when all main buildings face upon a street or otherwise approved place.

3. *Setback requirements.*

(a) *Required setbacks.*

(1) A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum setback requirements set forth in Tables 4.1-1, 4.1-2, and 4.1-3 for the zoning district in which it is located, except as otherwise established in this Code for particular uses or unless a variance has been granted.

(2) Setbacks shall be unoccupied and unobstructed by any structure or portion of a structure from 30 inches above grade upward; provided, however, that fences, walls, trellises, poles, posts, ornaments, furniture, and other customary yard accessories may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility.

(3) A setback or other open space required by this Code shall not be included as part of a setback or other open space required by this Code for another building or structure or lot.

(b) *Measurement of front setbacks.*

(1) In the case of rounded property corners at street intersections, the front setback is measured as if the corner is not rounded and the front property lines are extrapolated to intersect.

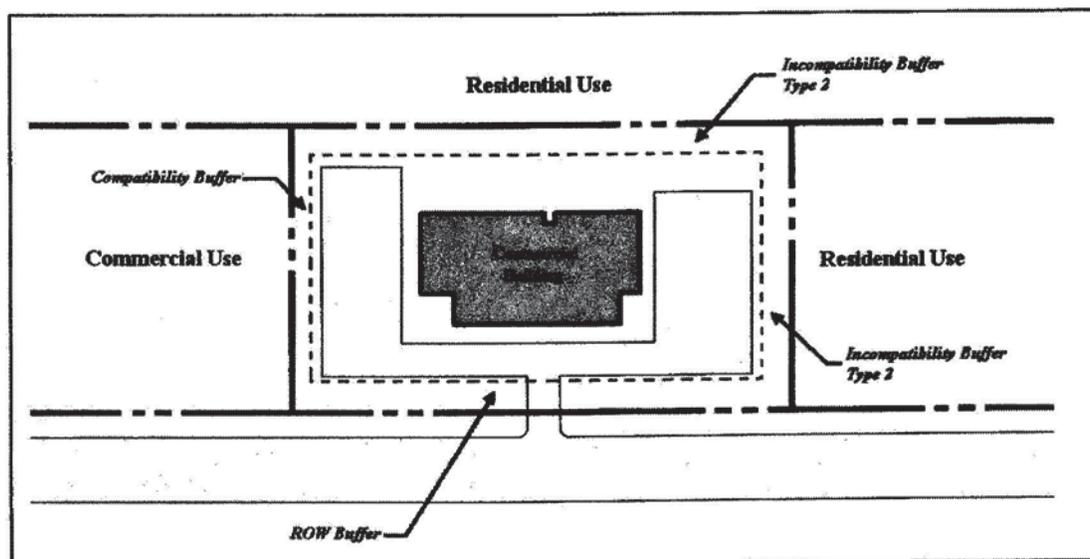
(2) For cul-de-sac lots and lots abutting a curved street, the front setback follows the curve of the front property line.

(3) In the case of flag lots, a front setback extends across the entire flag portion of the lot and does not include the flagpole portion of the lot.

(4) In the case of corner, through, and three-sided lots, there will be no rear setbacks, but only front and side setbacks.

(c) *Projections into required setbacks.* The following structures may project into required front, side, or rear setbacks as specified in this subsection, and shall not be considered in determining lot coverage:

(1) Open porches of dwellings may extend into the front setback a distance of ten feet from the building line.



- (b) *Trees and shrubs.* Trees and shrubs shall be provided in all perimeter buffers in accordance with the following standards:
- (1) *Trees.*
 - a. *ROW buffers.* One canopy tree per 35 lineal feet.
 - b. *Compatibility buffers.* One tree per 50 lineal feet.
 - c. *Incompatibility buffer.* One canopy tree per 35 lineal feet.
 - (2) *Shrubs.*
 - a. *ROW buffers.* Ten evergreen shrubs per 30 lineal feet.
 - b. *Compatibility buffers.* Ten evergreen shrubs per 30 lineal feet.
 - c. *Incompatibility buffers.* Ten evergreen shrubs per 30 lineal feet.
- (c) *Walls and fences.* If a masonry wall is required within an incompatibility buffer or otherwise provided as part of the proposed landscaping, the wall shall adhere to the masonry wall standards provided in subsection 77-504F.4.
- (d) *Area measurement.* The width of access ways that traverse required perimeter landscape buffers shall not be included in the calculation of linear dimension.
- (e) *Buffer width reduction.* The required buffer width may be reduced by 50 percent where a project is separated from a ROW by a lake, stream, open space, or combination thereof, with a minimum width of 80 feet. The director of planning or his/her designee may reduce the required incompatibility buffer width by 50 percent for development tracts adjacent to a lake, stream or open space area 100 feet in width or if the same type of buffer exists on the adjacent property. The quantity of required plant material shall not be reduced in proportion to the reduction in the buffer width. A minimum of five clear feet for planting, or ten feet if a wall with a continuous footer is used, shall be maintained.

(f) *ROW buffer.*

- (1) *Width.* The total width of the buffer along streets, thoroughfares, or other means of vehicular access shall depend on the thoroughfare classification as indicated in table 5.4-1, width of ROW buffer. The thoroughfare classification shall be determined by reference to the master thoroughfare plan map. Non-thoroughfare plan streets shall utilize the buffer width for "type C or lower" streets as indicated in table 5.4-1, width of ROW buffer, below.

Thoroughfare Classification	Minimum Width of Buffer
Type A/A+	20 feet
Type B/B+	15 feet
Type C or lower	15 feet

- (2) *Planting pattern for perimeter ROW buffer.* One hundred percent of the buffer length shall be composed of a continuous opaque vertical landscape screen. The area of the buffer not planted with trees and shrubs shall be landscaped with ground cover or turf grasses.
- (3) *Clustering.* Canopy trees and ornamental trees may be clustered in ROW buffers, subject to the following standards:
 - a. Clusters shall be spaced no more than 50 feet on center.
 - b. Clusters shall consist of trees of varied height, which when averaged, equal the minimum tree height requirements.

- (g) *Compatibility buffer.* Compatibility buffers shall serve to provide a minor transitional buffer between similar land uses. The minimum width of a compatibility buffer is six feet.

- (h) *Incompatibility buffer.* An incompatibility buffer shall be required between all incompatible use types or incompatible tracts in a planned development in accordance with the requirements of table 5.4-2, incompatibility buffer standards.

Buffer Type	Width	Wall / Fencing Type Required	Maximum Tree Spacing
Type 1	10-ft	None	35-ft O.C.
Type 2	15-ft	Masonry Wall (§ 77-504.F.4) Or Living Screen (§77-504.F.5)	35-ft O.C.
Type 3	20-ft	Masonry Wall (§ 77-504.F.4)	35-ft O.C.

- (1) *Landscape requirements.* An incompatibility buffer shall consist of a continuous, opaque landscape barrier. The landscape barrier shall either be a hedge, fence or a wall. Shrubs and trees required pursuant to other sections of this Code shall be provided in addition to the wall/fencing type requirements shown in table 5.4-2.
- (2) *Determining incompatibility buffer type.* The type of incompatibility buffer required shall be the highest buffer type based on the height or use difference between adjacent uses, in accordance with table 5.4-3, required incompatibility buffer types—height and table 5.4-4, required incompatibility buffer types—use. In the case of a conflict, the most restrictive buffer type shall be required.

**TABLE 5.4-3
REQUIRED INCOMPATIBILITY
BUFFER TYPES—HEIGHT**

Building Height Difference Between Adjacent Uses	Required Buffer Type
14—28 feet	Type 1
28—35 feet	Type 2
Greater than 35 feet	Type 3

**TABLE 5.4-4
REQUIRED INCOMPATIBILITY
BUFFER TYPES—USE**

Existing Use Type	Proposed Use Type	Required Buffer Type
Single-Family Residential (All types)	Multifamily Commercial	Type 1
Residential (All types)	Institutional/Public	Type 2
Residential (All types)	Industrial	Type 3
Residential (All types)	Utility	Type 3

**TABLE 5.4-5
PARKING LOT INTERIOR
LANDSCAPING REQUIREMENTS**

Total Parking Area	Interior Planting Area
7,000—49,999 square feet	5%
50,000—149,999 square feet	8%
150,000 square feet and greater	10%

3. *Off-street parking landscaping requirements.* Off-street parking and interior vehicular use areas shall be subject to the following landscaping requirements. Plantings required by this section's perimeter buffer landscape requirements may be used to satisfy these requirements.

- (a) *General.* The required percentage of interior parking lot landscaping shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees.
- (b) *Required percentage of planting area.* The required percentage of interior parking lot landscaping shall be determined based upon table 5.4-5, parking lot interior landscaping requirements. The total square footage of all areas within the parking lot perimeter, including parking spaces, islands, curbed areas, and all interior driveways and aisles with parking spaces on any side, shall be included to determine the total parking area and the required percentage of interior planting area.

- (c) *Exemption.* Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards.
- (d) *Parking landscape islands.* Interior areas of parking lots shall contain landscape islands located so as to best relieve the expanse of paving. Landscape islands must be located no farther apart than every 12 parking spaces and at the terminus of all rows of parking. Such islands shall contain at least one tree. The remainder shall be landscaped with shrubs, turf, ground cover or other appropriate material not to exceed three feet in height. Landscaping islands shall have a minimum size of ten feet by 18 feet and shall be separated from vehicular use areas by a six-inch non-mountable curb.
- (e) *Trees.* In addition to the trees required to be planted in parking landscape islands, there shall be a minimum of one tree planted for each 400 square feet or fraction thereof of required interior landscape area. A minimum of 75 percent of all trees required in the interior planting area shall be canopy trees. Ornamental trees substituted at a rate of 3:1, may count as one required tree, not to exceed 25 percent of the total required trees. Where only three or fewer trees are required, those trees shall all be canopy trees. The minimum requirement for canopy trees shall not be less than one tree for every eight parking spaces. Interior

parking lot landscaping trees should not be placed in compatibility buffers. The number of interior parking lot landscaping trees may be reduced by the director of planning if the applicant provides written information documenting that providing the required interior parking lot landscaping trees would result in unhealthy conditions for tree growth.

- (f) *Wheelstops.* Wheelstops shall be installed no closer than two feet from the landscaped area to prevent cars from parking too close to trees or damaging shrubs and screens and to allow routine landscape maintenance.
 - (g) *Parking structures.* Perimeter planters shall be provided along the exterior of parking structures located within 500 feet of a public right-of-way or residential zoning district. Planters shall provide a total of one-half square foot of planting area for each linear foot of facade per parking level. Planting areas may be arranged in linear fashion or clustered at intervals or on levels, and shall be provided with permanent irrigation to permit watering of plant materials. The perimeter planter requirement may be altered if in conflict with the architectural character of the structure, subject to approval of an alternative landscape plan as provided in subsection 77-504I.
4. *Single-family residential development requirements.*
- (a) *Individual lot requirements.* Prior to the final inspection of a house in any subdivision, the builder shall plant two canopy trees in the front yard of each platted single-family residential lot. One canopy tree may be substituted with ornamental trees in accordance with the substitution guidelines in subsection 77-504E.3. Trees to be planted shall be selected from the approved plant list in subsection 77-504J.

(b) *Entryway areas.* Entryway areas are required regardless of whether the entryway is a primary or secondary entry into the subdivision as defined in this section. Entryway areas are required in addition to perimeter landscape buffer requirements contained in this section.

(1) *General.*

- a. The entry area will flank each side of the intersection formed by an external or perimeter street and an internal street.
- b. All dimensioning for entryway areas shall be measured from right-of-way lines.
- c. All improvements within entryway areas shall conform to regulations governing sight distance for traffic safety and other standards.

(2) *Primary entryway.* The primary entryway shall be the major entrance into a residential subdivision, as identified by the developer. Both sides of the primary entryway shall be part of the subdivision.

- a. *Dimensional and area requirements.* Each primary entryway shall total a minimum of 9,600 square feet; that is, 4,800 square feet of landscaped area per side as follows:
 - i. Eighty feet measured from the external street by 40 feet measured from the internal residential street, plus, an additional 1,600 square feet of landscaped area along the external

street and adjacent to the required 3,200 square feet.

- ii. The planning and zoning commission may reduce the above landscaping requirements by up to 25 percent if landscaped street medians are provided.
- b. *Planting requirements.* Entryway plantings shall in-

this chapter shall conform to the standards of the American Standard for Nursery Stock, ANSI Z60.1-2004, or equivalent thereof.

- (b) *Approved plant list.* Plant materials shall be from the City of Rowlett Approved Plant List (subsection 77-504J.). Plant materials must be suitable for local soil conditions and climate. Specifically, plant materials should have high heat tolerance and lower water consumption, where possible.
 - (c) *Material.* Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
 - (d) *Species diversification.* Plant material selection for any area of a lot shall provide species diversity so as to minimize impacts from species-specific disease. No more than 25 percent of any tree type (e.g., canopy tree, ornamental tree) shall be of the same species. A minimum of four different species shall be used as canopy trees and a minimum of four different species shall be used as ornamental trees. The various species shall not be grouped in close proximity and should be distributed throughout the lot.
2. *Plant measurements.* Minimum plant measurements shall only apply to those plants that are required by this Code. Any proposed additional plants shall not be subject to these minimum requirements.
- (a) *Canopy trees.*
 - (1) *Minimum height.* Canopy trees shall have a minimum height of 12 feet at time of installation.
 - (2) *Minimum caliper size.* Canopy trees shall be a minimum of three-inch caliper as measured 12 inches above ground.
 - (b) *Ornamental trees.*
 - (1) *Minimum height.* Ornamental trees shall have a minimum height of eight feet at time of installation.
 - (2) *Minimum container size.* Ornamental trees shall be a minimum of 30-gallon-container size.
 - (c) *Shrubs.*
 - (1) *Minimum container size.* The minimum container size for shrubs shall be three gallons.
 - (2) *Minimum height.* Shrubs shall have a minimum height of 24 inches at time of installation and shall obtain a minimum height of 36 inches within two years of planting.
 - (3) *Minimum spacing.* Shrubs shall be planted at a minimum spacing of three feet on center and capable of achieving a solid visual screen within one year of planting.
3. *Plant material substitutions.*
- (a) Due to seasonal planting issues and a lack of plant availability, approved landscape plans may require minor revisions. Revisions to approved plans shall be approved by the director of planning or his/her designee.
 - (b) Ornamental trees may be substituted for canopy trees at a ratio of three ornamental trees to one canopy tree.
4. *Proximity to overhead utilities.* To minimize conflicts with overhead powerlines and overhead utility installations, the applicant may substitute trees with a mature height of 25 feet or less for canopy trees when planting within ten feet from either side of overhead power lines. Such trees shall be selected from a tree list approved by the appropriate utility.
5. *Irrigation and maintenance.* All landscape areas and open space shall be pro-

vided with an adequate, inconspicuous, and complete-coverage automatic irrigation system. Under high-voltage power lines and in easements for transmission towers, low pressure systems (drip and soaker hoses) shall be used. No control valve shall be located within an easement for transmission towers.

6. *Shrub beds.* All shrub beds shall be separated from turf areas with steel edging, concrete edging, or other similar material. Beds shall be mulched with a minimum two-inch layer of shredded hardwood or cypress mulch. Irrigation for shrub beds shall be separated from turf areas.

7. *Maintenance.* Every owner and person in control of property shall keep landscaped areas in a well-maintained, safe, clean, and attractive condition at all times. Such maintenance shall include, but is not limited to, the following:

- (a) Landscaped areas shall be kept free of trash, litter, weeds, and other such materials or plants not a part of the landscape.
- (b) All plant material shall be maintained in a healthy and growing condition, and must be replaced within 30 days with plant material of similar variety and size (size not to be smaller than the minimum required by this section at the time of replacement) if diseased, damaged, destroyed, or removed. If replacement cannot or should not be effected within the 30-day period due to seasonal temperatures, an extension may be approved by the director of planning if requested in writing, stating when such planting is to be accomplished. No planting delay of over 90 days shall occur.
- (c) Turf, grass and ground cover shall be mowed, trimmed and edged, and maintained at the proper height.
- (d) Proper pruning shall be done.

- (e) Watering shall be done on a regular basis, subject to any city drought contingency plan in effect at the time.
- (f) Landscape lighting shall be maintained in working order.
- (g) Irrigation systems shall be maintained in working order.
- (h) Property owners and persons in control shall maintain and keep clean property and areas situated between the property and the paved portion of any street, alley or right-of-way, as well as any abutting waterway.
- (i) The property owner shall be responsible for any landscaping, irrigation and maintenance of any right-of-way area between the property line and the curb line. In the case of new development, turf grass/ground cover shall be installed in the right-of-way area between the property line and the curb line and be consistent in material and/or type with the installed turf grass/groundcover on the adjacent property.

8. *Landscaping on or affecting public property.*

- (a) The city has the authority to plant, preserve, spray, trim, or remove any tree, shrub, or plant on any parkway, alley, or public ground belonging to the city to protect the public health, safety, and general welfare.
- (b) It shall be unlawful for any person to cut or break any branch of any tree or shrub or injure in any way the bark of such tree or shrub growing on public property.
- (c) The city has the authority to trim or remove, or to order the trimming or removal, of vegetation that conflicts or interferes with the delivery of public services, or that creates a hazard or nuisance to public rights-of-way or easements.

9. *Irrigation.* All landscaped areas shall be irrigated according to the following standards:
 - (a) Irrigation systems shall be calibrated and designed to provide the

- lots that abut the masonry screening wall. Wall maintenance easements shall be dedicated to or owned, and maintained, by the homeowners' association.
- (e) *Conflict with easements.* If the placement of the wall conflicts with an easement, the wall shall not encroach upon the easement, unless otherwise approved by the city engineer.
- (f) *Public visibility.* Landscaping shall be required to be planted along the face of masonry walls that are visible from public parking or public rights-of-way. The landscape area shall be equal in length to 25 percent minimum of the adjacent exterior wall with a minimum landscape area at least three feet by five feet in plan dimension. Said landscaping shall consist of native shrubs or plant material evenly distributed along the wall frontage. Where a masonry wall is adjacent to a public right-of-way, the landscaping requirements for the ROW buffer shall satisfy the requirements of this section.
- (g) *Additional requirements.*
- (1) The wall shall be designed so that water will drain under, through, and away from the wall on all sides. No ponding of water shall be allowed.
 - (2) The wall shall be designed with footing or pier and sized to allow for no more than one inch of movement over eight feet.
 - (3) Unless otherwise constrained by topography, curvature, and location of infrastructure, where walls are aligned with residential alleys, the face of the wall or column shall be a minimum of one foot from the property line.
 - (4) Masonry wall construction shall be in accordance with city design specifications.
 - (5) Slip-form or similar type walls are prohibited.
5. *Living screen standards.* If a living screen is authorized, it shall consist of a berm and plant materials and shall comply with the following standards:
- (a) The berm shall have a minimum side slope of four to one and a minimum crown width of one and one-half feet.
 - (b) The berm shall undulate from one foot to the maximum height not to exceed five feet in height.
 - (c) Large evergreen-type shrubs shall be selected from the approved planting materials list and planted in accordance with specifications herein. In addition, the plant materials shall:
 - (1) Be located in a bed that is of a width suitable for the required plant spacing, but at least five feet wide. The director of planning or his/her designee may require a wider bed width depending on type, species and/or growing habit.
 - (2) Be planted in staggered rows over the entire length of the bed unless the director of planning or his/her designee approves an alternative planting density as being capable of providing a solid screen within one year of planting.
 - (3) Be a minimum of eight feet in height at time of planting and provides the required visual barrier.
 - (4) A wrought iron fence having a minimum height of not less than six feet nor more than eight feet in combination with evergreen plant material (minimum

eight feet in height at time of planting) is required if a living screen is proposed.

- (d) When large evergreen-type shrubs are planted as part of the living screen, other shrub requirements contained in this Code shall be waived only for the particular buffer where the living screen is planted.

G. [Reserved for future use.]

H. *Tree preservation.*

1. *Purpose.* The purpose of this section is to encourage the preservation of long-established trees of sizes that, once removed, can be replaced only after many generations of tree growth; to preserve protected trees during construction; and to control the removal of protected trees. It is the intent of this section to achieve the following:
 - (a) Prohibit the indiscriminate clearing of trees from property;
 - (b) To the greatest extent possible, preserve and maintain protected trees so as to enhance the quality of development;
 - (c) Protect and increase the value of residential and commercial properties within the city by maintaining the city's current tree inventory;

removed will be replaced with one caliper inch. Replacement trees must be a minimum of four-inch caliper.

- c. *Replacement restriction.* Any required replacement tree shall be planted such that the mature canopy of the tree will not interfere with overhead utility lines.
- d. *Landscaping plans.* Trees required to be added per the landscaping requirements in section 77-504 shall not be considered as replacement trees. Trees used as replacement trees must be clearly indicated as such on the landscaping plan.
- e. *Credit for saved trees.* For every one-caliper inch that is saved, the developer shall receive a credit of one-caliper inch that does not have to be replaced.
- f. *Replacement trees planted off site.* Replacement trees may be planted off site in areas or locations approved by the director or city council upon recommendation from the planning and zoning commission and may be planted:
 - i. Within a specified city-designated park or other city-owned property or facility;
 - ii. Within a specified private open space (i.e. private park, preserve, or similar property that is open for public use); or
 - iii. Within a specified public right-of-way median.
- g. *Tree mitigation fees.* In lieu of planting replacement trees, the director or city council, upon recommendation from the planning and zoning commission, may approve a request to pay tree mitigation fees. The city council has the authority to waive or reduce mitigation fees as they see fit:
 - i. The director shall assess tree mitigation fees paid in lieu of replacement tree planting during submission and review of a tree survey and preservation plan and/or tree removal permit application. Fees shall be collected prior to issuance of a tree removal permit and deposited into the reforestation fund.
 - ii. The director shall determine the monetary value of a replacement tree by contacting landscape companies, plant nurseries, or garden centers for the price of a four-inch caliper tree installed, then averaging that cost to determine the mean cost of a four-inch tree; and then dividing by four to determine the mean cost of a one-inch tree installed. The mean cost of a one-inch tree installed is then multiplied by the required number of re-

placement tree inches proposed for fee payment in lieu of planting. Said formula is represented as follows:

$((A+B+C+D)/4)/4 * X$
 = Replacement Tree Escrow Fee where A, B, C, and D represent the installed cost of a four-inch tree from four sources, and where X represents the required number of replacement tree inches.

- (5) *Tree pruning restrictions.*
- a. *Generally.* No protected tree shall be pruned in such a manner that significantly disfigures the tree or in a manner that would reasonably lead to the death of a tree, except where such pruning is necessary for safety and function of utilities.
 - b. *Pruning standards.* All pruning shall be in accordance with the National Arborist Association Standards for Pruning of Canopy Trees.
- (6) *Maintenance or replacement.* If any of the trees proposed for protection or trees planted as a part of this section should die within a period of one year after completion of the activities associated with construction, the owner of the property shall replace the trees within six months at a ratio of one-to-one with an approved tree.
- (7) In the event of a conflict or inconsistency with the provisions of this section and any other provision in the Code of Ordinances, this section shall prevail.
- (8) *Violations.* A violation of this section, including but not limited to illegal or unauthorized tree removal, is a zoning and land use violation and shall be subject to the fines and penalties thereof.
- (f) *Incentive for additional tree protection.* Applicants are encouraged to save as much existing vegetation and tree cover on a development site as possible. A reduction in the number of required parking spaces may be granted for preservation of additional tree cover beyond that required by this section, so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction can be determined only after taking into consideration any unique site conditions and the impact of the reduction on parking needs for the use. The reduction of parking shall only occur where the trees being protected are within the parking area. The maximum reduction in parking under this section shall not exceed 20 percent.
- I. *Alternative landscape plan.*
1. *Purpose and intent.* An alternative landscape plan (ALP) is intended to promote the preservation and incorporation of existing native vegetation or specimen trees, or for the innovative use of plant material and improved site design.
 2. *Applicability.* Any development plan application may be eligible to apply for an ALP.
 - (a) *Design principles.* To qualify for consideration an application for an ALP shall demonstrate compliance with the following principles:
 - (1) Innovative use of plant materials and design techniques in response to unique characteristics of the specific site.

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- (2) Preservation and/or incorporation of existing native vegetation.

<i>Common Name</i>	<i>Botanical Name</i>
Persimmon, common	Diospyros virginiana
Pine, Afghan, Mondell or Eldarica*	Pinus eldarica
Pistachio, chinese	Pistacia chinensis
Shumard Red Oak*	Quercus shumardii
Texas Ash*	Fraxinus texensis
Texas Red Oak*	Quercus texana
Thornless Honey Locust*	Gleditsia triacanthos
Western Soapberry*	Sapindus drummondii

(Ord. No. 025-06, § 1(Exh. A), 6-6-2006; Ord. No. 012-08, §§ 3—9, 16, 17, 4-1-2008; Ord. No. 019-08, § 3, 7-15-2008; Ord. No. 016-09, § 11, 6-2-2009; Ord. No. 033-09, § 1, 10-20-2009; Ord. No. 018-11, § 1, 8-16-2011; Ord. No. 001-12, § 3, 1-3-2012; Ord. No. 013-13, § 11, 5-21-2013)

Sec. 77-505. Transportation and access.

A. Purpose. The purpose of this section is to support the creation of a highly connected transportation system within the city in order to provide choices for drivers, bicyclists, and pedestrians; increase effectiveness of municipal service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; mitigate the traffic impacts of new development, and free up arterial capacity to better serve regional long-distance travel needs.

B. Applicability. The standards of this section shall apply to all development in the city. However, developments with lot frontage along Lakeview Parkway (SH 66) and the President George Bush Turnpike (PGBT) frontage roads shall conform to the provisions of the Texas Department of Transportation (TxDOT) Access Management Manual and Regulations for Access Driveways to State Highways as it pertains to access management and driveway criteria. If a TxDOT requirement and a requirement contained within this section are in conflict, the more stringent will prevail.

C. Traffic impact mitigation.

1. *Applicability of traffic impact analysis requirement.* The transportation system for new development shall be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation of system capacity shall be undertaken through a traffic impact analysis (TIA), which should consider the following factors without limitation: street capacity and level of service; vehicle access and loading; on-street parking impacts; the availability of transit service and connections to transit; impacts on adjacent neighborhoods; and traffic safety including pedestrian safety. At a minimum, a traffic impact analysis (TIA) shall be required with applications for development review and approval when:
 - (a) The development exceeds 100 parking spaces average per driveway;
 - (b) Any driveway in the development is projected to serve 1,000 or more vehicles per day;
 - (c) Any driveway in the development is projected to serve 100 ingress vehicles or more in the peak hour of the adjacent street;
 - (d) A TIA is required by the city engineer as a condition of any land use application approved pursuant to the requirements of this Code; or
 - (e) The city engineer may also require a TIA for:
 - i. Any project that proposes access to a street with level of service "C" or below;
 - ii. Any case where the previous TIA for the property is more than two years old; or
 - iii. Any case where the director of planning and the city engineer determine that the increased land use intensity will result in increased traffic generation.

2. *TIA and development review process.*

(1) A scoping meeting between the developer and the city engineer shall be required prior to the start of the TIA in order to determine its parameters. The traffic generation for the development shall assume the highest traffic generator for each use by right allowed for the zoning applicable to the property or requested by the applicant.

(2) When access points are not defined or a site plan is not available at the time the TIA is prepared, additional studies may be required when a site plan becomes available or the access points are defined.

3. *Traffic mitigation measures.* The applicant shall, as part of the TIA, recommend measures to minimize and/or mitigate the anticipated impacts and determine the adequacy of the development's planned access points. Mitigation measures shall be acceptable to the city engineer and may include, without limitation: an access management plan; transportation demand management measures; street improvements on or off the site; placement of pedestrian, bicycle or transit facilities on or off the site; or other capital improvement projects such as traffic calming infrastructure or capacity improvements.

[D. *Reserved.*]

E. *Streets and on-site vehicular circulation.*

1. *Street design standards.* All streets shall meet the design standards set forth in subsection 77-603(C).

2. *Street connectivity.*

(a) *Purpose.* Street and block patterns shall include a clear hierarchy of well-connected streets that distribute traffic over multiple streets and avoid traffic congestion on principal routes. Within each residential development, the access and circulation system should accommodate the safe, efficient, and convenient move-

ment of vehicles, bicycles, and pedestrians through the development, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses. Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations such as parks, schools, and shopping. These connections should knit separate developments together, rather than forming barriers between them.

(b) *Vehicular access to public streets.* Any development of more than 100 residential units, or additions to existing developments such that the total number of units exceeds 100 residential units, shall be required to provide vehicular access to at least four public streets unless such provision is deemed impractical by the city engineer due to topography, natural features, design of the affected streets and their ability to absorb increased traffic with minimal impact, or the configuration of adjacent developments.

(c) *Connections to vacant land.* Where new development is adjacent to land likely to be developed or redeveloped in the future, all streets, bicycle paths, and access ways in the development's proposed street system shall continue through to the boundary lines of the area, as determined by the director of planning, to provide for the orderly subdivision of such adjacent land or the transportation and access needs of the community. In addition, all redevelopment and street improvement projects shall take advantage of opportunities for retrofitting existing streets to provide increased vehicular and pedestrian connectivity.

(d) *Residential streets.*

(1) Minor residential streets shall be so laid out that their use by

5. *Parking for unlisted uses.* Parking requirements for uses not specifically listed in Table 5-6.1 shall be determined by the director of planning based on the requirements for the closest comparable use, as well as on the particular parking demand and trip generation characteristics of the proposed use. The director of planning may alternately require the submittal of a

parking demand study that justifies estimates of parking demand based on the recommendations of the Institute of Transportation Engineers, and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

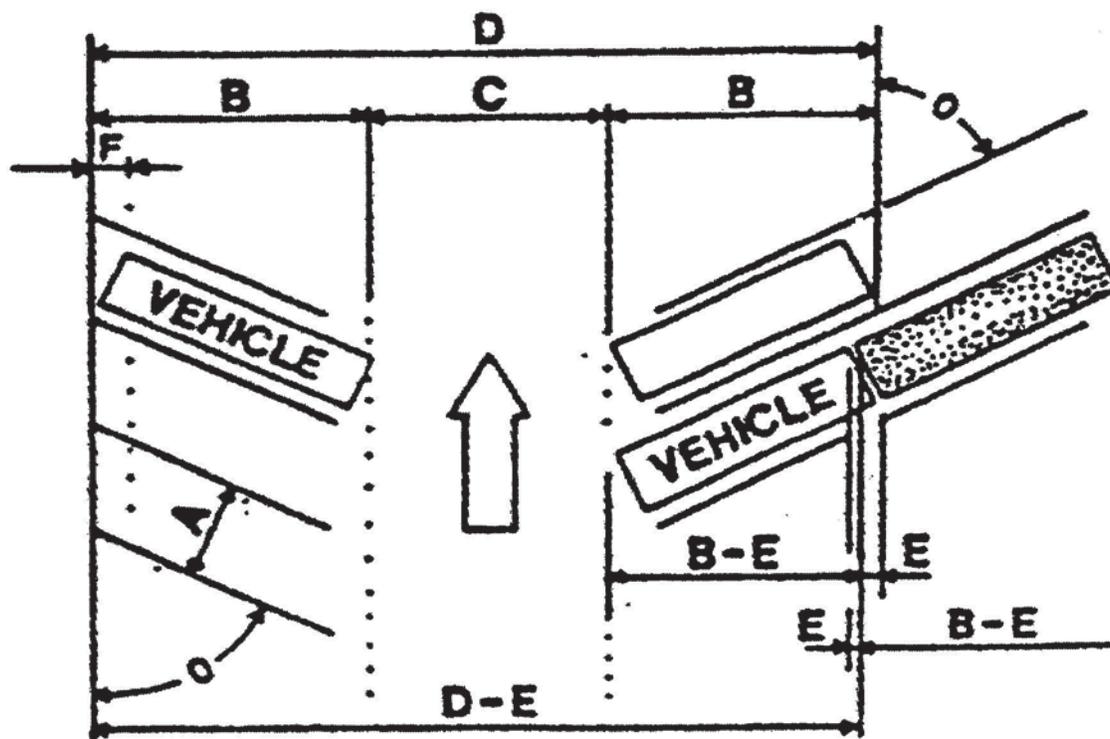
G. *Dimensions of parking spaces.* The parking configuration stated in the following table shall apply to all required off-street parking.

A	B	C	D	E	F	G
Parking Angle	Stall Width	Stall to Curb	Aisle Width 1-way	Aisle Width 2-way	Curb Length	Overhang
0°	9.0	9.0	12.0	24	23.0	0
	9.5	9.5	12.0	24	23.0	
	10.0	10.0	12.0	24	23.0	
20°	9.0	15.0	12.0	24	26.3	0.7
	9.5	15.5	12.0	24	27.8	
	10.0	15.9	12.0	24	29.2	
30°	9.0	17.3	12.0	24	18.0	1.0
	9.5	17.8	12.0	24	19.0	
	10.0	18.2	12.0	24	20.0	
40°	9.0	19.1	12.0	24	14.0	1.3
	9.5	19.5	12.0	24	14.8	
	10.0	19.9	12.0	24	15.6	
45°	9.0	19.8	12.0	24	12.7	1.4
	9.5	20.1	12.0	24	13.4	
	10.0	20.5	12.0	24	14.1	
50°	9.0	20.4	12.0	24	11.7	1.5
	9.5	20.7	12.0	24	12.4	
	10.0	21.0	12.0	24	13.1	
60°	9.0	21.0	18.0	24	10.4	1.7
	9.5	21.2	18.0	24	11.0	
	10.0	21.5	18.0	24	11.5	
70°	9.0	21.0	19.0	24	9.6	1.9
	9.5	21.2	18.5	24	10.1	
	10.0	21.2	18.0	24	10.6	
80°	9.0	20.3	22.0	24	9.1	2.0
	9.5	20.4	21.0	24	9.6	
	10.0	20.5	22.0	24	10.2	
90°	9.0	20.0	23.0	24	9.0	2.0
	9.5	20.0	22.0	24	9.5	
	10.0	20.0	22.0	24	10.0	

NOTE: All dimensions are to the nearest tenth of a foot.

1. *Calculation of parking space dimensions.* The spatial relationships described in Table 5.6-4 shall be calculated in the manner depicted in the following diagram:

Parking Space Dimensions



2. *Recreational vehicle spaces.* Parking spaces for recreational vehicles, if provided, shall be a maximum of ten feet by 40 feet.

H. *Parking lot design standards.*

1. *Design and location of parking areas/stacking spaces.*

- (a) *Design and maintenance.*

- (1) All parking areas shall be designed, constructed, drained, and maintained in accordance with the city ordinances and regulations.
- (2) Parking facilities shall be continually maintained in compliance with the approved site

and/or subdivision plan and shall be free of litter, potholes, and debris at all times.

- (3) Each parking area shall meet all applicable requirements set forth in subchapter 77-504, Landscaping and screening.

- (b) *Vehicular circulation.*

- (1) All parking areas shall be located and designed so as to avoid undue interference with the use of public streets and alleys. Parking areas shall pro-

vide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. With the exception of local residential streets, the backing of a motor vehicle onto a public street from a parking area shall be prohibited. Pedestrian pathways shall be provided within parking areas.

- (2) Day care centers shall be designed for two drop-off lanes and an escape lane.
 - (3) In the downtown districts, pedestrian pathways shall be separated from auto circulation routes in parking areas.
- (c) *Buffering and screening.*
- (1) All parking areas shall be separated at least ten feet from buildings, in order to allow room for sidewalks, landscaping, and other plantings between the building and the parking area. This separation may be eliminated in the rear of buildings in areas designed for unloading and loading of materials; this applies primarily to industrial and warehousing buildings.
 - (2) To the extent possible, the visibility of all parking areas shall be reduced by placing at least 20 to 40 percent of the parking to the rear or side of buildings facing public streets. Ideally, no more than one two-sided bay of nose-in parking should be placed between the building(s) and the street.
- (d) *Location of parking structures.*
- (1) In downtown districts, maximum frontage of parking structures along any one block shall be 200 feet.
 - (2) In the TH-U district, garages shall be located in the rear of the lot.

I. *Stacking spaces for drive-through uses.* In addition to meeting the off-street parking requirements of this section, drive-through facilities specified in Table 5.6-5 shall comply with the minimum stacking space standards. An escape lane shall be provided adjacent to the stacking lanes.

TABLE 5.6-5: SCHEDULE OF STACKING SPACES

Type of Use	Minimum Stacking Spaces	Measured From
Bank, teller lane	4	Teller window
Bank, ATM	3	Teller machine
Restaurant, with drive through	4	Order box
Car Wash, automatic	6	Bay entrance
Car Wash, self-service	2	Bay entrance
Car Wash, full service	4	Bay entrance
Auto Service Station, gas pump island	30 feet from each end of island	

Where required by the director of planning, an escape lane shall be provided where there are services or merchandise received by a person sitting within a vehicle.

J. *Handicapped parking requirements.*

- 1. *Residential uses.* Handicapped-accessible parking for residential uses shall be provided at the rate of one space per each dwelling unit that is designed for occupancy by the handicapped.
- 2. *Non-residential uses.* Handicapped-accessible parking spaces shall be provided for uses other than residential, at the rate shown in Table 5.6-6:

TABLE 5.6-6: HANDICAPPED PARKING FOR NON-RESIDENTIAL USES

Total Number of Required Parking Spaces	Number of Required Handicapped Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 percent of total spaces

Total Number of Required Parking Spaces	Number of Required Handicapped Spaces
Above 1,000	20 spaces, plus one space for each 100 over 1,000 spaces or fraction thereof.

3. *Relationship to general off-street parking requirements.* Handicapped parking required by this section shall count towards the fulfillment of the general off-street parking requirements of this section.

K. Bicycle parking in the downtown districts.

1. *Commercial and public developments.* The ratio of bicycle parking space shall be two bicycle parking spaces for every 30,000 square feet of building space.
2. *Provision of stationary object.* For each bicycle parking space required, a stationary object shall be provided with provisions for locking and securing. Such objects shall be shown on the site plan.

(Ord. No. 025-06, § 1(Exh. A), 6-6-2006; Ord. No. 012-08, §§ 11, 21, 4-1-2008; Ord. No. 016-09, §§ 17, 18, 6-2-2009; Ord. No. 013-13, § 12, 5-21-2013)

Sec. 77-507. Public/institutional and commercial building standards.

A. Purpose. This section is intended to promote high-quality non-residential building design, encourage visual variety in non-residential areas of the city, foster a more human scale and attractive street fronts, project a positive image to encourage economic development in the city, and protect property values of both the subject property and surrounding areas. In addition, this section intends to create a distinct image for important or highly visible areas of the city in order to enhance the public image of the city and encourage high quality economic development.

B. Applicability. Development of any structure that will contain a use categorized in table 3-1, table of allowed uses, as a public or institutional, commercial or an industrial or manufacturing use shall comply with the standards of this section.

C. Standards for all public/institutional and commercial structures.

1. *Facade plan required.*
 - (a) A colored facade plan showing the plan view and elevation view shall be made a part of the development plan approval process.
 - (b) The colored facade plan shall include notes listing all material types, finishes, and colors for all exterior elements.
2. *Building materials.* The following standards apply to all development subject to this section. Other exterior materials may be allowed by recommendation of the planning and zoning commission and approval of the city council.
 - (a) Buildings shall be 100 percent masonry construction per elevation, exclusive of roofs, doors, and windows.
 - (b) A minimum 20 percent of each elevation's masonry requirement shall incorporate accent bricks or stones. If accent bricks or stones are used to accent windows, doorways, porticos, porte cocheres, canopies, awnings, or support structures, such application shall only satisfy a maximum of one-half of the required 20 percent per elevation. As the term is used in this subsection, an "accent brick or stone" is one that provides a contrast by color of the natural material or stucco, shape, size, and/or texture to the field or primary bricks or stones in an elevation.
 - (c) All columns and any structural support for any site element shall receive the same masonry treatment as the primary structure, except where cast stone or masonry columns are proposed as part of the design feature.
 - (d) Concrete panel construction shall have brick or stone inset into the face with contrasting mortar joints. Painted, fluted, exposed aggregate,

or other architectural concrete finish shall be considered an alternative material and shall first receive a recommendation from the commission, followed by consideration of and approval by the city council. A stucco finish meeting ASTM standards with a minimum thickness of three-quarter inches may be incorporated into the overall design. Flat or untextured concrete finishes are not allowed.

- (e) Wood exterior elevations and architectural elements may be approved for restaurants and retail structures by recommendation of the planning and zoning commission and approval of the city council.
- (f) Where concrete masonry units (CMU) are proposed, only those with random indentations, such as split-faced, of at least one-half inch throughout the brick face shall be allowed.
- (g) Painted, coated or stained brick, stone, or concrete masonry units may be considered by recommendation of the planning and zoning commission and approval of the city council.
- (h) In areas zoned as light manufacturing (M-1) or general manufacturing (M-2), and for uses classified as industrial or manufacturing in table 3-1 (table of allowed uses), the following standards apply:
 - i. Building exteriors shall be of non-combustible materials including, tilt-up wall construction, stone, brick, tile, cast or cultured stone, painted, coated or stained brick, stone, concrete masonry units, or stucco meeting American Society for Testing and Materials (ASTM) standards with a minimum thickness of three-quarter inches. Concrete panel construction shall have brick or stone inset into the face with contrast-

ing mortar joints. Where concrete masonry units (CMU) are proposed, only those with random indentations, such as split-faced, of at least one-half inch throughout the brick face shall be allowed. Metal building systems are not allowed.

- ii. Any facade adjacent to a public right of way, residential development, or public open space must be at minimum 60 percent masonry brick or stone construction, exclusive of roofs, doors, and windows.

3. *Building orientation.*

- (a) *General.* The following standards apply to all areas of the city. If these standards are in direct conflict with the more detailed standards for specific areas set forth in subsections 3.c.ii. through vi. below, then the latter shall apply, but the building shall still be oriented to meet all of the standards that are not in conflict.
 - (1) All primary buildings shall be oriented towards a public street. If any such building is on a lot or tract where such is within 100 feet of and viewable from a public street with no intervening structures, or a public park or open space, it shall have equally detailed facades that will include interior scuppers, similar doorway/entryway design, similar architectural details, etc. as the primary facade face, constructed of equally high quality materials, facing a public street, the lake, park or open space.
 - (2) If the proposed development consists of only one building, such building shall be oriented to-

- ward the primary abutting street under the same conditions as (A) above.
- (3) If the proposed development consists of more than one building, all primary and pad site buildings shall be arranged and grouped so that their primary orientation complements adjacent, existing and proposed development, under the same conditions as (A) above and:
- i. Frames the corner of an adjacent intersection;
 - ii. Frames a pedestrian and/or vehicle access corridor within the development site; or
 - iii. Frames on at least three sides parking areas, public spaces, or other site amenities.
- (4) Building functions that do not directly serve the public, such as loading bays and blank walls, shall not be placed directly along the street. An exception to this standard exists if the side and/or rear elevations are similarly detailed in both architectural features and landscaping under the same conditions as (A) above. Garages bays shall not be visible from a public street, a residential zoning district or, or from a less intensive land use or zoning district.
- (b) *Reserved.*
- (c) *In C-2 District—Lakeview Parkway Corridor.* All primary buildings shall be oriented towards Lakeview Parkway/State Highway 66 under the same conditions as i.(A) above.
- (d) *In C-3 District—President George Bush Turnpike Corridor south.* All primary buildings on lots or tracts with frontage on President George Bush Turnpike shall be oriented towards the Turnpike. If any such building is on a lot or tract with a second frontage, it shall have equally detailed and prominent facades, constructed of equally high quality materials, facing both the Turnpike and such street under the same conditions as i.(A) above.
- (e) *In MU-NS District—North Shore District.* All primary buildings on lots or tracts with frontage on President George Bush Turnpike shall be oriented towards the Turnpike. If any such building is on a lot or tract with a second frontage on arterial or collector street, it shall have equally detailed facade, constructed of equally high quality materials, facing both the Turnpike and such street under the same conditions as i.(A) above.
- (f) *In MU-WF District—Waterfront Area.* All primary buildings on lots or tracts with frontage on Lake Ray Hubbard be oriented towards the lake. If any such building is on a lot or tract with a second frontage on arterial or collector street, it shall have equally detailed facade, constructed of equally high quality materials, facing both the lake and such street under the same conditions as i.(A) above.
4. *Building massing and facade.* The following standards apply to all areas of the city. In the event any general standard conflicts with a more detailed standards for a specific area of the city, then the latter shall apply, but the building shall still meet all of the standards that are not in conflict.
- (a) *Building mass.*
- (1) *General.* A single, large, dominant building mass shall be avoided. Buildings containing 20,000 square feet or more or over one story in height shall be designed to appear more as an aggregation of smaller "build-

- ing blocks" through variations in height, texture, color, and facade depth.
- (2) *In C-3 District—President George Bush Turnpike Corridor south, and MU-NS District—North Shore District.* Buildings with a single, large, dominant building mass are permitted.
- (b) *Wall articulation.*
- (1) *General.* Primary structures having single walls exceeding 50 feet in length shall incorporate two or more of the following features at least every 25 feet in length or portion thereof. In areas zoned as M-1 or M-2 primary structures having single walls exceeding 100 feet in length shall incorporate two or more of the following features at least every 50 feet in length or portion thereof:
- i. Changes in color, graphical patterning, changes in texture, or changes in material;
 - ii. Projections, recesses, and reveals, expressing structural bays or other aspects of the architecture with a minimum change of plane of 12 inches;
 - iii. Windows and fenestration;
 - iv. Gable projections;
 - v. Horizontal/vertical breaks; and
 - vi. Other similar techniques.
- (2) *In C-3 District—President George Bush Turnpike Corridor south, and MU-NS District—North Shore District.* For facades of primary buildings facing from the President George Bush Turnpike, the requirements of subsection 3.a. above shall be modified to apply for every 100 feet of wall length or portion thereof, and each feature included to meet such requirements shall be scaled so as to be large enough to be easily recognized from traffic traveling at speeds of 60 miles/hour.
- (c) *Entrances.* Each primary structure shall have a clearly defined main pedestrian entrance featuring at least three of the following elements:
- (1) Canopies or porticos,
 - (2) Overhangs,
 - (3) Recesses or projections,
 - (4) Arcades,
 - (5) Arches,
 - (6) Peaked roof forms,
 - (7) Outdoor patios,
 - (8) Display windows,
 - (9) Architectural tile or moldings integrated into the building design, or
 - (10) Integrated planters or wing walls that incorporate landscaped areas or seating areas.
- (d) *Height transitions adjacent to streets or residential areas.*
- (1) *General.* The height of each building taller than 35 feet (36 feet in M-1/M-2 zoned districts) shall be stepped down from its highest roofline at least one full story on any portion of the building located within 50 feet of a street right-of-way or an adjacent area with single-family or two-family residential development.
 - (2) *In the MU-WF District—Waterfront.* The height of each building taller than 35 feet shall be stepped down from its highest roofline to a height of no more than 35 feet on any portion of the building located within 100

feet of an adjacent area with single-family or two-family residential development.

(e) *Roofs.*

(1) *General.*

- a. Sloping roofs containing top-floor dwelling units or top-floor commercial spaces such as offices are encouraged. Such a top floor may be added above the maximum height limit for the district, where the roof slope does not exceed 8:12.
- b. Where flat roofs are used, a parapet wall at least 18 inches in height shall be used on all sides of the structure. The design or height of the parapet shall include at least one change in setback or height of at least three feet along each 60 lineal feet of facade.
- c. Flat roofs or parapet roofs shall be internally drained and external scuppers and wall drains shall be prohibited. Sloped roofs may have external drains provided all gutters, downspouts, and scuppers are architecturally integrated into the design of the building.
- d. All rooftop mechanical equipment and vents greater than eight inches in diameter shall be screened. Screening may be done either with an extended parapet wall or a free-standing screen wall. Screens shall be at least as high as the equipment they hide, and shall be of a color and material matching or compatible

with the dominant colors and materials found on the facades of the primary building. If equipment is visible because a screen does not meet this minimum height requirement, the director of planning shall require additional construction to provide adequate screening prior to issuance of a permanent certificate of occupancy.

(2) *Reserved.*

- (3) *In C-2 District—Lakeview Parkway Corridor, C-3 District—President George Bush Turnpike Corridor south, MU-NS District—North Shore District.* The preference for sloping roofs and height exception for sloping roofs shall not apply.

(f) *Ground floor treatment.*

- (1) *General.* Buildings shall incorporate a human scale near ground level on commercial buildings and along street facades and entryways through the use of such scale elements as windows, doors, columns, and beams. "Human scale" means the entrances, windows, doors, columns, and beams on large buildings are in proportion to and not significantly larger than the people using the building. For example, a ten-foot high entrance cover is in proportion to a person using it; a 30-foot high colonnade is not.
- (2) *In C-2 District—Lakeview Parkway Corridor C-3 District—President George Bush Turnpike Corridor south.* For facades of primary buildings facing from the President George Bush Turnpike, the requirements of subsection 3.a. above shall not apply.

- (g) *Four-sided design.* Architectural features and treatments shall not be restricted to a single facade of any primary structure. All sides of a building open to view by the public, whether viewed from public or private property, shall display a similar level of quality and architectural interest, and shall include similar varieties of materials, trim, and horizontal and vertical articulation.
- (h) *Reflective materials.* Facade building materials shall not create excessive glare when viewed from any public street or from any residential area. Mirrored glass with a reflectance greater than 20 percent shall not cover more than ten percent of any exterior facade of a primary or accessory structure.
- (i) *Bright colors.* Intense, bright, or fluorescent colors shall not be used on windows or as the predominant color on any wall or roof of any primary or accessory structure. These colors may be used as building accent colors, but shall not constitute more than ten percent of the area of each elevation of a building. Permitted sign areas shall be excluded from this calculation. Painting or coating masonry shall be considered as an alternative material and as such shall receive a recommendation from the commission and approved by the city council.
- (j) *Multiple buildings in commercial centers.* In order to achieve unity between all buildings in a commercial development consisting of more than one building, all buildings in such a development, including pad site buildings, shall employ a consistent architectural style or theme, be constructed of similar exterior materials, and feature similar colors.
- (k) *Reserved.*
- (l) *Additional provisions for MU-NS Districts—North Shore District.*
 - (1) *General character.* The MU-NS district represents the largest contiguous area of vacant, developable land in Rowlett. The construction of the President George Bush Turnpike through the MU-NS district will create important economic development opportunities for the city, and will create opportunities to enhance the image of the city. To maximize these opportunities, it is important to ensure that the MU-NS district retain a unique character and high quality development standards. Because opportunities for more urban character development exist along portions of the Turnpike south of Lakeview Parkway/SH 66, the character of development in the MU-NS district should preserve a less urbanized character that emphasizes open space, views, and natural areas. More intense development should occur in activity centers focused on major Turnpike interchanges, and development outside of activity centers should be lower in scale and height.
 - (2) *Open space.* All development in the MU-NS district shall be required to protect the amount of private, on-site open space specified in subchapter 77-503 of this Code. Open space required by subchapter 77-503 is not required to be dedicated for public use, or to be open to the public. Required open space shall be organized so as to create a continuous, contiguous system of open space, if possible, and to connect to private on-site open space protected by

adjacent properties, if possible. In addition, such open space shall incorporate or complement as many of the following features as possible:

- a. Streams or drainage ways;
 - b. Parks and public open space areas on or adjacent to the site;
 - c. Significant views of the Lake Ray Hubbard as viewed from dedicated public parks and open space, from the Turnpike, or from collector or arterial streets;
 - d. Riparian wildlife habitat.
- (3) *Activity centers.* Activity centers should be located within one-half mile of a Turnpike interchange, and should incorporate the following organizing elements.
- a. A focal point that serves as the center of the area with the highest development density or the most intense activity in the activity center. The focal point shall include a distinctively designed building or feature that is visible from the Turnpike and that is immediately adjacent to the Walkable Main Street element (as defined below). The tallest buildings and the buildings with the highest development density within the activity center shall be located on within 660 feet of the focal point.
 - b. A Walkable Main Street, at least 660 feet long, to act as a linear pedestrian feature within or connecting to the focal point. The Main Street shall be a pub-

lic or private street or major walkway that serves as the primary walkable street in each activity center and may or may not allow automobile traffic (at the applicant's option).

(m) *Additional Provisions for In MU-WF District—Waterfront Area.*

- (1) *General character.* The MU-WF district includes those areas of Rowlett where there are opportunities for commercial and institutional development that taking advantage of views of Lake Ray Hubbard, and where high quality development can enhance the image of the city when viewed across the lake. To maximize those opportunities, it is important to promote and protect views across the lake from many areas within the MU-WF district. In addition, since some sites are constrained by close proximity to single-family and two family areas, it is important that adverse impacts on those areas be avoided.
- (2) *Protecting views of the lake.* All development in the MU-WF shall be sited, organized, and oriented to protect views of the lake for both the subject property and for properties in the MU-WF district located further from the lake. Development shall not be permitted to block view of the lake from other property in the district unless there is no alternative development site available on the property.
- (3) *Protecting views from the lake.* Service areas, loading docks, and parking areas shall not be located between Lake Ray Hub-

bard and any facade of any primary building facing Lake Ray Hubbard.

- (4) *Protecting neighborhoods.* In addition to meeting the requirements for stepping down building heights set forth in subchapter 77-402 development in the MU-WF area shall be designed to avoid locating loading docs, service areas, or parking lots between primary buildings and any adjacent single-family or two-family zone districts. On lots or tracts of land adjacent to such residential areas, service areas and loading docs, and parking lots shall be internalized in the primary building, if possible, or located on sides of primary buildings that face neither the neighborhoods nor Lake Ray Hubbard, if possible. In some cases, the best way to protect views and neighborhoods at the same time will be to arrange primary buildings so that service areas, loading docks, or parking areas are located on the north or south sides of such buildings.

(Ord. No. 025-06, § 1(Exh. A), 6-6-2006; Ord. No. 016-09, § 19, 6-2-2009; Ord. No. 015-11, § 1, 7-5-2011; Ord. No. 001-12, § 4, 1-3-2012; Ord. No. 013-13, § 13, 5-21-2013)

Sec. 77-508. Residential building standards.

A. Purpose. The standards of this section are intended to promote high-quality residential development and construction; protect property values; encourage visual variety and architectural compatibility; and promote an integrated character for Rowlett's neighborhoods. Specifically, the standards:

1. Promote new residential developments that are distinctive, have character, and relate and connect to established neighborhoods;

2. Provide variety and visual interest in the exterior design of residential buildings;
3. Provide for a variety of lot sizes and housing types for a range of households and age groups;
4. Enhance the residential streetscape and diminish the prominence of garages and parking areas;
5. Enhance public safety by preventing garages from obscuring main entrances or blocking views of the street from inside residences; and
6. Improve the compatibility of attached and multifamily residential development with the residential character of surrounding neighborhoods.

B. Applicability. This section applies to all development in all residential districts, unless otherwise indicated.

C. General standards for all residential development.

1. *Building materials.*
 - (a) Buildings shall be of 100 percent brick and/or stone masonry construction per elevation, exclusive of roofs, doors, windows, dormers, and gables over the entrance of an extended garage. All chimneys shall be of masonry construction in conformance and compliance with current building codes. Masonry chimney construction visible from the outside of the structure shall be of masonry units of brick or stone similar in appearance to the masonry utilized for the exterior elevations of the structure.
 - (b) Alternatives to masonry construction may be recommended by the planning and zoning commission and may be approved by the city council.
 - (c) This requirement shall not apply to architectural elements on single-family residential dwellings that do not have exterior walls directly over a lower exterior wall, including but not limited to dormers.

2. *Compatibility standards.*

(a) *Applicability.* These residential compatibility standards shall apply to development of a new residential use, or substantial expansion or alteration of an existing residential use, on a site that is adjacent to or across a street from two or more lots with existing structures. For purposes of this subsection only, "substantial expansion or alteration" shall mean construction that is equal to or greater than 25 percent of the principal dwelling structure's original gross floor area (including attached garages, but not including detached garages).

(b) *Compatibility standards.*

(1) *Contextual front building setbacks.* Notwithstanding the minimum front setback requirements required in subchapter 77-400, Dimensional standards, for the zoning district in which the property is located, the applicant shall use a contextual front setback when existing front setbacks on the same block are less than that required by the underlying zoning. In such circumstance, the front setback for the proposed development shall equal the average of the existing front setbacks on the same and facing block faces. Only lots with similar uses to that proposed shall be included in the average, and vacant lots shall be included using the underlying district standard.

(2) *Contextual building heights.* Notwithstanding the maximum height required in subchapter 77-400, Dimensional standards, for the zoning district in which the property is located, the applicant shall apply a contextual height standard. The contextual height shall be not more

than ten percent of the highest existing residential building located on both lots adjacent to the subject lot and on the lot directly across the street from the subject lot.

(3) *Appearance.* New development shall be constructed to be generally compatible in appearance with other existing structures on the block that comply with this Code. This provision shall be satisfied by constructing the proposed building so that at least three of the following features are substantially similar to the majority of other buildings on the same and facing block:

- i. Roof material;
- ii. Roof overhang;
- iii. Exterior building material;
- iv. Shape, size, and alignment of windows and doors;
- v. Front porches or porticos; or
- vi. Exterior building color.

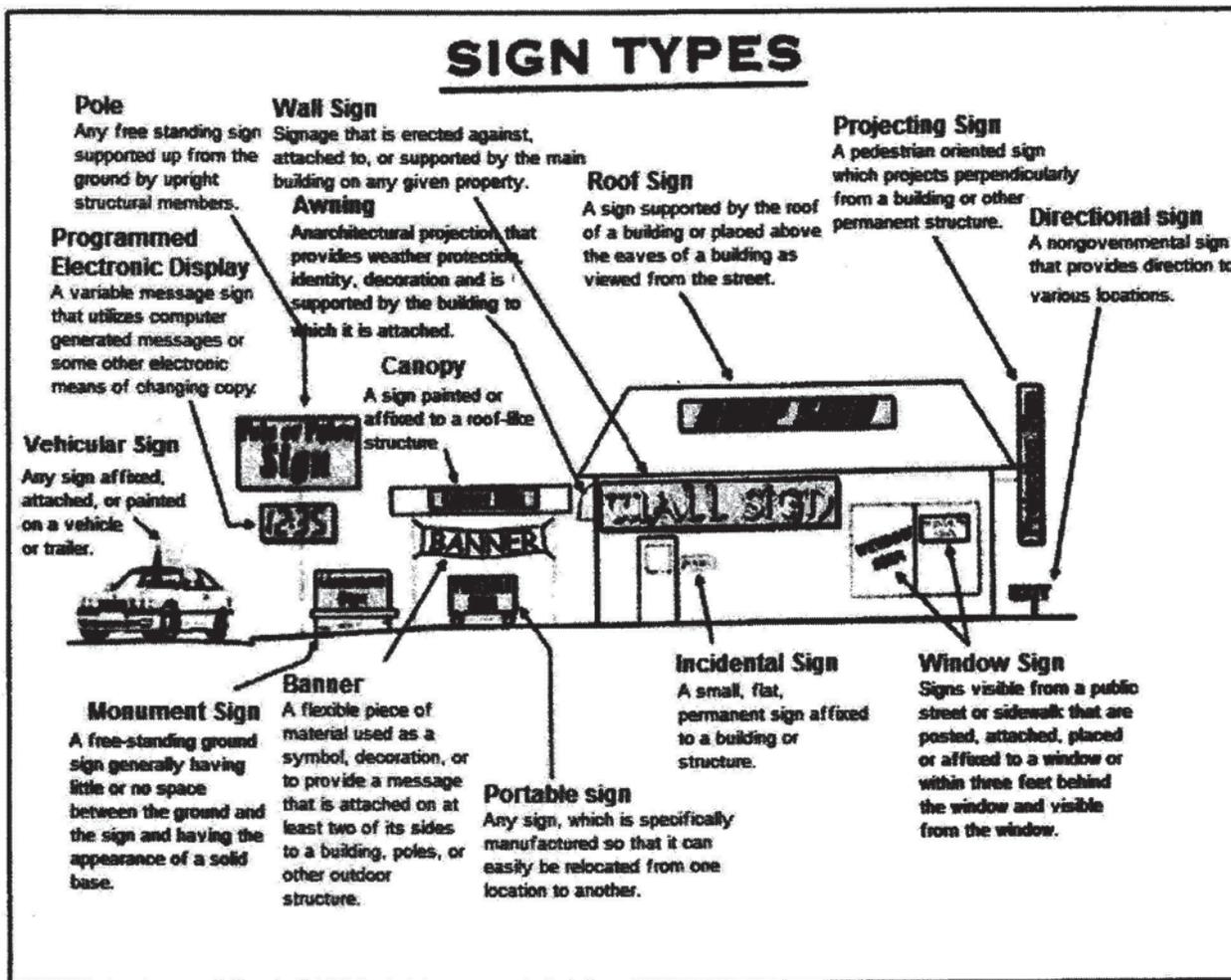
(4) *Roof pitch.* The roof pitch shall conform to adjacent dwellings.

D. *Additional standards for single-family and two-family residential.*

1. *Mix of housing models.* Any development of 25 or more dwelling units shall have at least five different types of facade elevations. Any development of between five and 25 units shall have at least three different types of facade elevations. Each dwelling unit shall be unique in comparison to the other dwelling units in the development in at least two of the following areas:

- (a) Floor plan;
- (b) Placement of the building footprint on the lot;
- (c) Garage placement; or

E. *Signage regulations by type.* Specific regulations for each sign type and its corresponding permissible zoning district are outlined in the tables below.



This graphic intended for illustrative purposes only.

Figure 5.12-6

TABLE 5.12-1: SPECIFIC SIGN REGULATIONS

		Number Allowed	Max. Area	Max. Height	Max. Width	Other Restrictions
ATTACHED SIGNS						
Window	N/A	40% of the window area	N/A	N/A	N/A	The 40 percent is measured per façade of the premise or lease space and applies only between 10:00 p.m. and 7:00 a.m. No window signage is allowed above the first floor except in multi-level facilities that have direct exterior entries.
Wall	N/A	The greater of 10% of the façade or 60 sq. ft. combined	Equal to 1/3 height of façade up to 10 ft.	75% of façade width		Shall not project more than 30 inches from the wall.
Awning	N/A	The greater of 10% of the façade or 60 sq. ft. combined	Equal to 1/3 height of façade up to 10 ft.	75% of façade width		If wall and awning signs are to be used on the same façade, the combined area shall not exceed the area permissible by a wall sign.
Incidental	1 per structure or façade	70 sq. in.	N/A	N/A	N/A	None
Projecting	1 per premise	12 sq. ft.	N/A	May project horizontally four ft.		Eight ft. of clearance is required if projecting more than one ft. Shall not be closer than two feet from the back of the curb nor encroach in TXDOT Right-of-Way. If wall or awning and projection signs are to be used on the same façade, the combined area shall not exceed the area permissible by a wall sign.
Marquee	1 per premise	100 sq. ft.	Equal to 2/3 the building height	N/A		Fourteen ft. of clearance required. Shall not be closer than two feet from the back of the curb nor encroach in TXDOT Right-of-Way.
Blade	1 per building	60 sq. ft.	Equal to 2/3 the building height	N/A		Eight ft. of clearance is required. Shall not be closer than two feet from the back of the curb nor encroach in TXDOT Right-of-Way.
Hanging	1 per premise	8 sq. ft.	N/A	N/A		Eight ft. of clearance required.
Roof	1 per premise	The greater of 10% of the façade or 60 sq. ft.	Equal to 1/3 the distance from the eave to the ridge line	75% of roof width		Only permitted on sloped or eave roof and as a substitution for a wall sign. If roof and wall or awning signs are to be used on the same façade, the combined area shall not exceed the area permissible by a roof sign.
DETACHED SIGNS						
A-Frame	1 per premise	8 sq. ft.	4 ft.	N/A		Shall allow at least four feet of clear sidewalk for pedestrian movement. The sign must be stored inside and may only be placed outside during business hours.
Monument	1 per building. Additional monument signs are allowed if the frontage exceeds 300 feet and the signs are 150 feet from the closest monument sign.	48 sq. ft., 80 sq. ft. including frame	10 ft.	N/A		Setback 10 feet from property line. Monument base shall not be less than two feet high. Minimum base width is one foot. Bases shall be landscaped.
Single Tenant			15 ft.	N/A		
Multi-Tenant			30 ft.	N/A		
Multi-Tenant (shopping center over 75,000 sq. ft.)						
Residential Sub-division	2 per subdivision entrance	80 sq. ft.	10 ft.	N/A		Bases shall be landscaped.
Menu Boards	2 per drive thru lane or 1 per order box (drive-in dining only)	35 sq. ft.	7 ft.	N/A		None
Directional	N/A	4 1/2 sq. ft.	3 ft.	N/A		No closer than 3 feet to the edge of the pavement.

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TABLE 5.12-1: SPECIFIC SIGN REGULATIONS

	Number Allowed	Max. Area	Max. Height	Max. Width	Other Restrictions
Flags	3 per premise	150 sq. ft.	35 ft.	N/A	Setback 15 feet from property line. Extra flags are permitted for federal holidays
Canopy	N/A	The greater of 25 sq. ft. or 50% of the face of the canopy	N/A	N/A	The canopy must conform to accessory structure regulations in section 77-303 of this Code.
TEMPORARY SIGNS					
Banner signs	1 per façade viewable from a public street, parking area, or other public space.	32 sq. ft.	N/A	N/A	Limited to a two-week period six times per calendar year per premise. Signs must be kept on the business premise defined as the lease space or lot. Signs larger than eight square feet must be setback 10 feet from the property line.
Development Ground Signs	1 per premise. Additional signs allowed for each additional 150 feet of frontage.	32 sq. ft.	15 ft.	N/A	Signs larger than eight square feet must be setback 10 feet from the property line. All others must be setback three feet from the Right-of-Way. Distance between signs shall be 150 feet. On developed sites this counts to the two-week period six times per calendar year. On undeveloped or developed sites the sign may be posted until the site is developed and achieved 80% occupancy.
Off-Site Directional Signs	N/A	1 sq. ft.	3 ft.	N/A	Sign must be at least three feet back from the curb and not in City Right-of-Way. Signs may not be placed earlier than noon on Friday and must come down no later than noon on Monday. If a holiday falls on Monday or Friday the sign may be extended an extra day. Signs may not be illuminated. Placers of signs shall have operating appropriate flashing lights and reflective tape on the vehicle and trailer when placing such signs.
Balloon or inflatable	1 per premise	96 sq. ft. ¹	20 ft.	N/A	Limited to a seven-day period that counts toward the six times per year two-week limit on temporary signage. Balloons or inflatable signs are allowed once per year.
Human Signs	N/A	N/A	N/A	N/A	Must be at least five feet from the curb line and are prohibited from standing in street medians.

¹See section 77-512.B. for measurement standards.

1. Signs allowed in specific zoning districts. The type of signs allowed in specific zoning districts are described in this section. It is unlawful for any person to erect or maintain any sign in a zoning district mentioned in this section unless such sign is of a type specifically allowed in such district. Table 5.12-2 below lists the signs allowed by zoning district.

TABLE 5.12-2: TABLE OF SIGNS PERMITTED BY DISTRICT

	Non-Residential											Mixed Use					
	SF-40	SF-20, -15, -10, -9, -8, -7	SF-5	MF-2F	MF-TH	MF-S	MF-U	IU	O-1	O-2	C-1	C-2	C-3	M-1	M-2	MU-WF	MU-NS
A = Allowed Sign																	
Attached Signs																	
Window	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Wall																	
Awning	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Incidental	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Projecting																	
Marquee																	
Blade																	
Hanging																	
Roof																	
Detached Signs																	
A-Frame																	
Monument Sign																	
Single Tenant																	
Multi-Tenant																	
Multi-Tenant (>75,000 sq. ft.)																	
Residential Subdivision	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Menu Boards																	
Directional	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Flags	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Canopy	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Temporary Signs																	
Banner	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Ground	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Off-site Directional	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Balloon or Inflatable	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Human																	

F. *District signage.* District signage is permanent or temporary signage intended to provide a public service by allowing off-site signs within a larger development or special district. The city council on recommendation of the planning and zoning commission must approve district directional sign plans.

- (a) All district directional signage must have approval by the city council following recommendation by the planning and zoning commission. Fees for district directional signs shall be as set forth in the city's master fee schedule.
- (b) Placement and installation of district signage must be in accordance with a site plan and must be submitted to the planning department for review and approval. District directional signs may be approved as part of a planned development application.
- (c) District directional signs may be approved only for single developments or cohesive districts at least five acres in size or larger.
- (d) District directional signs shall not obstruct the use of sidewalks and walkways, and shall not obstruct visibility triangles for vehicles, pedestrians or traffic control signs.
- (e) District directional signs shall be limited in size to no more than 32 square feet in area.
- (f) The maximum height for a district directional sign is ten feet.
- (g) District directional signs shall be located on private property provided written permission is obtained from the property owner.
- (h) District direction signs may be illuminated provided they follow all regulations regarding illuminated signage.
- (i) No additional signs, pennants, flags or other devices for visual attention or other appurtenances may be placed on a district directional sign.

(j) In each district, district directional signs must have uniform design including color schemes, typefaces and fonts, and materials to promote sense of place or identify within the district.

(k) The base and supporting materials for a district directional sign must be similar in type to materials used for construction of buildings in the development or district. The base and supporting materials may be metal, stone, brick, stucco or other durable and aesthetic product.

G. *Sign review procedures.*

1. *Permit.*

(a) *Application.* To obtain a sign permit for all on-site permanent and temporary signs, the applicant shall first file a written application for permit on a form furnished by the building inspections department. Every such application shall contain the following information:

- (1) Dimensioned drawing illustrating the location and design of the sign, the height, base, frame materials, color schemes, and letter size to be contained within the sign.
- (2) Site plan showing the location of the sign.
- (3) If the sign is an electrical sign, electrical plans and specifications.
- (4) If a temporary sign is proposed, the time period the sign will be installed.
- (5) When requested by the building official or his/her designee, more detailed plans may be required and such plans may be required to be prepared by a registered professional engineer or architect.

(b) *Review.* The building official or his/her designee shall have ten business

days to approve or deny the permit once the submittal has been deemed complete.

- (c) *Fee.* Fees shall be as required by the city's master fee schedule.
- (d) *Expiration.* A permit for a sign shall expire if the work is not started within 60 days after the permit is issued, or not completed within 120 days after work is commenced.
- (e) *Void permits.* A permit issued under this section for a sign which conflicts with any provision of this Code is void.
- (f) *Required inspections.* All signs for which a permit is required shall be inspected.

2. *Special exceptions.*

- (a) The board of adjustment may grant a special exception from the provisions of this section if it appears that the application of a provision of this section would work a manifest injustice.
- (b) In considering a request for a special exception to the requirements of this section, the board of adjustment shall consider, but not be limited to, the type of sign, existence of signs in the general area, the degree of change requested, the reason for the exception request, the location of the exception request, the duration of the requested variance, the effect on public safety, protection of neighborhood and neighboring property, the degree of hardship or injustice involved, the effect of the exception on the general regulation of signs within the city, and such other factors as the board deems pertinent.
- (c) No special exception shall be granted by the board of adjustment if the exception sought conflicts with the spirit of this Code, and may be contrary to this section's intent to provide public safety, adequate lighting,

open space and air, conservation of land, protection of property values, and encourage the appropriate use of land.

(Ord. No. 025-06, § 1(Exh. A), 6-6-2006; Ord. No. 019-08, § 4, 7-15-2008; Ord. No. 016-09, § 22, 6-2-2009; Ord. No. 004-10, § 1, 3-2-2010; Ord. No. 012-12, § 1, 5-15-2012; Ord. No. 013-13, §§ 14, 15, 5-21-2013)

Vacation procedure shall be followed as set forth in V.T.C.A., Local Government Code §§ 212.014 and 212.015.

2. If the previous plat is not vacated, and the area proposed for replatting was zoned for residential use for not more than two residential units per lot or deed restricted for same (within proceeding five years), then the following procedure is required:
 - (a) Notice of a public hearing by the planning and zoning commission must be published ten days in advance of the hearing.
 - (b) Written notice of the public hearing shall be mailed to the owners of all lots in the current plat and owners of property within 200 feet of the proposed replat at least 15 days prior to the hearing.
3. The replat of the subdivision shall meet all the requirements for a new subdivision that may be pertinent, as provided for in this section. It shall show the existing property being resubdivided. No preliminary plat will be required on replats.
4. The title on the plat shall be as required in the user's guide.
5. All taxes and other fees due on replatted lots shall be paid before approval of the replat by the city.

E. *Amendments to approved plats.* The procedure to amend approved plats shall be as follows:

1. An amending plat shall meet all of the informational requirements set forth in the user's guide for a final plat.
2. The director of planning approve and issue an amending plat, which may be recorded and is controlling over the preceding or final plat without vacation of that plat, if the sole purpose of the amending plat is to:
 - (a) Correct an error in a course or distance shown on the preceding plat;
 - (b) Add a course or distance that was omitted on the preceding plat;
 - (c) Correct an error in a real property description shown on the preceding plat;
 - (d) Indicate monuments set by an engineer or surveyor and approved by the city or state;
 - (e) 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;
 - (f) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - (g) Adding or vacating easements required or allowed by the city or a public utility;
 - (h) 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 owners in the plat;
 - (i) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or
 - (j) Relocate or remove one or more lot lines between one or more adjacent lots if:
 - (1) The owners of all those lots join in the application for amending the plat;

- (2) The amendment does not attempt to remove recorded covenants or restrictions; and
- (3) The amendment does not increase the number of lots.

F. Minor subdivisions.

1. **Applicability.** The procedures set forth in this section shall apply to subdivisions of four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal utilities, provided that such parcels are eligible for this minor subdivision process only once, and further subdivisions or newly created parcels shall be processed as regular subdivisions.

2. **Procedure.**

- (a) **Submission.** Applications for minor subdivisions shall be submitted to the director of planning and shall contain supporting materials as specified in the user's guide.

- (b) **Director of planning review and decision.** The director of planning shall review each proposed subdivision in light of the approval criteria of subsection 3 below and shall consult other city departments as necessary. Based on the results of those reviews, the director of planning shall act to approve or deny the proposed minor subdivision, based on the approval criteria of subsection 3.

3. **Approval criteria.** The director of planning shall approve a minor subdivision application if it meets the following criteria:

- (a) The minor subdivision is consistent with the comprehensive plan;
- (b) The minor subdivision is consistent with and implements the intent of the specific zoning district in which it is located;

- (c) As applicable, the minor subdivision is consistent with the terms and conditions of any previously approved development plan;
- (d) The minor subdivision complies with all applicable use, development, and design standards set forth in this Code; and
- (e) Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development.

(Ord. No. 025-06, § 1(Exh. A), 6-6-2006; Ord. No. 016-09, §§ 35, 36, 6-2-2009)

Sec. 77-807. Reserved.

Editor's note—Ord. No. 013-13, § 16, adopted May 21, 2013, repealed § 77-807, which pertained to conditional use permit and derived from Ord. No. 025-06, § 1(Exh. A), adopted June 6, 2006; Ord. No. 019-08, § 7, adopted July 15, 2008; Ord. No. 016-09, § 37, adopted June 2, 2009; Ord. No. 015-11, § 2, adopted July 5, 2011.

Sec. 77-808. Development plans.

A. Purpose. The purpose of the development plan review process is to ensure compliance with the development and design standards and provisions of this Code, and to encourage quality development reflective of the goals, policies, and objectives of the comprehensive plan. For land uses requiring a development plan review, such uses may be established in the city, and building permits may be issued, only after a development plan showing the proposed development has been approved in accordance with the procedures and requirements of this section.

B. Development plan contents.

1. For purposes of this section, the term "development plan" shall consist of the following four components, as determined applicable by the director of planning:
 - (a) Site plan;
 - (b) Landscape plan;

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- (c) Tree survey and preservation plan;
and
- (d) Facade plan.

Each of these components shall be reviewed and approved in accordance with the procedural requirements set forth in this section.

- (h) *Dwelling, townhome.* A type of multi-family dwelling in which three or more individual dwelling units are attached by one or more vertical party walls, with the habitable spaces of different dwelling units arranged side-by-side or within a cluster, rather than a stacked configuration. Each individual townhome dwelling unit has individual front and rear access to the outside. Townhome dwelling units are platted on individual lots, and are typically surrounded by common areas owned and maintained by a homeowner's association.
- (i) *Dwelling, zero lot line.* A lot that is designed in such a manner that the side yard and adjacent use easement make maximum use of available land area to preserve an open, yet private, use of the side yard, permitting construction of a detached single-family dwelling with one side of such dwelling placed on the side property line.
- (j) *Manufactured housing park.* A residential development of not less than seven acres, which consists of HUD-code manufactured houses that are transported to the park site, or mobile homes that existed prior to passage of this regulation.
2. *Group living.* This category is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Specific use types include, but are not limited to:
- (a) *Group home.* Generally, group homes have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff.
- (b) *Retirement home, nursing home, continuing care, or assisted living facility.* A health or care facility used for or customarily occupied by persons recovering from or suffering from infirmities of age, injury, or disease, that provides meals, lodging, and continuing care for longer than 24 hours, for compensation.
- B. *Institutional and public uses.*
1. *Aviation.* Aviation uses include improved or unimproved facilities for the landing and takeoff of flying vehicles, including loading and unloading areas and passenger terminals for aircraft. Accessory uses include freight handling areas, concessions, offices, parking and maintenance, and fueling facilities. Specific use types include, but are not limited to:
- (a) *Airports, landing fields.* Any area that is used, or is intended to be used, primarily for the takeoff and landing of manned aircraft and any appurtenant areas that are used, or intended to be used, for airport buildings or facilities, including open spaces, taxiways, and tie down areas, hangars, and other accessory buildings.
- (b) *Heliports and helistops.* A heliport is an area of land or water or a structural surface that is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas that are used, or intended for use, for heliport

- buildings and other heliport facilities. A helistop is the same as a heliport, except that no refueling maintenance, repairs, or storage of helicopters is permitted.
2. *Community facility.* Community facility uses include buildings, structures, or facilities owned, operated, or occupied by a governmental, philanthropic, or eleemosynary agency to provide a service to the public. Specific use types include, but are not limited to:
 - (a) *Animal shelter.* A permanent facility for the purpose of collecting and impounding stray, wild, and/or unclaimed animals, reptiles, etc., both domestic and non-domestic.
 - (b) *Athletic stadium or field.* A permanent facility for the staging of amateur and/or professional sporting events, consisting of an open-air or enclosed arena/stadium and appropriate support facilities.
 - (c) *Correctional facility.* A facility for the purpose of incarcerating and rehabilitating offenders. Examples of such facilities are government-owned and/or -operated jails, prisons, and boot camps. This definition does not include halfway houses or other such facilities where offenders are not totally confined.
 - (d) *Municipal uses.* Any facility owned and operated by the city for the purpose of providing municipal services to residents and businesses within the city. Municipal uses may include, but are not limited to: municipal buildings; roadways; street-lights; traffic control devices; easements; water, wastewater, and drainage facilities; and other similar municipal uses.
 3. *Cultural facility.* A cultural facility displays or preserves objects of interest or provides facilities for one or more of the arts or sciences. Accessory uses may include parking, offices, storage areas, and gift shops. Specific use types include, but are not limited to:
 - (a) *Library.* A permanent facility for storing and loaning books, periodicals, reference materials, audio tapes, video tapes, and other similar media to city residents. A library may also include meeting rooms, offices for library personnel, and similar support facilities.
 - (b) *Museum or art gallery.* A permanent facility for the collection and public display of artwork including, but not limited to, paintings, sculpture, textiles, and antiquities. Support facilities include office space, restoration facilities, and storage areas.
 4. *Day care.* Day care uses include facilities that provide care for children or adults on a regular basis away from their primary residence for less than 24 hours per day. This category does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity. Accessory uses include offices, recreation areas, and parking. Specific use types include, but are not limited to, the following:
 - (a) *General day care.* A facility that provides care for 20 or more persons less than 24 hours a day.
 - (b) *Limited day care.* A facility that provides care for fewer than 20 persons less than 24 hours a day.

- (c) *Family home (accessory use)*. A home that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school children, but the total number of children, including the caretaker's own, does not exceed 12 at any given time.
5. *Education*. Education uses are public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, which provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, parking, transit-related facilities, auditoriums, and before or after school day care. Specific use types include, but are not limited to:
- (a) *College or university*. A permanent facility for the purpose of undergraduate and graduate instruction. The institution may be privately or publicly funded and may also include on-campus dormitories for enrolled students.
- (b) *Commercial school*. An establishment, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art, or occupation.
- (c) *Primary or secondary school (public or private)*. An accredited school under the sponsorship of a public, private, or religious agency, having a curriculum generally equivalent to public elementary or secondary schools, not including commercial schools.
6. *Human health services*. Human health services uses are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, deformity, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include, but are not limited to:
- (a) *Dental or medical office or clinic*. A facility for a group of one or more physicians for the examination and treatment of human outpatients, provided that patients are not kept overnight. Laboratory facilities will be ancillary to a medical or dental office.
- (b) *Hospital (medical)*. An institution providing health services primarily for human inpatient medical or surgical care and including related facilities as laboratories, outpatient departments, training facilities, rehabilitation facilities, central services facilities, and staff offices which are an integral part of the facilities.
- (c) *Hospital (psychiatric)*. An institution providing mental health facilities for inpatient treatment or treatment and recuperation.
- (d) *Medical laboratory*. A facility for medical research.
7. *Park and open space*. Park and open space uses focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few

structures. Accessory uses may include clubhouses, swimming pools, playgrounds, tournament and practice ball fields, maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types include, but are not limited to:

- (a) *Cemetery (expansion or modification)*. Expansion or modification of a parcel of land or structure that was established before the effective date of this Code and is dedicated to, and at least a portion of which is being used for, the interment of human or animal remains. A cemetery may include crematories, mausoleums, and columbaria.
 - (b) *Golf course*. An area that is improved with trees, greens, fairways, hazards, and which may include clubhouses.
 - (c) *Open space*. An area that is not developable due to environmental constraints or on which development has been limited for aesthetic, environmental, or recreational purposes. An open space may be included in an open space master plan.
 - (d) *Park or playground (public)*. A recreation facility, recreation center, or park owned or operated by a government agency and available to the general public.
8. *Religious assembly*. Religious assembly facilities are used primarily for non-profit purposes by a recognized and legally established sect to provide assembly and meeting areas for religious activities. Accessory uses include parking, caretaker's housing, buildings ancillary to a religious function, pastor's housing, and group living facilities such as convents. Examples include churches, temples, synagogues, and mosques.
9. *Telecommunication facility*. Telecommunication facilities transmit analog or digital voice or communications information between or among points using electromagnetic signals via antennas, microwave dishes, and similar structures. Supporting equipment includes buildings, shelters, cabinets, towers, electrical equipment, parking areas, and other accessory development. Specific use types include, but are not limited to:
- (a) *Amateur radio antenna, CB antenna, or satellite dish antenna*. Antenna not exceeding 40 feet in height above the ground elevation at the base of the tower, pole, structure, or support.
 - (b) *Tower (commercial, radio, television, relay, cellular, or microwave) over 40 feet*. An antenna in excess of 40 feet in height from the base primarily used for commercial broadcasting or receiving; also referred to as a "microwave tower."
 - (c) *Radio broadcasting without tower*. A building or portion of a building used as a place for radio broadcasting but without a transmission tower.
10. *Transit*. Transit uses include facilities or locations that receive and discharge passengers and at which facilities and equipment required for their operation are provided. Examples include terminals for bus, trolley, taxi, commuter/passenger railroad, shuttle van, or other similar vehicular services. Specific use types include, but are not limited to:
- (a) *Bus terminal*. Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.
 - (b) *Transit station*. A passenger terminal or loading facilities for a

privately or publicly owned transit system, including a private shuttle service.

11. *Utility.* Utility uses include buildings, structures, or other facilities used or intended to be used by any private or public utility. This category includes buildings or structures that house or contain facilities for the operation of water, wastewater, waste disposal, or electricity services. Accessory uses may include control, monitoring, data, or transmission equipment. Specific use types include, but are not limited to:

- (a) *Utility facility, major.* A service of a regional nature that normally entails the construction of new buildings or structures, and may have employees on the site. Examples include, but are not limited to, water works, reservoirs, power or heating plants, electrical transfer and transmission stations, or steam generating plants.
- (b) *Utility facility, minor.* A service that is necessary to support development within the immediate vicinity and that involves only minor structures. Employees typically are not located at the site. Examples include, but are not limited to, electric transformer stations; gas regulator stations; telephone exchange buildings; and well, water, and sewer pumping stations.

C. *Commercial uses.*

1. *Agricultural.* Agricultural uses primarily involve raising, producing, or keeping plants or animals, or cultivation and management of other natural resources or farm products. Accessory uses may include dwellings for proprietors and employees, barns, storage of grain, animal raising, feed preparation, and wholesale sales of

products produced on-site. Specific use types include, but are not limited to:

- (a) *Agricultural cultivation.* The raising of agricultural products for consumption or commercial sale. Products may include, but are not limited to, vegetables, grains, fruits, plants, and other similar products.
- (b) *Agricultural grazing.* The practice of keeping cattle, sheep, horses, or other similar animals on fields for the purpose of grazing and feeding. This term shall not include commercial feed lots.

2. *Animal sales and service.* Animal sales and service uses involve the selling, boarding, or care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include, but are not limited to:

- (a) *Kennel or veterinarian office.* An establishment in which more than four dogs or domesticated animals more than one year old are housed, groomed, boarded, trained, or sold for commercial purposes, and where animals and pets are admitted for examination and medical treatment. The establishment may or may not have outside runs depending on the district in which it is located. This definition shall not include stores where the primary purpose is the retail sale of merchandise and where pet sales, when conducted, are conducted totally within the primary building.

3. *Assembly.* Assembly uses include facilities owned or operated by associations, corporations, or other persons for social, educational, or recreational purposes primarily for

members and their guests. Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking, and maintenance facilities. This definition category shall not be the same as that used in a building code. Specific use types include, but are not limited to:

- (a) *Clubs (service), lodges, sororities, and fraternities.* An organized group having a restricted membership and specific purpose to the welfare of the members such as Lion's Club, Kiwanis, Elks, Masons, and other similar associations.
4. *Financial service.* Financial service uses provide lending, banking, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities. Accessory uses may include automatic teller machines, offices, and parking. Financial institutions may or may not have drive-through service depending on the zoning district in which they are located. Specific use types include, but are not limited to:
- (a) *Automated teller machine.* A device that dispenses cash and conducts limited banking transactions for customers using a credit card, bank card, or other similar personal banking card. These devices, known as automatic teller machines (ATMs), may be part of a bank office, a drive-up banking center, or may be freestanding units in retail centers or within other buildings.
 - (b) *Financial institution.* An establishment that provides banking services, lending, or similar financial services to individuals and businesses. This classifica-

tion includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. The establishment may or may not have drive-through facilities.

- (c) *Alternative financial institution.* An establishment that provides car title loans, payday loans, check cashing services or money transfer services, but is not a state or federally chartered bank, savings and loan institution, credit union or community development financial institution. An alternative financial institution shall not include an establishment or business that provides the described financial services as accessory to another main use.
5. *Food and beverage service.* Food and beverage service businesses serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include:
- (a) *Delicatessen or specialty foods store.* A store that conducts over-the-counter sales of food products and beverages for off-site consumption. Indoor seating of not more than ten percent of the gross floor area may be allowed as accessory to the use. This definition shall not include convenience store.
 - (b) *Nightclub or private club with alcohol beverage sales.* An establishment providing social and/or dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of and permitted under the provisions of, the Texas Alcoholic Beverage Code, as the

same may be hereafter amended, and as it pertains to the operation of private clubs.

- (c) *Restaurant.* An eating establishment where customers are primarily served at tables or self-served and food is consumed on the premises. The establishment may or may not have drive-thru facilities or patio dining depending on the district in which it is located.
6. *Office.* Office uses are characterized by activities generally focusing on business, professional, insurance, or financial services. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include, but are not limited to:
- (a) *Office.* A building used primarily for conducting the affairs of a business, profession, service, or industry, or like activity, that may include ancillary uses such as restaurants, coffee shop, and limited retail sales.
- (b) *Office complex.* A complex of two or more buildings used primarily for conducting the affairs of a business, profession, service, or industry, or like activity, that may include ancillary uses such as restaurants, coffee shop, and limited retail sales.
7. *Parking facility.* Parking facility uses provide lots or structures for the parking of motor vehicles.
- (a) *Commercial parking facility.* A commercial lot or structure designed for the parking of motor vehicles.
- (b) *Interior commercial parking garage.* A fully enclosed structure or facility with one or more levels and used exclusively for the parking of motor vehicles.
8. *Recreation and entertainment, indoor.* Indoor recreation and entertainment uses provide recreation or entertainment activities within an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include, but are not limited to:
- (a) *Recreation and entertainment center.* A place designed and equipped for the conduct of sports, exercise, and/or leisure-time activities.
- (b) *Sexually oriented business.* As defined under Chapter 10 of the Code of Ordinances.
- (c) *Sports arena.* An officially designated area for indoor sports or entertainment.
- (d) *Theater.* A building or part of a building devoted to the showing of motion pictures or live performance.
9. *Recreation and entertainment, outdoor.* Outdoor recreation and entertainment uses provide recreation or entertainment activities outside of an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include, but are not limited to:
- (a) *Carnival or amusement park.* A structure or outdoor area open to the public that provides entertainment or amusement for a fee or admission charge, including, but not limited to, rides, water slides, carnivals, and games of chance.
- (b) *Commercial amusement.* An outdoor area or structure, open to the public, which provides entertainment or amusement for

- a fee or admission charge including, but not limited to, bathing cages, miniature golf, "go-cart" tracks, water slides, carnivals, skateboarding, and swimming pools.
- (c) *Commercial stable.* An area of five or more contiguous acres containing a stable for horses, mules or ponies that are hired, bred, shown or boarded on a commercial basis.
- (d) *Driving range, putting course.* An area of less than 20 acres that includes facilities for driving or putting golf balls, but is not a regulation or conventional golf course.
- (e) *Golf course and country club.* A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts, and similar recreational or service uses.
- (f) *Miniature golf.* A recreational facility, typically comprised of nine or 18 putting small greens, each with a "cup" or "hole," where patrons in groups pay a fee to move in consecutive order from the first hole to the last.
- (g) *Motor raceway.* An outdoor facility for sanctioned competition of racing vehicles, including cars, trucks, motorcycles, and other vehicles designed for racing purposes. A motor raceway includes spectator seating (bleacher-type stands), a racecourse, a paddock area for support crews and maintenance, and racetrack operations offices. Straight "drag-type" race tracks are not included in this definition.
- (h) *Private stable.* An area used solely for the owner's private purposes for the keeping of horses, mules, or ponies, and not kept for remuneration, hire, or sale.
- (i) *Theater, outdoor.* An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or live performances.
10. *Retail (personal service).* Retail (personal service) uses provide individual services related to personal needs directly to customers at the site of the business, or that receives goods from or returns goods to the customer that have been treated or processed at that location or another location. This use shall not include vehicles and equipment uses or sexually oriented uses. No outdoor display is permitted unless specifically authorized by this Code. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale. Specific use types include, but are not limited to:
- (a) *Barbershop or beauty shop.* A facility that provides hair styling, hair coloring, nail care, facials, and other similar salon services. A beauty shop may also include a "day spa" that offers massage treatment or other services related to hygiene or body care, or similar services, but does not include a massage therapy establishment.
- (b) *General personal service establishment.* A business that provides individual services related to personal needs directly to customers at the site of the business, or that receives goods from or returns goods to the customer, which have been treated or processed at that location or another location. This includes travel agencies, dry-

- cleaners, laundries, tailors, toning or tanning salons, photocopy centers, shoe repair shops, interior design studios, and dance and martial arts studios. This does not include convenience stores or gas stations or a "dry cleaning plant or commercial laundry," which is classified as an industrial use under the "manufacturing and production" general use category.
- (c) *Self service laundromat.* A business that provides clothes washing and drying machines for the use of customers, either supervised or unsupervised.
 - (d) *Massage or spa therapy establishment.* Any establishment other than a licensed (by whom) and established medical facility where any person, firm, association, or corporation engages in the activity of massage by a certified (by whom) massage therapist.
 - (e) *Permanent cosmetics.* A facility or use engaged in providing permanent designs or color to a human body in a manner resembling makeup, including, but not limited to, eyeliner, eyebrow, and lips. Such uses may include those engaged in the application of permanent make-up or, changes to a person's appearance through such actions as laser hair removal or botulinum toxin (botox). This is not intended to include procedures requiring a physician.
 - (f) *Tattoo parlor.* A facility or use engaged in placing ink or dye into the skin to create a permanent change in appearance that goes beyond enhancing natural features.
11. *Retail (general).* Retail (general) uses are private enterprises involved in the local and regional sale, lease, or rent of new or used products directly to the general public. This use does not include food service, retail (personal service), construction equipment rental, or recreation uses. No outdoor display or outdoor storage is permitted unless specifically authorized by this Code. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sale. Specific use types include, but are not limited to:
- (a) *Bakery.* A facility for the production, distribution, and sale of baked goods and confectioneries
 - (b) *Building improvement center.* An establishment for the sales of materials and hardware customarily used in the construction of a building and other structures. Outdoor display of goods may or may not be allowed depending on the zoning district.
 - (b-1) *Convenience store.* A store whose inventory primarily includes containerized or dispensed beverages (other than primarily beer and wine), fast foods, snack foods, personal items, and other similar type items. A convenience store must include gas pumps.
 - (c) *General retail.* A commercial enterprise that provides goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the consumer. The term shall include grocery store, department store, specialty store, and similar such uses.
 - (d) *Feed store.* An establishment for the selling of food stuffs for

- animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery. Outdoor display of goods may or may not be allowed depending on the zoning district.
- (e) *Flea market.* An indoor or outdoor premises where the main use is the sale of new or used household goods, personal effects, tools, art work, appliances, and similar merchandise, objects, or equipment in small quantities, in broken stalls, lots, parcels, or in bulk, for the use, sale, or consumption by the immediate purchaser in a building, open air, or partly enclosed booths or stalls not within a wholly enclosed building. The term "flea market" shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal service establishments, food services establishments, and auction establishments. This definition does not pertain to retail sidewalk sales or garage sales.
- (f) *Funeral parlor or mortuary.* A place for the storage of deceased human bodies prior to burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.
- (g) *Greenhouse and/or plant sales.* An establishment, including a building, part of a building or open space, for the growth, display and/or sale of plants, trees, and other materials used in indoor or outdoor landscaping for retail use and sales and incidental wholesale trade.
- (h) *Commercial grower.* The growing, storage, and sale of garden plants, shrubs, trees, or vines for wholesale trade, including incidental retail sales.
- (i) *Pet store.* A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building. Accessory uses may include grooming and retail sales of related merchandise.
- (j) *Print shop.* An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry or government organization.
- (k) *Repair shop.* The maintenance and rehabilitation of appliances customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, and hair dryers.
- (l) *Retail sales or service, incidental.* Retail sales or services incidental to the primary use. Such uses include a barbershop or beauty shop, restaurant, pharmacy, or other incidental activity secondary to the primary occupancy.
- (m) *Small-scale manufacturing for on-site retail sale.* Establishments and businesses that are involved in the small-scale, on-site manufacture of goods that are intended for on-site sales. Examples include, but are not limited to, book binding, candy

making, toy manufacturing, apparel assemblage, food products, furniture making, glass blowing, jewelry and watch, leather goods fabrication, musical instruments manufacturing, sporting goods manufacturing, shoe making, and perfume production.

- (n) *Pawn shop.* A pawn shop is an establishment that has been licensed to transact business by the Consumer Credit Commissioner under Chapter 371 of the Texas Finance Code.
12. *Vehicles and equipment.* Vehicles and equipment uses include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. This category includes automobile parts and sales, new and used automobile sales on the same lot, outside display and storage of vehicles and equipment, heavy machinery sales and service, new and used boat sales and service on the same lot, automobile body repair, automobile assembly, painting, up-

- ing where heavy electronic components are assembled from preassembled or manufactured parts and where a finished component requires heavy truck, rail, or air transportation.
- (b) *Batching or manufacturing plant.* A permanent manufacturing facility for the production of concrete, cement, lime, or asphalt.
- (c) *Dry cleaning plant or commercial laundry.* An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents on a commercial or wholesale basis.
- (d) *Natural gas or petroleum drilling or storage.* A permanent facility for the drilling or storage of fossil fuels and fossil fuel byproducts including, but not limited to, gasoline, diesel fuel, and motor oil. Uses include those that store such products for transportation. Storage of gaseous products such as liquefied natural gas (LNG), compressed natural gas (CNG), butane, and propane for immediate use by the final consumer are not included in this definition.
- (e) *Heavy manufacturing, general.* The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, or that otherwise do not constitute "light manufacturing," or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the lot. Examples include, but are not limited to: battery manufacture, bottling works, production of dairy products, foundry casting, and plastic products manufacturing.
- (f) *Light manufacturing, general.* The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing does not exceed 25 percent of the floor area of all buildings on the lot. Examples include, but are not limited to: book bindery, frozen foods locker, cabinet shops, etc.
- (g) *Research and production of medical, biological, high technology, and similar "clean" manufacturing.* [Reserved.]
3. *Warehouse, freight movement, and trucking facility.* Firms involved in this category are engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will call pickups. There is little on site sales activity with the customer present. Uses may include carting, hauling or storage yards and contractor's shops, large-scale distribution, and warehousing. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include, but are not limited to:
- (a) *Freight or truck terminal.* An area or building where cargo is

- stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis. The use may include facilities for the temporary storage of loads prior to shipment. The use shall also include truck stops or fueling stations where diesel fuel is primarily sold.
- (b) *Mini-warehouse / self storage.* An enclosed permanent facility that provides storage space to the general public on a for-hire basis. Mini-warehouses and self-storage areas may also include vehicle storage for recreational vehicles, boats, and other vehicles. No other business or service may be allowed to operate out of a rented storage space. This definition shall also apply to a use that provides portable containers for storage.
- (c) *Truck stop.* A facility for the fueling of automobiles and heavy trucks. Accessory uses may include a restaurant, retail sales, maintenance facilities, and sleeping and personal hygiene facilities.
- (d) *Wholesale distribution center.* A permanent facility for the storage of products, supplies, and equipment offered for wholesale distribution (not for direct sale to the general public).
- (e) *Office / Warehouse.* An enclosed permanent facility for general storage or warehousing of goods and subordinate office uses not to exceed 20,000 square feet. Little or no sales activity takes place with the exception of will-call pickups.
- (f) *Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products.* A permanent facility for the storage of gasoline, propane, butane, or other petroleum products offered for wholesale distribution (not for direct sale to the general public).
4. *Waste and salvage.* Waste and salvage firms receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products. Specific use types include, but are not limited to:
- (a) *Reclamation facilities.* A facility that collects waste such as oils, grease, fats, human and animal waste for processing and/or transporting to another reclamation center. This use does not include grease traps for commercial establishments, portable or permanent restrooms, or similar uses as determined by the director of planning.
- (b) *Portable recycling collection point.* An incidental use that serves as a drop-off point for temporary storage for recoverable resources, such as newspapers, glassware, plastics, and metal cans. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.
- (c) *Recycling plant.* A facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are

recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production. This facility is not a wrecking yard or a junkyard.

- (d) *Wrecking and salvage yard.* Any lot upon which more than two motor vehicles of any kind, which are incapable of being operated due to condition or lack of license or registration, has been placed for the purpose of obtaining parts for recycling or resale. Building materials, scrap metal, or any other kind of salvage shall also be included in this definition.

(Ord. No. 025-06, § 1(Exh. A), 6-6-2006; Ord. No. 012-08, §§ 23, 24, 4-1-2008; Ord. No. 013-13, § 17, 5-21-2013)

Sec. 77-1105. Other terms defined.

Abutting. The condition of two adjoining properties having a common property line or boundary including cases where two or more lots adjoin a corner, but not including cases where adjoining lots are separated by a street or alley.

Access / accessway. The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Code.

Access controller. The facility controlling vehicular access to private street developments, which may be a mechanism or a manned structure.

Access drive. The drive on which vehicles are allowed ingress and egress to/from a site.

Access road. A road within one mile of the grading site, designated on the approved grading plan, and used during grading for the transport of grading equipment, hauling of fill and other equivalent traffic to and from the grading site.

Accessory building or accessory structure. A permanent building or structure affixed to the ground, subordinate to the primary structure, the use of which is incidental to the dominant use of the primary structure or the premises.

Accessory use. A use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located upon the same lot therewith.

Acreage, net. The total acreage contained within a development, less acreage in required arterial streets, drainage ways and existing permanent land uses.

Acreage, gross. The total acreage contained within a development, including acreage in required arterial streets, drainage ways and existing permanent land uses.

Adjacent. The condition of being near to or close to, but not necessarily sharing a common dividing line (e.g. two properties that are separated only by a street or alley shall be considered as adjacent to one another).

Aircraft. Any airborne vehicle capable of carrying at least one person and shall include, but not be limited to, airplanes, rotorcraft, gliders, hang-gliders, motorized or nonmotorized balloons, dirigibles and blimps. Takeoff and landing of all aircraft is expressly prohibited in all zones unless specifically permitted.

Alley. A minor way that is used primarily for vehicular access to the back or side of properties otherwise abutting on a street.

Alteration. Any change, addition, or modification in construction, structure, or occupancy.

Ambient light. The level of brightness measured in foot-candles of area under normal atmospheric conditions.

Amendment. A change in the wording, context, or substance of this Code, an addition or deletion or a change in the district boundaries or classification upon the district map that imposes any regulation not heretofore imposed or removed, or modifies any such regulations heretofore imposed.

Ancillary use. Uses, whether permitted or conditional, subordinate or secondary to primary, permitted land uses.

Antennae. Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency sig-

nals. Any device, including DBS satellite dishes, used to receive signals from direct broadcast satellites (DBS); multi-channel multipoint distribution providers (MMDP); and television broadcast stations (TVBS).

Antennae, building mounted. Any antenna directly attached or affixed to a building, tank, tower, building-mounted mast, or structure. (Antenna with supports resting directly on the ground are defined as antenna, ground-mounted.)

Antennae, ground-mounted. Any antennae with its physical supporting structure placed directly on the ground.

Applicant. The owner, owner's agent, or city, that has requested an entitlement or change in entitlements.

Approval. A written notice by the city accepting the design, progress or completion or work.

Appurtenance. A functional or ornamental object that is visible and accessory to, and part of, a building or structure.

Automobile. A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including but not limited to the following: passenger cars, trucks, buses, motor scooters, and motorcycles.

Balcony. That portion of a building that projects into the required yard and where the floor height of such projection is not less than four feet above grade.

Basement. That portion of a building underground and having at least one-half of its height measured from its floor to its ceiling below grade. A basement shall be counted as a story if the vertical distance from grade to its ceiling is more than two feet.

Berm. An earthen mound designed to provide visual interest and/or screen undesirable views, decrease noise.

Bicycle parking space. An area designated within a facility for the use of an individual bicycle.

Block. A piece or parcel of land or group of lots entirely surrounded by public streets, streams, railroads or parks or a combination thereof.

Board. The board of adjustment, unless otherwise indicated.

Borrow. Earth material acquired from an off-site location for use in grading a site.

Boulevard tree. A tree planted in a uniform fashion, with regular/equal spacing. This tree type is a variety that develops an overhead, spreading canopy, with a minimum clearance of seven feet from finish grade, at time of planting and at maturity, provides a clear overhead canopy extending over the street.

Brick stone. Hard-fired (kiln-fired) clay or slate material, which meets the latest version of ASTM Standard C216, Standard Specification for Facing Brick (Solid masonry unit made of clay or shale), and shall be severe weather (SW) grade, and Type FBA or FBS or better.

Brushing. The selective removal of vegetation.

Building. Any structure for the shelter, housing, or enclosure of persons, animals, or chattels or property of any kind with the exception of doghouses, playhouses and similar structures. Each portion of a building separated by a dividing wall without openings may be deemed as a separate building for the purpose of issuing building permits.

Building height. Building height is the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

Building line. A line parallel, or approximately parallel, to a lot line at a specific distance therefrom, marking the minimum distance from the lot line that a building may be erected.

Building (main). A building in which the principal use of the lot on which it is situated is conducted. In a residential district, any dwelling shall be deemed to be a main building on the lot on which it is situated.

Chapter 78

BUILDINGS AND BUILDING REGULATIONS***Article I. In General**

- Sec. 78-1. Standard details adopted.
 Sec. 78-2. Conflicts, waivers, interpretation and appeal.
 Sec. 78-3. Reserved.
 Secs. 78-4—78-30. Reserved.

Article II. Building Regulations

Division 1. Generally

- Secs. 78-31—78-50. Reserved.

Division 2. International Building Code

- Sec. 78-51. Adopted.
 Sec. 78-52. Amendments to the International Building Code.
 Secs. 78-53—78-70. Reserved.

Division 3. Residential Code

- Sec. 78-71. International Residential Code adopted.
 Sec. 78-72. Amendments to the Residential Code.
 Secs. 78-73—78-90. Reserved.

Division 4. Uniform Code for the Abatement of Dangerous Buildings

- Sec. 78-91. Adopted.
 Secs. 78-92—78-110. Reserved.

Division 5. Uniform Swimming Pool, Spa, and Hot Tub Code

- Sec. 78-111. Adopted.
 Secs. 78-112—78-140. Reserved.

Article III. Electrical Code

- Sec. 78-141. National Electrical Code adopted.
 Sec. 78-142. Amendments to the National Electrical Code.
 Secs. 78-143—78-170. Reserved.

Article IV. Mechanical Code

- Sec. 78-171. Adopted.
 Sec. 78-172. Amendments to the International Mechanical Code.
 Secs. 78-173—78-200. Reserved.

***Cross references**—Environment, ch. 22; fire prevention and protection, ch. 26; public improvements, ch. 46; solid waste, ch. 50; streets, sidewalks and other public ways, ch. 54; naming and numbering streets and rights-of-way, § 54-81 et seq.; utilities, ch. 70; development code, ch. 77; floods, ch. 82; manufactured homes and parks, ch. 86; vegetation, ch. 98; general construction specifications, pt. III; comprehensive plan, pt. IV; thoroughfare plan, pt. V.

ROWLETT CODE

Article V. Plumbing Code

- Sec. 78-201. Plumbing Code adopted.
- Sec. 78-202. Amendments and deletions.
- Secs. 78-203—78-210. Reserved.

Article VI. Energy Conservation Code

- Sec. 78-211. Energy Conservation Code adopted.
- Sec. 78-212. Amendments to the Energy Conservation Code.
- Secs. 78-213—78-220. Reserved.

Article VII. International Fuel Gas Code

- Sec. 78-221. Adopted.
- Sec. 78-222. Amendments to the International Fuel Gas Code.
- Secs. 78-223—78-230. Reserved.

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- Secs. 78-281—78-310. Reserved.

ARTICLE I. IN GENERAL**Sec. 78-1. Standard details adopted.**

There is hereby adopted by reference the North Central Texas Council of Governments (NCTCOG) Public Works Construction Standards, as amended, and the City of Rowlett Standard Construction Details. Copies of the NCTCOG Public Works Construction Standards and the City of Rowlett Standard Construction Details shall be kept and maintained in the offices of the city secretary and the city's director of public works.

(Ord. No. 001-14, § 3, 1-7-2014)

Editor's note—Ord. No. 001-14, § 3, adopted Jan. 7, 2014, repealed the former § 78-1, and enacted a new section as set out herein. The former § 78-1 pertained to Rowlett Standard Construction Details Code adopted and derived from Ord. No. 39-05, § 1, adopted Aug. 2, 2005.

Sec. 78-2. Conflicts, waivers, interpretation and appeal.

(a) In the event of a conflict or inconsistency between the NCTCOG Public Works Construction Standards and the City of Rowlett Standard Construction Details, the City of Rowlett Standard Construction Details shall prevail and be applicable.

(b) In the event that a standard or requirement is ambiguous or incomplete, the director of public works or his/her designee is delegated the authority to interpret the provisions of the construction standards adopted by this article.

(c) The director of public works or his/her designee may allow exceptions or waivers, or may impose additional reasonable conditions, if appropriate for varying circumstances or site conditions, and if the director's determination will not diminish the effectiveness of the construction.

(d) If the director's interpretation or determination results in substantially greater cost in the design or construction of the project, the interpretation or determination may be appealed to the city manager and the city manager's determination shall be final and binding. In the absence of a substantial cost increase or an appeal as provided for herein, the director's determination shall be final and binding.

(Ord. No. 001-14, § 3, 1-7-2014)

Sec. 78-3. Reserved.

Editor's note—Ord. No. 39-05, § 1, adopted August 2, 2005, repealed § 78-3, which pertained to adoption of design standards for construction of sanitary sewer, water, paving and drainage and derived from Code 1982, § 15-8-1.

Secs. 78-4—78-30. Reserved.**ARTICLE II. BUILDING REGULATIONS****DIVISION 1. GENERALLY****Secs. 78-31—78-50. Reserved.****DIVISION 2. INTERNATIONAL BUILDING CODE****Sec. 78-51. Adopted.**

There is hereby adopted the International Building Code, 2006 Edition, and made a part of this division for all purposes, the same as if copied in full in this division, with the exception of such sections listed in this article, which are hereafter deleted, modified or amended, to regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the city. (Code 1982, § 15-1-1; Ord. No. 02-04-03A, § 1(15-1-1), 2-4-2003; Ord. No. 051-08, § 1, 11-4-2008)

Sec. 78-52. Amendments to the International Building Code.

The following sections, paragraphs, and sentences of the 2006 International Building Code (IBC) are hereby amended as follows: Underlined type is text inserted. Lined through type is deleted text from IBC.

Section 101.4; change to read as follows:

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and

standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

Section 109.3.5; delete.

Section 202; add a new definition to read as follows:

HIGH-RISE BUILDING. A building having any floor used for human occupancy located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

Section 304.1; add the following to the list of occupancies:

Fire stations
Police stations with detention facilities for 5 or less

Section 403.1; change to read as follows:

403.1 Applicability. The provisions of this section shall apply to buildings with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

Section 403.1, exception #3; change to read as follows:

Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1

Section 403.2, exception #2; delete.

Section 404.1.1; change definition of "Atrium" as follows:

ATRIUM. An opening connecting three or more stories . . . {Balance remains unchanged}

Section 406.1.4; add item #4 to read as follows:

4. A separation is not required between a Group R-2 and U carport provided that the carport is non-combustible and entirely open on all sides and that the distance between the two is at least 10 feet (3048 mm).

Section 406.2.7 Change reference section as follows:

406.2.7 Mixed Separation. Parking garages shall be separated from other occupancies in accordance with Section 508.

Section 406.6.1; add a second paragraph to read as follows:

This occupancy shall include garages involved in servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such non-major repair. When the repair garage is only involved in such minor repair, it need not comply with Section 406.6.2.

Section 506.2.2; add a sentence to read as follows:

In order to be considered as accessible, if not in direct contact with a street or fire lane, a minimum 10-foot wide pathway from the street or approved fire lane shall be provided for hose lay measurement pathway requirements.)

Section 508.2.1, change to read as follows:

508.2.1 Occupancy Classification. An incidental use area shall be classified in accordance with the occupancy of that portion of the building in which it is located.

Exception: Incidental use areas within and serving a dwelling unit are not required to comply with this section.

Section 508.3.1 Exception #2: Change to read as follows:

Assembly areas that are accessory to Group E Occupancies are not considered separate occupancies except when applying the assembly occupancy requirements of Chapters 10 and 11.

Table 602; amend footnote b by the addition of the following sentence:

b. For special requirements for Group U occupancies see Section 406.1.2. Group R-3 and Group U when used as accessory to Group R-3, as applicable in 101.2 shall not be required to have a fire-resistance rating where fire separation distance is 3 feet or more. Group R-2 and Group U

carport, as applicable in 406.1.4, exception 4 shall be required to have a fire-resistance rating where fire separation distance is 10 feet or less.

Section 705.11; change the exception to read as follows:

Exception: For other than hazardous exhaust ducts, penetrations by ducts and air transfer openings of . . . {remainder of exception unchanged}.

Section 706.3.9; change to read as follows:

706.3.9 Fire areas. The fire barrier or horizontal assembly, or both, separating occupancies into different fire areas shall have a fire-resistance rating of not less than that indicated in Table 706.3.9 for a single occupancy and the most restrictive value indicated in Table 706.3.9 shall apply to the entire building or portion thereof for a mixed occupancy.

- (3) Was taken back from the consumer or transferee because of a first payment default or agreement to rescind or unwind the transaction.

Yards means the area on the same lot with a manufactured home between the lot line and the front, rear or side of the manufactured home stand. This includes areas which must remain clear of all structures such as enclosed patios, expandable rooms, garage or other additions. (Ord. No. 073-07, § 1, 12-18-2007)

Secs. 86-3—86-30. Reserved.

ARTICLE II. ADMINISTRATION

Sec. 86-31. Preliminary plan.

The developer shall submit a plot plan showing shape, area and size of the site, distance to street intersections, north point, general topography (USGS data sufficient except in cases of extreme or unusual topography), location and grouping of manufactured home lots or stands, and accessory buildings, walks, streets, driveways and parking areas. Exhibits must be sufficient to permit a tentative conclusion as to the acceptability of major elements of the project. (Ord. No. 073-07, § 1, 12-18-2007)

Sec. 86-32. Special use permit to be obtained.

The developer shall apply for a special use permit or other appropriate zoning classification as set out in the Rowlett Development Code. (Ord. No. 073-07, § 1, 12-18-2007; Ord. No. 013-13, § 18, 5-21-2013)

Sec. 86-33. Final plan.

After obtaining appropriate zoning for the mobile home park, the developer shall submit final plans for the development of the property showing, in addition to information required on the preliminary plan, the location, extent and nature of all improvements, both permanent and temporary, proposed on the property. (Ord. No. 073-07, § 1, 12-18-2007)

Sec. 86-34. Operating license.

The mobile home park owner shall be required to obtain an operating license which shall be renewable annually. In order to obtain this license, the mobile home park owner must:

- (1) Be in full compliance with the provisions of the manufactured home regulations of the city, and
- (2) Submit records including the following information on each individual manufactured home owner:
 - a. Name and mailing address;
 - b. Date moved into park;
 - c. Date moved away from park (if applicable);
 - d. Forwarding address (if applicable);
 - e. Size and make of manufactured home and license number.

Figure One

Required Minimum Distance from a Manufactured Home Stand to its Lot Lines and to Other Stands and Buildings

No Graphic Supplied
(Ord. No. 073-07, § 1, 12-18-2007)

Secs. 86-35—86-70. Reserved.

ARTICLE III. REQUIREMENTS

Sec. 86-71. Protection from adverse influences.

Adequate protection from adverse influences shall be provided against any undesirable off-site views or any adverse influence from adjoining streets and areas. (Ord. No. 073-07, § 1, 12-18-2007)

Sec. 86-72. Type of site plan.

Park facilities shall be arranged to create a homelike atmosphere by variations in the street

pattern, block shapes, and location of manufactured home stands. Excess repetition of the principle elements of the plan is not acceptable. (Ord. No. 073-07, § 1, 12-18-2007)

Sec. 86-73. Density.

The density of the park shall be no less than five nor more than eight manufactured home units per gross acre of land. (Ord. No. 073-07, § 1, 12-18-2007)

Sec. 86-74. Minimum lot size.

Each manufactured home lot shall have a minimum width of 40 feet and a minimum depth of 90 feet. Where cluster design is used, yard requirements as shown in Figure 1 shall apply in lieu of the minimum lot size requirements. Yard requirements shown in Figure 1 shall apply for all manufactured home lots. (Ord. No. 073-07, § 1, 12-18-2007)

Sec. 86-75. Distance across streets.

The distance from the line or corner of the manufactured home stand to any stand on the opposite side of a street shall be 36 feet minimum. (Ord. No. 073-07, § 1, 12-18-2007)

Sec. 86-76. Distance from public streets.

No manufactured home stand shall be located closer than 20 feet to a dedicated public street or right-of-way. (Ord. No. 073-07, § 1, 12-18-2007)

Sec. 86-77. Recreation facilities.

(a) The size of the recreation area shall be not less than eight percent of the gross area of the mobile home park and shall be devoted to recreational facilities, generally provided in a central location or, in large courts, decentralized. Recreation area includes space for community buildings and community-use facilities, such as guest parking, adult recreation and child play areas, swimming pools, utilities and drying yards.

(b) In larger parks the required eight percent recreation area may be divided into two or more separate areas to better serve all residents of the mobile home park.

(Ord. No. 073-07, § 1, 12-18-2007)

Sec. 86-78. Management office and other common facilities.

Each mobile home park shall provide a management office and laundry facilities.

(1) *Location.* The structures containing the management office and other common facilities shall be conveniently located for the uses intended. Consolidation of laundry, recreation, management and other common facilities in a single location is permissible if consolidation will adequately serve all manufactured home lots.

(2) *Guest or common parking area.* Guest and common area parking shall be provided at the ratio of one parking space per five manufactured home stands in the mobile home park.

(Ord. No. 073-07, § 1, 12-18-2007)

Sec. 86-79. Access to public streets.

(a) No direct access to public streets shall be allowed from individual manufactured home lots.

(b) Access into and out of the mobile home park shall be designed such that outside traffic will be prevented or discouraged from passing through the park.

(Ord. No. 073-07, § 1, 12-18-2007)

Sec. 86-80. Underground utilities.

All utilities shall be installed underground.

(Ord. No. 073-07, § 1, 12-18-2007)

Sec. 86-81. Foundation skirts.

Foundation skirts shall be installed on each manufactured home.

(Ord. No. 073-07, § 1, 12-18-2007)

Sec. 86-82. Vehicular access and service.

Drainage and garbage collection right-of-way, fire lanes, and utility easements shall be provided

PART III
RESERVED*

***Editor's note**—Ord. No. 001-14, § 1, adopted Jan. 7, 2014, repealed Part III, which contained general construction specifications and derived from Ord. No. 6-18-81a, adopted June 18, 1981; Ord. No. 7-19-94C; and Ord. No. 7-20-99C, § 1, adopted July 20, 1999.

PART VI
RESERVED*

***Editor's note**—Ord. No. 013-13, § 19, adopted May 21, 2013, repealed Part VI, which contained the downtown land use plan and derived from Ord. No. 11-05-02B, adopted November 5, 2002.

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		5		77-303.B.1.(b), Table 3.4-1
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		7		77-303.C.7.
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		9		77-401, Table 4.1-1
		10		77-401, Table 4.1-3
		11		77-504.D.—F, H.
		12		77-506.H.1.(a), (c)
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			Added 6-283(7)
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Flaggers required.	78-267(d)	Flood hazard reduction	
Flares required	78-267(c)	Standards for areas of shallow flooding (AO/AH zones)	82-50
WATER AND SEWERS			
Development code			
Subdivision and land development			
Required improvements	77-604		



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75030-0099
www.rowlett.com

AGENDA DATE: 07/15/14

AGENDA ITEM: 7C

TITLE

Consider action to approve a resolution accepting the bid of and awarding a contract to SunTrust Equipment Finance & Leasing Corporation in the amount of \$445,682, utilizing an interest rate of 1.38 percent for the five year lease-purchase financing of water meters and authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said purchase.

STAFF REPRESENTATIVE

Alan Guard, Chief Financial Officer
Tim Rogers, Director of Public Works
Allyson Wilson, Purchasing Agent

SUMMARY

The purpose of this item is to provide five year lease-purchase financing for the purchase of water meters for the Public Works Department.

BACKGROUND INFORMATION

On June 17, 2014, the City Council approved Resolution Number RES-051-14 for the purchase of 2,951 water meters from Aqua Metric Sales Company in the amount of \$431,903.72.

The purchase of the water meters was discussed with the City Council at the Work Session held on June 3, 2014.

DISCUSSION

Pursuant to approval, the Purchasing Division proceeded with processing competitive sealed bids for the five year lease-purchase financing on the ERP System.

Notice to bidders for the five year lease-purchase financing was advertised in the *Rowlett Lakeshore Times* on June 12 and 19, 2014. The bid documents were also placed on the City website. Sealed bids were received in the Purchasing Office until 2:00 p.m., June 26, 2014, and then publicly opened and read aloud in the City Annex Conference Room in accordance with Texas Local Government Code.

Bids were received from two vendors ranging in price from \$445,682 to \$466,266.98. The low bid is from SunTrust Equipment Finance & Leasing Corporation in the amount of \$445,682, utilizing an interest rate of 1.38 percent. The annual payment is \$89,086.40, which will be due beginning October 15, 2014, and on the same month and day for each subsequent year thereafter. The total amount of the first year cost is the annual payment of \$89,336.40 due to a one-time escrow fee of two hundred fifty dollars (\$250).

A bid summary is shown below:

- \$445,682.00 (1.38%) SunTrust Equipment Finance & Leasing Corp
- \$466,266.98 (2.60%) Government Capital Corporation

The City of Rowlett has conducted business previously with SunTrust Equipment Finance & Leasing Corporation and currently has a master contract in place for leasing transactions. A supplemental agreement will be presented to the City for review. Modifications will be made to the supplemental agreement for this transaction that are acceptable to and approved by City Attorney David Berman.

The cost of the financing is \$13,778.28 for the five year term of the lease.

FINANCIAL/BUDGET IMPLICATIONS

City Council directed staff to lease/purchase the meters and MXUs. Funding in the amount of \$95,472 will be included in the FY2015 budget for the first of five lease-purchase payments for Public Works Water/Wastewater Administration in account 160-4562-500-7405. The annual payment will be due beginning October 15, 2014, and on the same month and day for each subsequent year thereafter.

Budget Account Number and/or Project Code	Account or Project Title	Budget Amount	Proposed Amount
160-4562-500-7405	Purchased Services – Contractual Lease Payments	\$95,472.00	\$89,336.40
Total		\$95,472.00	\$89,336.40

Increasing Lease Payment Schedule for Water Meter Program (as shown to Council on 6/3/14. This overall amount will be due to the favorable bids for this purchase.) As the program progresses, an additional lease payment will be added each year until the fifth year. There will then be five lease payments each year going forward as one rolls off and a new one is initiated.

Year	FY2015	FY2016	FY2017	FY2018	FY2019	Total
FY2015	\$95,472	\$95,472	\$95,472	\$95,472	\$95,472	\$477,360
FY2016		95,472	95,472	95,472	95,472	381,888
FY2017			95,472	95,472	95,472	286,416
FY2018				95,472	95,472	190,944
FY2019					95,472	95,472
Total	\$95,472	\$190,944	\$286,416	\$381,888	\$477,360	\$1,432,080

RECOMMENDED ACTION

City staff recommends the City Council adopt a resolution accepting the bid of and awarding a contract to SunTrust Equipment Finance & Leasing Corporation in the amount of \$445,682, utilizing an interest rate of 1.38 percent for the five year lease-purchase financing of water meters and authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said purchase.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, ACCEPTING THE BID OF AND AWARDING A CONTRACT TO SUNTRUST EQUIPMENT FINANCE & LEASING CORPORATION IN THE AMOUNT OF \$445,682 UTILIZING AN INTEREST RATE OF 1.38 PERCENT FOR THE FIVE YEAR LEASE-PURCHASE FINANCING OF WATER METERS; AND AUTHORIZING THE CITY MANAGER, AFTER CITY ATTORNEY APPROVAL, TO EXECUTE THE NECESSARY DOCUMENTS FOR SAID PURCHASE AND THE ISSUANCE OF PURCHASE ORDERS PURSUANT TO APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to lease-purchase finance the water meters which was approved by Resolution Number RES-051-14 on June 17, 2014; and

WHEREAS, the Purchasing Division has obtained competitive bids and recommends the bid award for five year lease-purchase financing of the water meters to SunTrust Equipment Finance & Leasing Corporation, who is the lowest bidder meeting specifications as per Bid # 2014-31; and

WHEREAS, the City Council of the City of Rowlett, Texas desires to award the bid to SunTrust Equipment Finance & Leasing Corporation in the amount of \$445,682 utilizing an interest rate of 1.38 percent and a first year annual payment of \$89,336.40 and annual payments of \$89,086.40 for years two through five.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:

Section 1: That the City Council of the City of Rowlett does hereby accept the bid of and award a contract to SunTrust Equipment Finance & Leasing Corporation for the five year lease-purchase financing in the amount of \$445,682 utilizing an interest rate of 1.38 percent for the purchase of water meters.

Section 2: That the City Council of the City of Rowlett does hereby authorize the City Manager, after City Attorney approval, to execute the necessary documents for said purchase, and to issue purchase orders, to conform to this resolution as appropriate thereto.

Section 3: This resolution shall become effective immediately upon its passage.

ATTACHMENT

Exhibit A – Bid Tabulation



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 07/15/14

AGENDA ITEM: 7D

TITLE

Consider action to approve a resolution amending a Communication Facility License Agreement with T-Mobile West Corporation for communication facilities located at Fire Station #3, 8000 Princeton Road.

STAFF REPRESENTATIVE

Marc Kurbansade, Director of Development Services

SUMMARY

The City of Rowlett initially approved a Communication Facility License Agreement with T-Mobile West on November 7, 2007 (RES-173-07), to allow a cellular communications tower and associated equipment to be located on a portion of the property for Fire Station #3 at 8000 Princeton Road. A subsequent Communication Facility License Agreement was approved with Clear Wireless on August 4, 2009 (RES-095-09), to allow Clear Wireless to also locate on this communications tower.

The purpose of this item is to amend the original agreement with T-Mobile West to allow them to extend the height of the existing tower by 10-feet resulting in a new overall height of 90-feet. T-Mobile West would occupy the new tallest 10-foot section on the tower.

BACKGROUND INFORMATION

On November 7, 2007, City Council approved a Communication Facility License Agreement with T-Mobile West to allow a cellular communications tower and associated equipment to be constructed on a portion of the property occupied by Fire Station #3 at 8000 Princeton Road. This original agreement permitted the construction of a tower 80-feet tall that would house three carrier locations. Based on this agreement, T-Mobile was to be located in the highest two tower locations, and the third highest location would be allowed to be leased by the City to another carrier. On August 4, 2009, City Council approved an agreement with Clear Wireless to be located at the second highest location on the tower.

In late 2013/early 2014, T-Mobile approached the City about locating equipment/antennas at the second highest location on the tower, and were notified that the City leased that location to Clear Wireless in 2009. The proposed amendment being considered at this meeting would ameliorate the situation by allowing T-Mobile to have equipment/antennas at a new higher location.

DISCUSSION

The new equipment and antenna that would be a result, if the proposed Communication Facility License Agreement amendment is approved, would be located at Fire Station #3 at 8000 Princeton Road. The existing facilities are located in the rear of the property, a minimum of 50-feet from the nearest single-family residential property line (See Attachment 1). The nearest single-family residential home is approximately 76-feet from the communications tower.

As stated in the Background section of this report, an extension 10-feet in length would be added to the top of the existing tower, thus increasing the overall height from 80-feet to 90-feet. This would permit T-Mobile to occupy this new position.

It should be noted that the original tower was engineered with an internal flange at 40-feet; therefore allowing the tower to buckle and fold at this point should some "external force" impact this tower. This design was purposeful to allow a break-point in the tower.

In summary, this item simply attempts to correct past action whereby providing T-Mobile a new location to be constructed on the existing tower that is more advantageous for their coverage goals than the second highest location that was previously leased to Clear Wireless.

FINANCIAL/BUDGET IMPLICATIONS

There is no financial impact from this item as T-Mobile's original agreement already provided two cabinets. Instead, this item provides the ability for T-Mobile to acquire space for additional equipment above the top cabinet rather than immediately below.

RECOMMENDED ACTION

Staff recommends Council approve a resolution amending a Communication Facility License Agreement with T-Mobile West Corporation for communication facilities located at Fire Station #3, 8000 Princeton Road.

RESOLUTION

A RESOLUTION OF THE CITY OF ROWLETT, TEXAS, AMENDING A COMMUNICATION FACILITY LICENSE AGREEMENT WITH T-MOBILE WEST CORPORATION TO REPLACE THE SITE PLAN ATTACHED THERETO AS EXHIBIT A WITH A REVISED SITE PLAN; AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE SUCH DOCUMENTS AS MAY BE NECESSARY AND APPROPRIATE TO GIVE EFFECT TO THE APPROVAL HEREIN; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rowlett has previously approved a Communication Facility License Agreement on January 11, 2007, by Resolution Number RES-173-07, whereby a cell tower communications facility was constructed by T-Mobile West Corporation, dedicated to the City, and leased back to T-Mobile; and

WHEREAS, T-Mobile desires to modify the existing cell tower so as to add an additional equipment cabinet and antenna, and the City Council desires to authorize an amendment to the Communication Facility License Agreement.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:

Section 1. That the City Council of the City of Rowlett, Texas, hereby approves an amendment to the Communication Facility License Agreement by replacing the site plan attached to said Agreement as Exhibit "A" with a new site plan, attached to this Resolution and incorporated herein as Exhibit "A," without amendment to any other part or provision of said Agreement.

Section 2. That the City Council authorizes the City Manager to sign and execute such documents as may be necessary and appropriate to give effect to the approval herein.

Section 3. That all provisions of the resolutions of the City of Rowlett in conflict with the provisions of this resolution, including but not limited to Resolution No. RES 173-07, be and the same are hereby repealed and all other provisions of the ordinances and resolutions of the City of Rowlett not in conflict with the provisions hereof shall remain in full force and effect.

Section 4. That if any section, sentence, clause, or phrase of this resolution is for any reason held to be unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this resolution, it being the legislative intent that the provisions of this resolution are severable and that the resolution shall continue in effect notwithstanding the invalidity of such section, sentence, clause, or phrase.

Section 5. This Resolution shall take effect immediately from and after its passage and the publication of the caption as the law and Charter in such cases provide.

ATTACHMENTS

Exhibit A – Site Plan

Attachment 1 – Proximity to Adjacent Property Line

REVISION	DATE	DESCRIPTION
0	4/10/14	PRELIMINARY CD
1	4/14/14	FINAL CD
2	4/30/14	REVISED FINAL CD

BROADUS services

4 COUNTRY PLACE CIRCLE
DALLWORTHINGTON GARDENS
TEXAS 76016

EPB ASSOCIATES, INC.

Consulting Engineers
15000 Highway 100
5001 Lakewood Drive
Dallas, Texas 75240
(972) 232-5485

T-Mobile

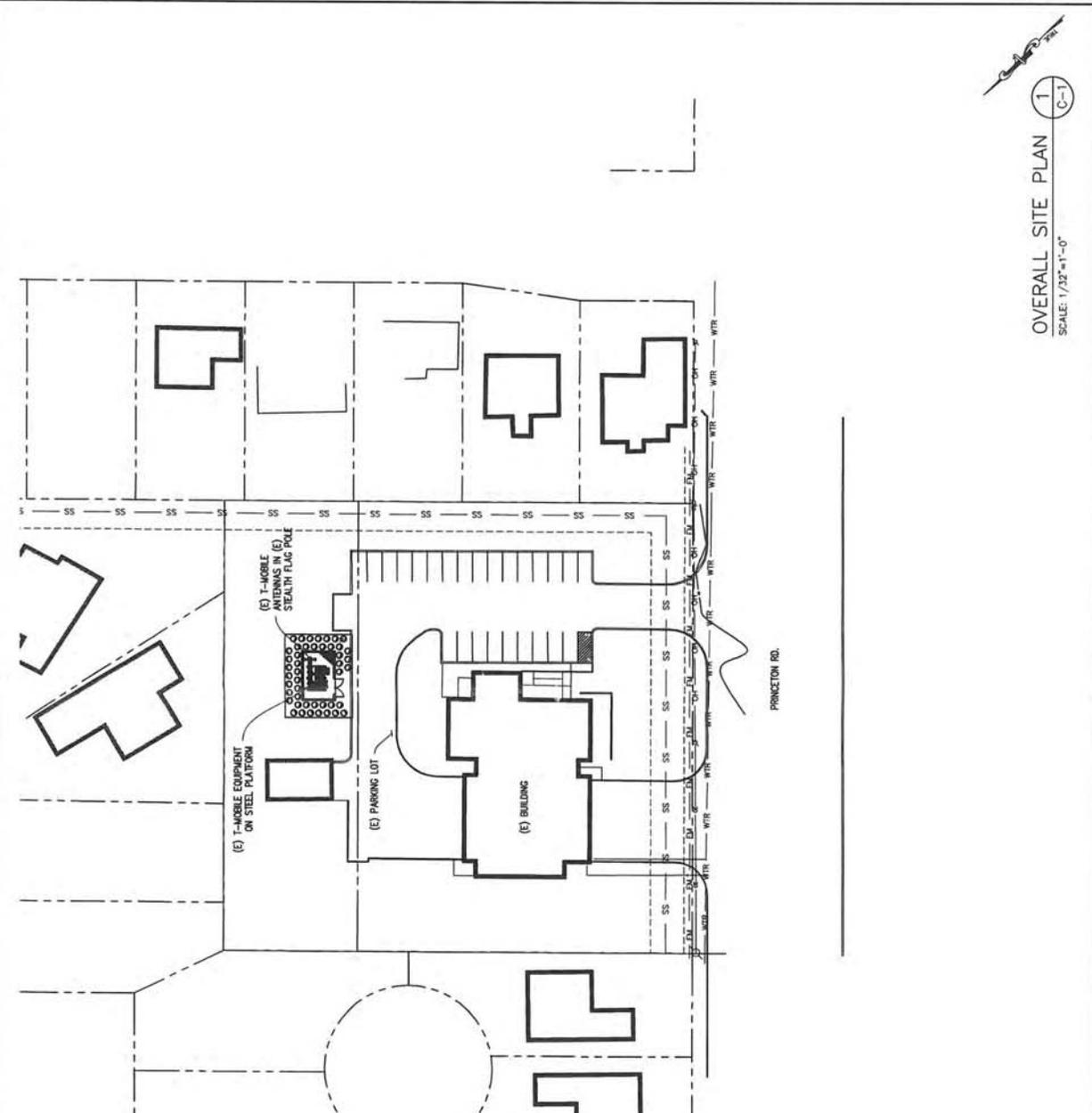
DUKE BRIDGES CAMPUS
7668 WARREN PARKWAY
FMSCO, TX 75034
OFFICE: (972) 464-3510

SITE NUMBER: DA018548
SITE NAME: ROWLETT
FIRE STATION #3
SITE ADDRESS: 8000 PRINCETON RD.
ROWLETT, TX 75089



SHEET #:
OVERALL SITE PLAN

C-1



OVERALL SITE PLAN
SCALE: 1/32"=1'-0"
1
C-1

- NOTES TO GENERAL CONTRACTOR**
- INSTALL AND POWER THE ND SUPPLIED WITH THE BBU.
 - INSTALL ALL FUSES INSIDE THE BBU FOR THE GNT.
 - LEAVE THE BBU (INCLUDING FSME) FULLY POWERED AFTER CONSTRUCTION IS COMPLETE.
 - VERIFY ROUTING AND INSTALL CAT V AND CAT VI CABLE AS NEEDED (VERIFY CENA OR OTHER LEC DENMARC) THE CABLES NEED TO BE ROUTED TO.
 - HAVE POST CONSTRUCTION COMPLETION WALK WITH LOCAL TECH AND TMO PM (VERIFY IT INSTALL).
 - SEND RET. DOWNTILT PICS. AND SWEEPS WITHIN 48 HOURS AFTER CONSTRUCTION IS COMPLETE.

REV	BY	DESCRIPTION	DATE
0	JAL	PRELIMINARY CD	4/10/14
1	JAL	FINAL CD	4/14/14
2	JAL	REVISED FINAL CD	4/30/14

JOB NUMBER: DA018548

CHECKED BY: EL APPROVED BY: EPB

DRAWN BY: JJ REVIEWED BY: EL

BROADUS services

4 COUNTRY PLACE CIRCLE
DALLINGTON GARDENS
TEXAS 76016

EPB ASSOCIATES, INC.

Consulting Engineers
P.O. Box 1000
5001 Lakewood Drive
Dallas, Texas 75240
(972) 331-5480

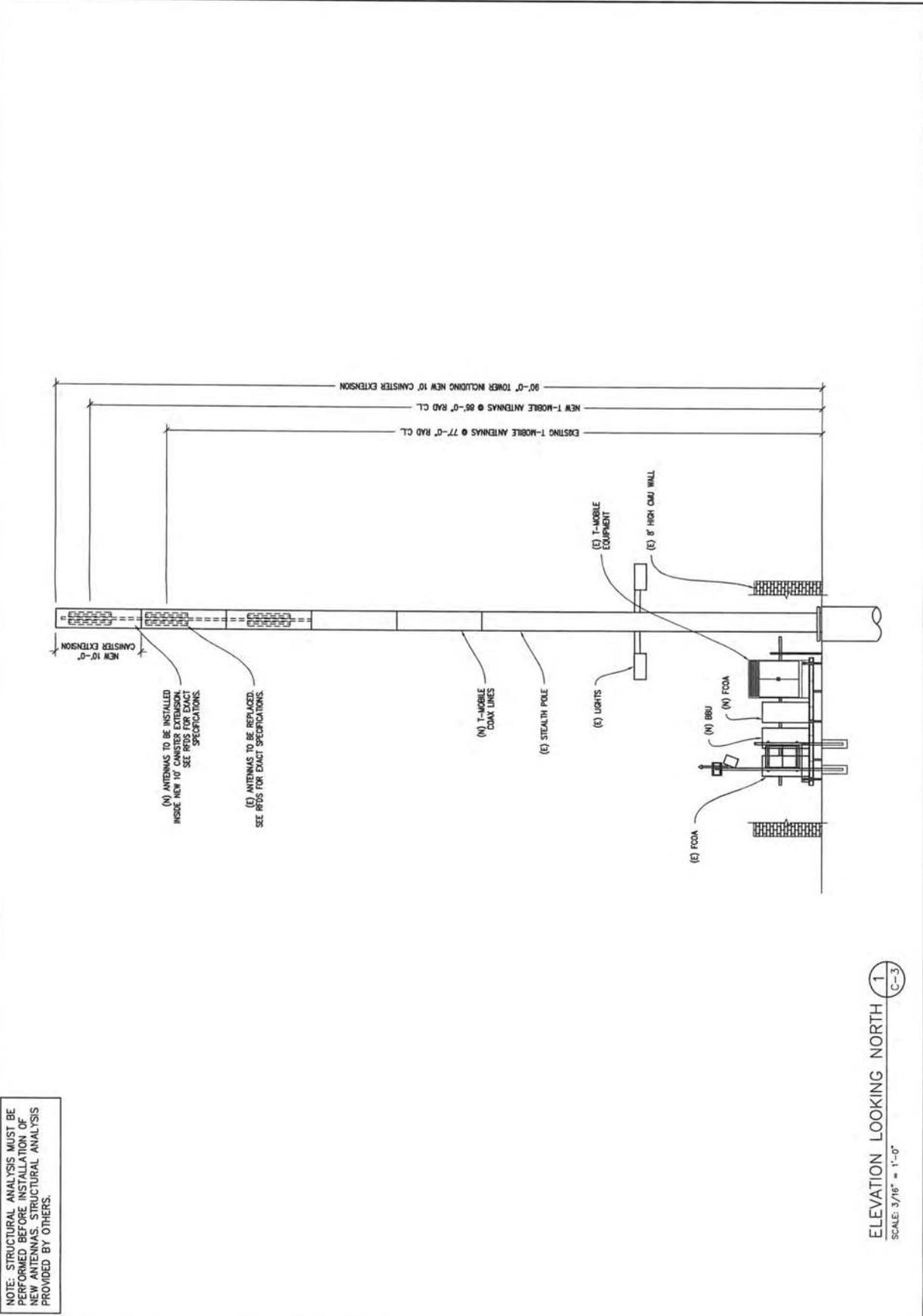
T-Mobile

DUKE BRIDGES CAMPUS
7688 WARREN PARKWAY
FORSYTH, TX 75034
OFFICE: (972) 464-3510

SITE NUMBER: DA018548
SITE NAME: ROWLETT
FIRE STATION #3
SITE ADDRESS: 8000 PRINCETON RD.
ROWLETT, TX 75089



SHEET NAME: ELEVATION
SHEET #: C-3



NOTE: STRUCTURAL ANALYSIS MUST BE PERFORMED BEFORE INSTALLATION OF NEW ANTENNAS. STRUCTURAL ANALYSIS PROVIDED BY OTHERS.



City of Rowlett
Staff Report

4000 Main Street
P.O. Box 99
Rowlett, TX 75080-0099
www.rowlett.com

AGENDA DATE: 07/15/14

AGENDA ITEM: 8A

TITLE

Consider adoption of an ordinance authorizing the issuance and sale of City of Rowlett, Texas Waterworks and Sewer System Revenue Bonds, Series 2014; providing an effective date; and enacting other provisions relating to the subject.

STAFF REPRESENTATIVE

Alan Guard, Chief Financial Officer

BACKGROUND / HISTORY

The City of Rowlett last issued water and sewer revenue bonds on August 27, 2012, totaling \$8.5 million and conducted a refunding of \$7.9 million combination of general obligation bonds and water and sewer revenue bonds November 19, 2013.

POLICY EXPLANATION

Principal and interest payments on water and sewer revenue bonds for the Utility Enterprise Fund are scheduled to decrease in FY2015. The payments will decrease \$728,627 in FY2015. This provides an opportunity for the City of Rowlett to issue additional debt without having an impact on rates.

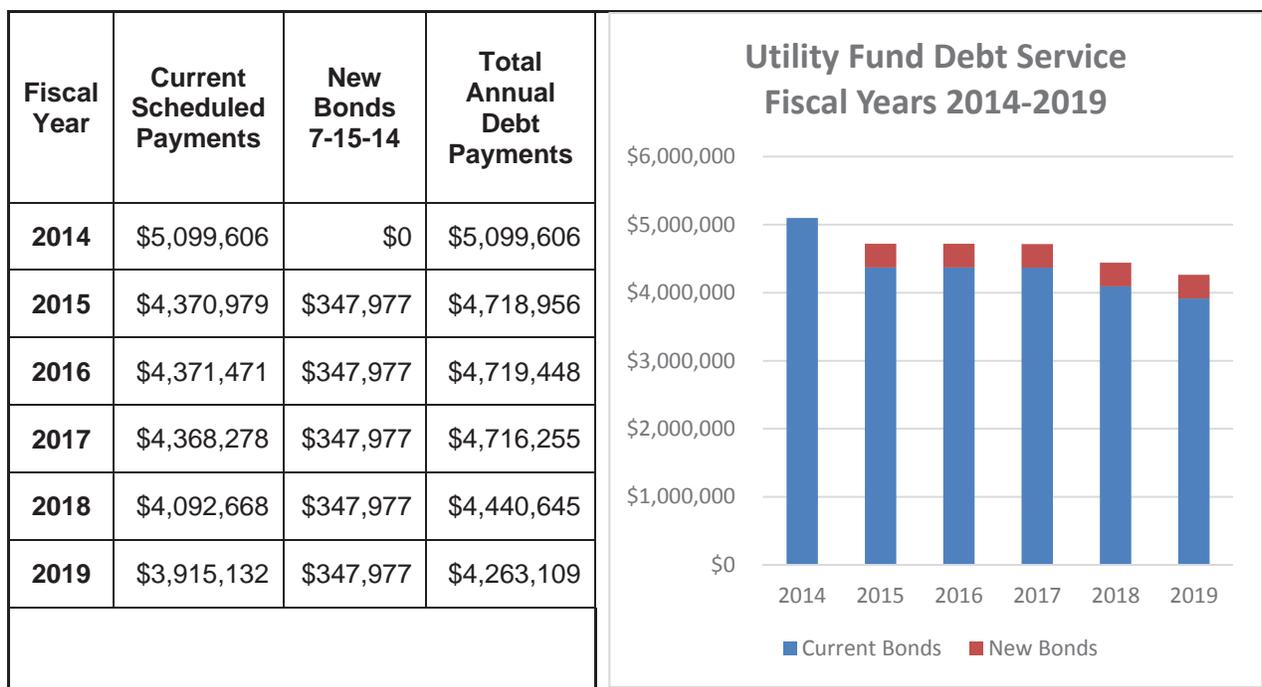
Revenue bonds are different from other governmental type debt, such as general obligation bonds or certificates of obligation, which require the City to pledge its full faith and credit and utilize taxes to support the debt. Revenue bonds, on the other hand, pledge the revenue stream of the source backing the debt, such as water and sewer revenues. As a result, they are not contingent upon property taxes.

Revenue bonds are also different in that they require several key “covenants”, or promises, to protect the bondholders. The City of Rowlett meets each of the bond covenants listed below and will continue to meet the covenants with the issuance of the new bonds. These covenants are as follows:

- Rate maintenance – City pledges to set adequate rates sufficient to earn a minimum of 1.2 times the amount of the annual debt service. This pledge is based on the “net revenues” of the system defined as gross revenues less expenses other than depreciation.
- Bond reserve fund – City pledges to maintain an amount of cash to be set aside for the protection of the bondholders equal to the average annual debt service.
- Bond sinking fund – City pledges to set aside 1/12 of the annual debt service each month in a sinking fund to ensure the semi-annual payments can be made.

Finally, due to the nature of the supporting infrastructure and the need to protect the health, safety and welfare of citizens and customers, revenue bonds are explicitly permissible to be issued without voter approval. Section 7.01 of the Rowlett City Charter states that “the City shall have the right and power to issue tax bonds, revenue bonds, and any other evidences of indebtedness for permanent public improvements or for any other public purpose not prohibited by law or this Charter...”. Furthermore, this section requires an affirmative vote of at least 80 percent of the Councilmembers present to approve the bonds.

In FY2014, the declining debt service frees up about \$591,670 in annual debt service payments. In addition, the City has issued three bond refundings that have saved the City \$136,957, for a total of \$728,627 annually over the remaining life of the bonds. The current five year schedule and impact of the new bonds are as follows:



Because of the change in debt service, the City may issue additional revenue bonds for capital construction. As a result, staff has included the restoration of that debt service in FY2014 as part of the budget process for planning purposes and has included those additional bond proceeds as part of the proposed Two-Year Capital Improvements Plan in order to continue addressing water pressure in the upper pressure plane zone. The FY2014 budget originally included a planned sale of \$10 million of revenue bonds. However, due to the pace of construction for the Upper Pressure Zone, staff is recommending reducing the sale to \$5 million and selling the additional \$5 million at some point in FY2015 or early FY2016.

As indicated above, the Proposed Budget includes a Two-Year Capital Improvements Plan for FY2014-FY2015 that anticipates the issuance of the water and sewer bonds to continue addressing water pressure issues in the upper pressure plane zone. The chart below itemizes those capital projects, sewer line along State Highway 66.

Project	FY2013
PGBT Water & Miller Heights to RHS	\$360,000
Big A Road Water Line Improvements	1,260,000
16" Water Line Miller RR-PGBT	450,000
12" Water Line Miller east of Chiesa	300,000
State Hwy 66 E Sewer Line	850,000
12" Water Line Boyd (LLP)	625,000
12" Water Line - Dalrock and Chiesa	<u>1,155,000</u>
Total cost of projects	<u>\$5,000,000</u>
	New Bonds to be issued

FISCAL IMPACT

The Proposed Budget for FY2014 includes debt service payments of \$5,099,606 in a/c#160-6069-500-7920. The proposed schedule, even with the new debt, is anticipated to be \$380,650 lower at approximately \$4,718,956 due to paying off older debt and bond refundings in FY2012 and FY2014. The actual debt service will not be known until the City's financial advisors, First Southwest, price the bonds on July 15, 2014.

The total cost of the projects to be supported by this new debt issuance is \$4,860,000, which is the target goal for the sale of the bonds. The City maintains an AA- bond rating from Standard and Poors for its utility revenue bond debt. Each bond issuance is evaluated to determine if the purchase of bond insurance saves enough interest to justify the cost of the bond insurance. In a recent governmental bond refunding, the City's AA- rating was high enough that the additional cost of bond insurance was not necessary. Given the relatively low interest rates in the market today, it is possible that the same will hold true for this bond issuance although the City will not know for sure until the day the bonds are priced, or July 15th.

STAFF RECOMMENDATION

Staff recommends adoption of an ordinance authorizing the issuance and sale of City of Rowlett, Texas Waterworks and Sewer System Revenue Bonds, Series 2014.

ORDINANCE

[See Exhibit A, Attached to this Staff Report]

ATTACHMENT

Exhibit A – Ordinance Authorizing the Issuance and Sale of City of Rowlett, Texas Waterworks and Sewer System Revenue Bonds, Series 2012.

ORDINANCE NO. _____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROWLETT, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2014; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT**

THE STATE OF TEXAS	§
COUNTIES OF DALLAS AND ROCKWALL	§
CITY OF ROWLETT	§

WHEREAS, Chapter 1502, Texas Government Code, as amended, provides that the governing body of a municipality may issue public securities for the public purposes of acquiring, constructing, installing and equipping additions, improvements and extensions to the City's waterworks and sewer system, and the City Council (the "City Council") of the City of Rowlett, Texas (the "City") finds and determines that it is necessary, useful and appropriate for the City to authorize and provide for the issuance and sale of revenue bonds of the City for such purposes, as hereinafter provided; and

WHEREAS, it is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Ordinance, was given, all as required by the applicable provisions of Tex. Gov't Code Ann. ch. 551; Now, Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:

Section 1. RECITALS, AMOUNT AND PURPOSE OF THE BONDS. The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section. The bonds of the City of Rowlett, Texas (the "Issuer") are hereby authorized to be issued and delivered in the aggregate principal amount of \$4,795,000 for the public purposes of acquiring, constructing, installing and equipping additions, improvements and extensions to the City's waterworks and sewer system and paying the costs incurred in connection with the issuance of the Bonds (collectively, the "Project").

Section 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND MATURITIES AND INTEREST RATES OF BONDS. Each bond issued pursuant to this Ordinance shall be designated: "CITY OF ROWLETT, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BOND, SERIES 2014," and initially there shall be issued, sold, and delivered hereunder one fully registered bond, without interest coupons, dated July 15, 2014, in the principal amount stated above and in the denominations hereinafter stated, numbered T-1, with bonds issued in replacement thereof being in the denominations and principal amounts hereinafter stated and numbered consecutively from R-1 upward, payable to the respective Registered Owners thereof (with the initial bond being made payable to the initial purchaser as described in Section 13 hereof), or to the registered assignee or assignees of said bonds or any portion or portions thereof (in each case, the "Registered Owner"), and said bonds shall mature and be payable serially on March 1 in each of the years and in the principal amounts, respectively, and shall bear interest from the dates set forth in the FORM OF BOND set forth in Section 4 of this Ordinance to their respective dates of maturity or redemption prior to maturity at the rates per annum, as set forth in the following schedule:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2015	160,000		2025	235,000	
2016	175,000		2026	245,000	
2017	175,000		2027	255,000	
2018	180,000		2028	265,000	
2019	185,000		2029	280,000	
2020	195,000		2030	290,000	
2021	200,000		2031	305,000	
2022	205,000		2032	320,000	
2023	215,000		2033	335,000	
2024	225,000		2034	350,000	

The term "Bonds" as used in this Ordinance shall mean and include collectively the bonds initially issued and delivered pursuant to this Ordinance and all substitute bonds exchanged therefor, as well as all other substitute bonds and replacement bonds issued pursuant hereto, and the term "Bond" shall mean any of the Bonds.

Section 3. CHARACTERISTICS OF THE BONDS.

(a) Appointment of Paying Agent/Registrar. The Issuer hereby appoints U.S. Bank National Association, Dallas, Texas, to serve as paying agent and registrar for the Bonds (the "Paying Agent/Registrar"). The Mayor or City Manager is authorized and directed to execute and deliver in the name and on behalf of the Issuer a Paying Agent/Registrar Agreement with the Paying Agent/Registrar in substantially the form presented at this meeting.

(b) Registration, Transfer, Conversion and Exchange. The Issuer shall keep or cause to be kept at the corporate trust office of the Paying Agent/Registrar books or records for the registration of the transfer, conversion and exchange of the Bonds (the "Registration Books"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the Issuer and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of each registered owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The Issuer shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Bond or Bonds. Registration of assignments, transfers, conversions and exchanges of Bonds shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Order. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

(c) Authentication. Except as provided in subsection (l) of this section, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign said Bond, and no such Bond shall be deemed to be issued or outstanding unless such Bond is so executed. The Paying

Agent/Registrar promptly shall cancel all paid Bonds and Bonds surrendered for conversion and exchange. No additional ordinances, orders or resolutions need be passed or adopted by the governing body of the Issuer or any other body or person so as to accomplish the foregoing conversion and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution and delivery of the substitute Bonds in the manner prescribed herein. Pursuant to Subchapter D, Chapter 1201, Texas Government Code, the duty of conversion and exchange of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Bond, the converted and exchanged Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which initially were issued and delivered pursuant to this Order, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(d) Payment of Principal and Interest. The Issuer hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Bonds, all as provided in this Order. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the Paying Agent/Registrar with respect to the Bonds, and of all conversions and exchanges of Bonds, and all replacements of Bonds, as provided in this Order. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each registered owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(e) Payment to Registered Owner. Notwithstanding any other provision of this Order to the contrary, the Issuer and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Registration Books as the absolute owner of such Bond for the purpose of payment of principal and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the registered owners, as shown in the Registration Books as provided in this Order, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to payment of principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner, as shown in the Registration Books, shall receive a Bond certificate evidencing the obligation of the Issuer to make payments of principal and interest pursuant to this Order.

(f) Paying Agent/Registrar. The Issuer covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the Issuer will provide a competent and legally qualified bank, trust company, financial institution or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Order, and that the Paying Agent/Registrar will be one entity. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Order, and a certified copy of this Order shall be delivered to each Paying Agent/Registrar.

(g) Substitute Paying Agent/Registrar. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 120 days written notice to the Paying Agent/Registrar, to be effective not later than 60 days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Issuer covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Order. Upon any change in the Paying Agent/Registrar, the previous

Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar.

(g) Book-Entry Only System. The Bonds issued in exchange for the Bonds initially issued to the purchaser or purchasers specified herein shall be initially issued in the form of a separate single fully registered Bond for each of the maturities thereof and the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company of New York ("DTC"), and except as provided in subsections (i) and (j) of this Section, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

(h) Blanket Letter of Representations. The previous execution and delivery of the Blanket Letter of Representations with respect to obligations of the Issuer is hereby ratified and confirmed; and the provisions thereof shall be fully applicable to the Bonds. Notwithstanding anything to the contrary contained herein, while the Bonds are subject to DTC's Book-Entry Only System and to the extent permitted by law, the Letter of Representations is hereby incorporated herein and its provisions shall prevail over any other provisions of this Order in the event of conflict.

(i) Bonds Registered in the Name of Cede & Co. With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created ("DTC Participant") to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a registered owner of Bonds, as shown on the Registration Books, of any notice with respect to the Bonds, or (iii) the payment to any DTC Participant or any other person, other than a registered owner of Bonds, as shown in the Registration Books of any amount with respect to principal of or interest on the Bonds. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Order with respect to interest checks being mailed to the registered owner at the close of business on the Record date, the words "Cede & Co." in this Order shall refer to such new nominee of DTC.

(j) Successor Securities Depository; Transfers Outside Book-Entry Only System. In the event that the Issuer determines that DTC is incapable of discharging its responsibilities described herein and in the representation letter of the Issuer to DTC or that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, the Issuer shall (i) appoint a successor securities depository, qualified to act as such under Section 17A of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names registered owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Order.

(k) Payments to Cede & Co. Notwithstanding any other provision of this Order to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the representation letter of the Issuer to DTC.

(l) General Characteristics of the Bonds. The Bonds (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the Registered Owners thereof, (ii) may and shall be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be converted and exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Bonds shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the Issuer shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF BOND set forth in this Order. The Bonds initially issued and delivered pursuant to this Order is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in conversion of and exchange for any Bond or Bonds issued under this Order the Paying Agent/Registrar shall execute the Paying Agent/Registrar's Authentication Certificate, in the FORM OF BOND set forth in this Order.

(m) Cancellation of Initial Bonds. On the closing date, one initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the order of the initial purchaser of the Bonds or its designee, executed by manual or facsimile signature of the President and Secretary of the Board, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to such purchaser or its designee. Upon payment for the initial Bond, the Paying Agent/Registrar shall insert the Issuance Date on Bond No. TCAB-1, cancel each of the initial Bonds and deliver to The Depository Trust Company ("DTC") on behalf of such purchaser one registered definitive Bond for each year of maturity of the Bonds, in the aggregate principal amount of all of the Bonds for such maturity, registered in the name of Cede & Co., as nominee of DTC. To the extent that the Paying Agent/Registrar is eligible to participate in DTC's FAST System, pursuant to an agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Bonds in safekeeping for DTC.

Section 4. FORM OF BONDS. The form of the Bonds, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Bonds initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

(a) Form of Bond.

NO. R-	UNITED STATES OF AMERICA STATE OF TEXAS CITY OF ROWLETT, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BOND SERIES 2014	PRINCIPAL AMOUNT \$ _____
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Interest Rate	Delivery Date	Maturity Date	CUSIP No.
	July 15, 2014	March 1, _____	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

ON THE MATURITY DATE specified above, the City of Rowlett, in Dallas and Rockwall Counties, Texas (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on the Maturity Date specified above, the Principal Amount specified above. The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the Delivery Date at the Interest Rate per annum specified above. Interest is payable on March 1, 2015 and semiannually on each September 1 and March 1 thereafter to the Maturity Date specified above, or the date of redemption prior to maturity; except, if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the principal corporate trust office of U.S. Bank National Association, Dallas, Texas, which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the ordinance authorizing the issuance of this Bond (the "Bond Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the registered owner hereof, at its address as it appeared on the fifteenth day of the month preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Bond appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

ANY ACCRUED INTEREST due at maturity or upon the redemption of this Bond prior to maturity as provided herein shall be paid to the registered owner upon presentation and surrender of this Bond for redemption and payment at the principal corporate trust office of the Paying Agent/Registrar. The Issuer covenants with the registered owner of this Bond that on or before each principal payment date, interest payment date, and accrued interest payment date for this Bond it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Bond Ordinance, the amounts required

to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due.

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day that is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND is one of a series of Bonds dated July 15, 2014, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$4,795,000 for the public purposes of acquiring, constructing, installing and equipping additions, improvements and extensions to the City's waterworks and sewer system and paying the costs incurred in connection with the issuance of the Bonds.

ON MARCH 1, 2024, or on any date thereafter, the Bonds of this series may be redeemed prior to their scheduled maturities, at the option of the Issuer, with funds derived from any available and lawful source, as a whole, or in part, and, if in part, the particular Bonds, or portions thereof, to be redeemed shall be selected and designated by the Issuer (provided that a portion of a Bond may be redeemed only in an integral multiple of \$5,000), at a redemption price equal to the principal amount to be redeemed plus accrued interest to the date fixed for redemption.

AT LEAST 30 days prior to the date fixed for any redemption of Bonds or portions thereof prior to maturity a written notice of such redemption shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, at least 30 days prior to the date fixed for any such redemption, to the registered owner of each Bond to be redeemed at its address as it appeared on the 45th day prior to such redemption date; provided, however, that the failure of the registered owner to receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof that are to be so redeemed. If such written notice of redemption is sent and if due provision for such payment is made, all as provided above, the Bonds or portions thereof that are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Bond Ordinance.

IF AT THE TIME OF MAILING of notice of optional redemption there shall not have either been deposited with the Paying Agent/Registrar or legally authorized escrow agent immediately available funds sufficient to redeem all the Bonds called for redemption, such notice may state that it is conditional, and is subject to the deposit of the redemption moneys with the Paying Agent/Registrar or legally authorized escrow agent at or prior to the redemption date, and such notice shall be of no effect unless such moneys are so deposited on or prior to the redemption date. If such redemption is not effectuated, the Paying Agent/Registrar shall, within five days thereafter, give notice in the manner in which the notice of redemption was given that such moneys were not so received and shall rescind the redemption.

ALL BONDS OF THIS SERIES are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Bond Ordinance, this Bond may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered Bonds, without interest coupons, payable to the appropriate registered owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate registered owner, assignee or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Bond Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Bond may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the registered owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Bond or portion thereof will be paid by the Issuer. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, conversion, or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or (ii) with respect to any Bond or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Bond Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the registered owners of the Bonds.

IT IS HEREBY certified, recited and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; that this Bond and all of the bonds of the series of which it is a part constitute special obligations of the Issuer, and, together with certain Outstanding Parity Bonds defined and described in the Ordinance, are payable as to both principal and interest solely from and equally secured by a first lien on and pledge of the Net Revenues of the Issuer's combined Waterworks and Sewer System. Reference is hereby made to the Ordinance for a more complete statement of the covenants and provisions securing the payment of this Bond and the series of which it is one.

THE ISSUER EXPRESSLY RESERVES the right to issue further and additional special revenue obligations equally secured by a lien on and pledge of the net revenues of the Issuer's combined Waterworks and Sewer System on a parity with the Bonds of this issue; provided, however, that any and all such additional parity obligations may be issued only in accordance with and subject to the covenants, conditions, limitations and restrictions relating thereto which are set out and contained in the Ordinance, to which reference is hereby made for more complete and full particulars.

THE HOLDER HEREOF shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation.

THE ISSUER HAS RESERVED THE RIGHT to amend the Bond Ordinance as provided therein, and under some (but not all) circumstances amendments thereto must be approved by the registered owners of a majority in aggregate principal amount of the outstanding Bonds.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Bond Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Bond Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the Issuer, and agrees that the terms and provisions of this Bond and the Bond Ordinance constitute a contract between each registered owner hereof and the Issuer.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed with the manual or facsimile signature of the Mayor of the Issuer (or in the Mayor's absence, by the Major Pro Tem) and countersigned with the manual or facsimile signature of the City Secretary of said Issuer, and has caused the official seal of the Issuer to be duly impressed, or placed in facsimile, on this Bond.

(signature)
City Secretary

(signature)
Mayor

(SEAL)

(b) Form of Paying Agent/Registrar's Authentication Certificate.

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE
(To be executed if this Bond is not accompanied by an executed Registration
Certificate of the Comptroller of Public Accounts of the State of Texas)

It is hereby certified that this Bond has been issued under the provisions of the Bond Ordinance described in the text of this Bond; and that this Bond has been issued in conversion or replacement of, or in exchange for, a Bond, Bonds, or a portion of a Bond or Bonds of a series that originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated: _____.

U.S. BANK NATIONAL ASSOCIATION
Dallas, Texas
Paying Agent/Registrar

By: _____
Authorized Representative

(c) Form of Assignment.

ASSIGNMENT
(Please print or type clearly)

For value received, the undersigned hereby sells, assigns and transfers
unto: _____

Transferee's Social Security or Taxpayer Identification Number: _____

Transferee's name and address, including zip code: _____

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a securities transfer association recognized signature guarantee program.

NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

(d) Form of Registration Certificate of the Comptroller of Public Accounts.

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. _____

I hereby certify that this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this _____.

Comptroller of Public Accounts of the State of

Texas

(COMPTROLLER'S SEAL)

(e) Initial Bond Insertions.

(i) The initial Bond shall be in the form set forth in paragraph (a) of this Section, except that:

A. immediately under the name of the Bond, the headings "Interest Rate" and "Maturity Date" shall both be completed with the words "As shown below" and "CUSIP No. _____" shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"THE CITY OF ROWLETT, TEXAS, in Dallas and Rockwall Counties, Texas (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on March 1 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Years

Principal Installments

Interest Rates

(Information from Section 2 to be inserted)

The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from July 15, 2014 at the respective Interest Rate per annum specified above. Interest is payable on March 1, 2015, and semiannually on each September 1 and March 1 thereafter to the date of payment of the principal installment specified above, or the date of redemption prior to maturity; except, that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full."

C. The Initial Bond shall be numbered "T-1."

Section 5. SECURITY FOR THE BONDS.

(a) The Bonds herein authorized are "Additional Parity Bonds" as described in the ordinances authorizing the Outstanding Parity Bonds, and the principal thereof and the interest thereon, together with the principal of and interest on the Outstanding Parity Bonds, are and shall be payable from and secured by an irrevocable first lien on and pledge of the Net Revenues to be derived from the operation and/or ownership of the System.

(b) The Bonds and the interest thereon are special obligations of the City payable solely from the Net Revenues, and the Owners thereof shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation.

Section 6. DEFINITIONS, PLEDGE, FUNDS AND ACCOUNTS AND APPLICATION OF MONEY.

(a) Definitions. Unless otherwise expressly provided or unless the context clearly requires otherwise, in this Ordinance the following terms shall have the meanings specified below:

"Additional Parity Bonds" means the additional parity bonds and obligations permitted to be issued or entered into under the provisions of this Ordinance and the ordinances authorizing the Outstanding Parity Bonds.

"Average Annual Debt Service" means that average amount which, at the time of computation, will be required to pay the Debt Service of obligations when due and derived by dividing the total of such Debt Service by the number of years then remaining before final maturity. Capitalized interest payments provided from bond proceeds shall be excluded in making the aforementioned computation.

"Bond Fund" means the interest and sinking fund described in Sections 6(c) and 6(e).

"Bonds Similarly Secured" means the Outstanding Parity Bonds, the Bonds and Additional Parity Bonds.

"Debt Service" means, as of any particular date of computation, with respect to any obligations and with respect to any period, means the aggregate of the amounts to be paid or set aside by the City as of such date or in such period for the payment of the principal of, premium, if any, and interest (to the extent not capitalized) on such obligations; assuming, in the case of obligations without a fixed numerical rate, that such obligations bear, or would have borne, interest at the highest rate reached, or that would have been applied to such obligations (using the index or measure for computing interest applicable to such obligations) during the twenty-four (24) month period next preceding the date of computation, and further assuming in the case of obligations required to be redeemed or prepaid as to principal prior to maturity, the principal amounts thereof will be redeemed prior to maturity in accordance with the mandatory redemption provisions applicable thereto.

"Fiscal Year" means the twelve month period used by the City in connection with the operation of the System, which may be any twelve consecutive month period established by the City.

"Gross Revenues" means, with respect to the System, all income, receipts and revenues of every nature derived or received from the operation and ownership (excluding refundable meter deposits, restricted gifts and grants) of the System, including earnings and income derived from the investment or deposit of moneys in any special funds or accounts created and established by the City for the payment and security of obligations payable solely from and secured only by a lien on and pledge of the Net Revenues.

"Maintenance and Operating Expenses" means all current expenses of operating and maintaining the System, including all salaries, labor, materials, repairs and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the City Council, reasonably and fairly exercised, are necessary to maintain the operations and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair obligations payable from Net Revenues shall be deducted in determining "Net Revenues." Depreciation shall never be considered as an expense of Maintenance and Operation. Maintenance and Operating Expenses shall include payments under contracts for the purchase of water supply or treatment of sewage or other materials, goods or services for the System to the extent authorized by law and the provisions of such contract.

"Net Revenues" means the Gross Revenues of the System, with respect to any period, after deducting the System's Maintenance and Operating Expenses during such period.

"Outstanding" means, when used in this Ordinance with respect to Bonds, as of the date of determination, all Bonds theretofore issued and delivered under this Ordinance, except:

- (1) those Bonds cancelled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;

- (2) those Bonds deemed to be paid by the City in accordance with the provisions of Section 9, provided that, if such Bonds are to be redeemed, notice of redemption thereof shall have been duly given pursuant to this Ordinance or irrevocably provided to be given to the satisfaction of the Paying Agent/Registrar, or waived; and

- (3) those Bonds that have been mutilated, destroyed, lost, or stolen and replacement Bonds have been registered and delivered in lieu thereof as provided in Section 10.

"Outstanding Parity Bonds" means the outstanding and unpaid obligations of the following series: City of Rowlett, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2004; City of Rowlett, Texas Waterworks and Sewer System Revenue Bonds, Series 2004A; Waterworks and Sewer System Revenue Refunding Bonds, Series 2005; City of Rowlett, Texas Waterworks and Sewer System Revenue Bonds, Series 2005A; City of Rowlett, Texas Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2006; and City of Rowlett, Texas Waterworks and Sewer System Revenue Bonds, Series 2012.

"Owner" means the person who is the registered owner of a Bond or Bonds, as shown in the Register.

"Parity Revenue Bonds" means the Outstanding Parity Bonds, the Bonds and Additional Parity Bonds.

"Reserve Fund" means the reserve fund described in Sections 6(c) and 6(f).

"System" means all properties, facilities and plants currently owned, operated and maintained by the City for the supply, treatment and transmission of treated potable water and the collection, treatment and disposal of water-carried wastes, together with all future extensions, improvements, replacements and additions thereto; provided, however, that notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term "System" shall not mean to include facilities of any kind which are declared not to be a part of the System and which are acquired or constructed by or on behalf of the City with the proceeds from the issuance of "Special Facilities Bond," which are hereby defined as being special revenue obligations of the City which are not Bonds Similarly Secured but which are payable from and secured by other liens on and pledges of any revenues, sources or payments, not pledged to the payment of the Bonds Similarly Secured including, but not limited to, special contract revenues or payments received from any other legal entity in connection with such facilities.

"System Fund" means the revenue fund described and confirmed in Section 6(d).

(b) Pledge. The City hereby covenants and agrees that the Net Revenues, with the exception of those in excess of the amounts required to establish and maintain the special Funds created for the payment and security of the Bonds Similarly Secured, are hereby irrevocably pledged for the payment of the Bonds Similarly Secured, and the interest thereon, and it is hereby ordained that the Bonds Similarly Secured, and the interest thereon, shall constitute a first lien upon the Net Revenues.

Article 1208, Government Code, applies to the issuance of the Bonds and the pledge of the Net Revenues granted by the Issuer under this Section, and is therefore valid, effective, and perfected. Should Texas law be amended at any time while the Bonds are outstanding and unpaid, the result of such amendment being that the pledge of the Net Revenues granted by the Issuer under this Section is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, in order to preserve to the registered owners of the Bonds a security interest in said pledge, the Issuer agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing of a security interest in said pledge to occur.

(c) Special Funds. To provide for the payment and security of the Bonds Similarly Secured, the following special funds heretofore created and established in connection with the Outstanding Parity Bonds, are hereby reaffirmed and shall continue to be kept and maintained as set forth below:

(i) City of Rowlett Waterworks and Sewer System Interest and Sinking Revenue Bond Fund, hereinafter called the "Bond Fund." This fund shall be kept and maintained at a depository bank of

the City, and moneys deposited in this fund shall be used to pay principal of and interest on the Bonds similarly Secured when and as the same become due and payable; and

(ii) City of Rowlett Revenue Bond Reserve Fund, hereinafter called the "Reserve Fund." This fund shall be kept and maintained at a depository bank of the City, and moneys deposited in this fund shall be used to pay principal and interest on the Bonds Similarly Secured falling due at any time when there is insufficient money available in the Bond Fund.

(d) System Fund. The City hereby covenants and agrees and reaffirms with the registered owners of the Outstanding Parity Bonds that Gross Revenues of the System (excluding earnings and income derived from investments held in the Bonds Fund and Reserve Fund) shall be, as collected, deposited into a separate account maintained with an official depository bank of the City and known as the "Water and Sewer System Fund" (herein called the "System Fund") and such revenues of the System shall be kept separate and apart from all other funds of the City. All revenues deposited in the System Fund shall be pledged and appropriated to the extent required for the following uses and in the order of precedence shown:

FIRST: To the payment of all necessary and reasonable Maintenance and Operating Expenses of the System, as defined herein or required by statute to be a first charge on and claim against the Gross Revenues thereof.

SECOND: To the payment of the amounts required to be deposited in the Bond Fund for the payment of Debt Service on the Bonds Similarly Secured as the same becomes due and payable.

THIRD: To the payment of the amounts required to be deposited in the Reserve Fund to establish and maintain the Required Reserve in accordance with the provisions of this Ordinance or any other ordinance relating to the issuance of Bonds Similarly Secured.

Any Net Revenues remaining in the System Fund after satisfying the foregoing payments, or making adequate and sufficient provision for the payment thereof, may be appropriated and used for any other City purpose now or hereafter permitted by law.

(e) Bond Fund. For purposes of paying the principal of and interest on the Bonds as the same becomes due and payable, the City hereby covenants and agrees to cause to be deposited to the Bond Fund from the Net Revenues of the System an amount which, together with the amounts required to be deposited into the Bond Fund by the ordinances authorizing the issuance of the Bonds Similarly Secured, is equal to one hundred per centum (100%) of the amount required to fully pay such principal and interest falling due on the Bonds Similarly Secured on or before each maturity and interest payment date, such payments to be made in substantially equal monthly installments on or before the last day of each month and beginning on or before the last day of the month next following the month in which the Bonds are delivered.

The monthly deposits to the Bond Fund for the payment of principal of and interest on the Bonds shall continue to be made as hereinabove described until such time as the total amount on deposit in said Fund and the Reserve Fund is equal to the amount required to pay all outstanding Bonds Similarly Secured (principal and interest) or the Bonds are no longer Outstanding. Also, accrued interest and premium, if any, received from the purchaser of the Bonds, as well as earnings derived from the investment of moneys in the Bond Fund and any proceeds of the Bonds not required to accomplish the purposes for which the Bonds were issued, shall be deposited in the Bond Fund, and shall be taken into consideration and reduce the amount of the monthly deposits hereinabove required which would otherwise be required to be deposited in the Bond Fund from the Net Revenues.

(f) Reserve Fund. The City hereby covenants and agrees to accumulate and maintain in the Reserve Fund as a reserve for the payment of Bonds Similarly Secured an amount (hereinafter called the "Required Reserve") equal to not less than the Average Annual Debt Service of Outstanding Bonds Similar Secured (calculated on a fiscal year basis and determined as of the date the last series of Bonds Similarly Secured are delivered or incurred, as the case may be). The Required Reserve shall be used solely for the payment of the principal of and interest on Bonds Similarly Secured when other funds available therefor are insufficient and, in addition, may be used to the extent not required to maintain the "Required Reserve," to pay, or provide for the payment of, the final principal amount of a series of Bonds Similarly Secured so that such series of Bonds Similarly Secured is no longer deemed to be "Outstanding" as such term is defined herein with reference to the Bonds.

In addition to the sums prescribed in the ordinances for the Outstanding Parity Bonds, the City shall deposit into the Reserve Fund on or before the last day of each month, beginning on or before the last day of the month next following the month in which the Bonds are delivered, from available Net Revenues of the System an equal amount per month which will within five calendar years of the date of the Bonds accumulate the additional amount, if any, required to be on deposit in the Reserve Fund as a result of the issuance of the Bonds. So long as the money and investments in the Reserve Fund total not less than the Required Reserve, no additional deposits need be made to the credit of the Reserve Fund, but when and if the Reserve Fund at any time contains less than the Required Reserve (other than as a result of the issuance of Additional Parity Bonds as provided in Section 7 hereof), the City covenants and agrees to cure the deficiency in the Required Reserve by resuming monthly deposits to said Fund from the Net Revenues, such monthly deposits to be in amounts equal to not less than 1/60th of the then total Required Reserve to be maintained in said Fund and to be made on or before the last day of each month until the total Required Reserve then to be maintained in said Fund has been fully restored, and the City hereby covenants and agrees that, subject only to the payments to be made to the Bond Fund, the Net Revenues of the System shall be applied and appropriated and used to establish and maintain the Required Reserve and cure any deficiency in such amount as required by the provisions of this Ordinance and any other ordinance pertaining to obligations the payment of which are secured by the Required Reserve. During such time as the Reserve Fund contains the total Required Reserve, the City may, at its option, withdraw all surplus in the Reserve Fund in excess of the Required Reserve and deposit such surplus in the System Fund; provided, that any such surplus attributable to proceeds of bonds may be used only for the purposes for which such bond proceeds may be used.

(g) Deficiencies in Funds. If in any month the City shall, for any reason, fail to pay into the Bond Fund or the Reserve Fund the full amounts above stipulated, amounts equivalent to such deficiencies shall be set apart and paid into said funds from the first available Net Revenues of the System, or from any other sources available for such purpose, in the following month or months and such payments shall be in addition to the amounts hereinabove provided to be otherwise paid into said funds during such month or months.

(h) Excess Revenues. Any revenues in excess of those required to establish and maintain the special funds as above provided may be used for any lawful purpose.

(i) Security of Funds. All moneys on deposit in the funds referred to in this Ordinance shall be secured in the manner and to the fullest extent required by the laws of the State of Texas for the security of public funds, and moneys on deposit in such funds shall be used only for the purposes permitted by the ordinances authorizing the issuance of Bonds Similarly Secured.

(j) Investments.

(i) Money in any Fund established pursuant to this Ordinance may, at the option of the City, be placed in time deposits (in authorized depositories of the City) or certificates of deposit secured

(to the extent not insured by the Federal Deposit Insurance Corporation) by obligations of the type hereinafter described, or be invested, including investments held in book-entry form, in direct obligations of the United States of America and obligations guaranteed or insured by the United States of America, which, in the opinion of the Attorney General of the United States, are backed by its full faith and credit or represent its general obligations; provided that all such deposits and investments shall be made in such a manner that the money required to be expended from any Fund will be available at the proper time or times. Such investments (except State and Local Government Series investments held in book entry form, which shall at all times be valued at cost) shall be valued in terms of current market value within 45 days of the close of each Fiscal Year and, with respect to investments held for the account of the Reserve Fund, within 30 days of the date of passage of each ordinance authorizing the issuance of Additional Parity Bonds.

(ii) Any securities or obligations in which money is so invested shall be kept and held in trust for the benefit of the Owners and shall be sold and the proceeds of sale shall be timely applied to the making of all payments required to be made from the fund from which the investment was made.

(k) Investment Income. All interest and income derived from deposits and investments in the Bond Fund immediately shall be credited to, and any losses debited to, the Bond Fund. All interest and interest income derived from deposits in and investments of the Reserve Fund shall, subject to the limitations provided in Section 6(f) hereof, be credited to and deposited in the System Fund.

Section 7. ADDITIONAL BONDS. In addition to the right to issue obligations of inferior lien as authorized by the laws of the State of Texas, the City hereby reserves the right to issue additional obligations which, when duly authorized and issued in compliance with the terms and conditions hereinafter appearing, shall be on a parity with the Bonds, payable from and equally secured by a first lien on and pledge of the Net Revenues of the System. The additional obligations may be issued in one or more installments provided, however, that none shall be issued unless and until the following conditions have been met:

(a) The Finance Director of the City (or other officer of the City then having the primary responsibility for the financial affairs of the City) shall have executed a certificate stating (a) that, to the best of his knowledge and belief, the City is not then in default as to any covenant, obligation or agreement contained in any ordinance or other proceeding relating to any obligations of the City payable from and secured by a lien on and pledge of the Net Revenues of the System that would materially affect the security or payment of such obligations and (b) either (i) payments into all special funds or accounts created and established for the payment and security of all outstanding obligations payable from and secured by a lien on and pledge of the Net Revenues of the System have been made and that the amounts on deposit in such special funds or accounts are the amounts then required to be on deposit therein or (ii) the application of the proceeds of sale of such obligations then being issued will cure any such deficiency.

(b) The additional obligations are made to mature March 1 or September 1 of each of the years in which they are scheduled to mature.

(c) The City has secured from a Certified Public Accountant a certificate or opinion showing that, according to the books and records of the City, the Net Earnings for either (i) the last completed Fiscal Year, or (ii) a consecutive twelve-month period out of the last fifteen months immediately preceding the month the ordinance authorizing the issuance of the Additional Parity Bonds is adopted, are equal to at least (i) 1.25 times the Average Annual Debt Service of all Bonds Similarly Secured which will be outstanding after giving effect to the issuance of the Additional Parity Bonds then being issued and (ii) 1.10 times the maximum annual Debt Service payment to be paid in a Fiscal Year for the outstanding Bonds Similarly Secured after

giving effect to the issuance of the Additional Parity Bonds then being issued. In making a determination of the Net Earnings, the Accountant may take into consideration a change in the rates and charges for services and facilities afforded by the System that became effective at least sixty (60) days prior to the date the ordinance authorizing the issuance of the Additional Parity Bonds is adopted and, for purposes of satisfying the above Net Earnings test, make a pro forma determination of the Net Earnings of the System for the period of time covered by his certification or opinion based on such change in rates and charges being in effect for the entire period covered by the Accountant's certificate or opinion.

(d) As used in this Section, the Term "Net Earnings" shall mean the Gross Revenues of the System after deducting the Maintenance and Operating Expenses of the System, but not depreciation charges or other expenditures which, under generally accepted accounting principles, should be treated as capital expenditures.

(e) The ordinance authorizing the additional obligations makes provision for deposits to be made into:

(i) The Bond Fund established for the payment of Bonds Similarly Secured of amounts adequate to pay the principal and interest requirements of the additional obligations as the same becomes due; and

(ii) The Reserve Fund of an additional amount so that the total amount to be accumulated in such Fund will be equal to not less than the average annual principal and interest requirement for all Bonds Similarly Secured to be outstanding after giving effect to the issuance of the proposed additional obligations (such average annual requirement to be calculated on a Fiscal Year basis as of the date of delivery of the proposed additional obligations). Any additional amount required to be deposited in the Reserve Fund shall be required (by such authorizing ordinance) to be accumulated therein within five calendar years of the date of such proposed additional obligations.

(f) Bonds Similarly Secured may be refunded (pursuant to any law then available) upon such terms and conditions as the City Council may deem to the best interest of the City and its inhabitants, and if less than all such outstanding Bonds Similarly Secured are refunded the proposed refunding bonds shall be considered as "Additional Parity Bonds" under the provisions of this Section and the certificate required in subdivision (c) shall give effect to the issuance of the proposed refunding bonds (and shall not give effect to the bonds being refunded following their cancellation or provision being made for their payment).

Section 8. PARTICULAR REPRESENTATIONS AND COVENANTS

(a) Rates and Charges. The City further covenants and agrees with the Owners that, so long as any of the Bonds Similarly Secured remain outstanding and unpaid, it shall fix and maintain rates and collect charges for the facilities and services afforded by the System that are reasonably expected, on the basis of available information and experience and with due allowance for contingencies, to produce Gross Revenues in each Fiscal Year sufficient at all times:

(i) To pay all Maintenance and Operating Expenses, depreciation charges and replacement and betterment costs;

(ii) To produce Net Revenues sufficient to pay the principal of and interest on the Bonds Similarly Secured and the amounts required to be deposited into the special funds created and established for the payment and security of the Bonds Similarly Secured, and to pay any other legally incurred indebtedness payable only from and secured solely by a lien on and pledge of the Net Revenues of the System.

(iii) To produce Net Revenues equal to at least 1.20 times the Debt Service due and payable on outstanding Bonds Similarly Secured.

(b) Maintenance and Operation; Insurance. The City hereby covenants and agrees that the System shall be maintained in good condition and operated in an efficient manner and at reasonable cost. So long as any of the Bonds Similarly Secured are outstanding, the City agrees to maintain casualty and other insurance on the System of a kind and in an amount customarily carried by municipal corporations owning and operating similar properties. Nothing in this Ordinance shall be construed as requiring the City to expend any funds which are derived from sources other than the operation of the System but nothing herein shall be construed as preventing the City from doing so.

(c) No Free Service. The City covenants and agrees that no free service shall be allowed, and should the City or any of its agents or instrumentalities make use of the services and facilities of the System, payment of the reasonable value thereof shall be made by the City out of funds from sources other than the revenues and income of the System.

(d) Records and Accounts; Accounting Reports. The City hereby covenants and agrees that so long as any of the Bonds or any interest thereon remain outstanding and unpaid, it will keep and maintain a proper and complete system of records and accounts pertaining to the operation of the System parts separate and apart from all other records and accounts of the City in which complete and correct entries shall be made of all transactions relating to said System, as provided by Tex. Gov't Code Ann. ch. 1502 or other applicable law. The Owner or Owners of any Bonds or any duly authorized agent or agents of such Owners shall have the right at all reasonable times to inspect all such records, accounts and data relating thereto and to inspect the System and all properties comprising same. The City further agrees that following the close of each Fiscal Year, it will cause an audit of such books and accounts to be made by an independent firm of Certified Public Accountants. Each such audit, in addition to whatever other matters may be thought proper by the Accountant, shall particularly include the following:

(i) A statement of the income and expenditures of the components of the System for such fiscal year.

(ii) A balance sheet as of the end of such Fiscal Year.

(iii) A statement of the source and disposition of all funds of the System during such Fiscal Year.

(iv) The Accountant's comments regarding the manner in which the City has complied with the covenants and requirements of this Ordinance and any other ordinance authorizing the issuance of Bonds Similarly Secured and his recommendations for any changes or improvements in the operation, records and accounts of the System.

(iv) A list of the insurance policies in force at the end of the Fiscal Year on the System properties, setting out as to each policy the amount thereof, the risk covered, the name of the insurer, and the policy's expiration date.

Expenses incurred in making the audits above referred to are to be regarded as Maintenance and Operating Expenses of the System and paid as such. Copies of the aforesaid annual audit shall be immediately furnished to the Executive Director of the Municipal Advisory Council of Texas at his office in Austin, Texas, and, upon written request, to the original purchasers and any subsequent Owner. The audits herein required shall be made within 120 days following the close of each Fiscal Year insofar as is possible.

(e) Sale or Lease of Properties. The City, to the extent and in the manner authorized by law, may sell or exchange for consideration representing the fair value thereof, as determined by the City Council of the City, any property not necessary or required in the efficient operations of the System, or any equipment not necessary or useful in the operations thereof or which is obsolete, damaged or worn out or otherwise unsuitable for use in the operation of the System. The proceeds of any sale of properties of the System shall be deposited in the System Fund.

(f) Competition. That so far as it legally may, the City covenants and agrees, for the protection and security of the Bonds Similarly Secured and the holders thereof from time to time and until all Bonds Similarly Secured shall have been retired, that it will not grant a franchise for the installation or operation of any water and/or sewer system other than those owned by the City, that it will prohibit the operation of any waterworks or sewer system other than those operated by the City, and the operation of any such system by anyone other than the City is hereby prohibited.

(g) Further Covenants. The City further covenants and agrees by and through this Ordinance as follows:

(i) That it has the lawful power to pledge the revenues supporting this issue of Bonds and has lawfully exercised said power under the Constitution and laws of the State of Texas, including power existing under Tex. Gov't Code Ann. ch. 1502.

(ii) That other than for the payment of the Bonds Similarly Secured, and obligations of the City payable from and secured by a lien on and pledge of the revenues of the System subordinate and inferior to such lien and pledge for the Bonds Similarly Secured, the Net Revenues of the System have not been pledged in any manner to the payment of any debt or obligation of the City, nor of said System.

(iii) It will duly and punctually keep, observe and perform each and every undertaking, covenant and condition on its part to be kept, observed and performed, contained in this Ordinance and in the ordinances authorizing the Outstanding Parity Bonds and any Additional Parity Bonds, and that it will prior to the maturity of each installment of interest and prior to the maturity of each Outstanding Parity Bond, Bond, and Additional Parity Bond issued thereunder, make available at the principal office of the Paying Agent/Registrar, but only from the sources herein provided, sufficient funds to promptly pay such principal and interest.

(iv) The City will comply with all of the terms and conditions of any and all franchises, permits and authorizations applicable to or necessary with respect to the System, and which have been obtained from any governmental agency; and the City has or will obtain and keep in full force and effect all franchises, permits, authorizations and other requirements applicable to or necessary with respect to the acquisition, construction, equipment, operation and maintenance of the System.

Section 9. DEFEASANCE OF BONDS.

(a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the

United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the Issuer with the Paying Agent/Registrar for the payment of its services until all Defeased Bonds shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Defeased Bonds that is made in conjunction with the payment arrangements specified in subsection 9(a)(i) or (ii) shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the Issuer expressly reserves the right to call the Defeased Bonds for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Bonds immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the Issuer be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the Issuer, or deposited as directed in writing by the Issuer. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Bonds may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in subsection 9(a)(i) or (ii). All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Bonds, with respect to which such money has been so deposited, shall be remitted to the Issuer or deposited as directed in writing by the Issuer.

(c) The term "Defeasance Securities" means any securities and obligations now or hereafter authorized by State law that are eligible to discharge obligations such as the Bonds.

(d) Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(e) In the event that the Issuer elects to defease less than all of the principal amount of Bonds of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Bonds by such random method as it deems fair and appropriate.

Section 10. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS.

(a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new Bond of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen or destroyed Bonds shall be made by the registered owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Bond, the registered owner applying for a replacement Bond shall

furnish to the Issuer and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Bond, the registered owner shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the registered owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred that is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the Issuer may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement Bond, the Paying Agent/Registrar shall charge the registered owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement Bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen or destroyed shall constitute a contractual obligation of the Issuer whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) Authority for Issuing Replacement Bonds. In accordance with Sec. 1206.022, Government Code, this Section 10 of this Ordinance shall constitute authority for the issuance of any such replacement Bond without necessity of further action by the governing body of the Issuer or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 3(a) of this Ordinance for Bonds issued in conversion and exchange for other Bonds.

Section 11. CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED; ENGAGEMENT OF BOND COUNSEL.

(a) The Mayor of the Issuer is hereby authorized to have control of the Bonds initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Bonds, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Bond. The approving legal opinion of the Issuer's Bond Counsel and the assigned CUSIP numbers may, at the option of the Issuer, be printed on the Bonds issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the registered owners of the Bonds. In addition, if bond insurance is obtained, the Bonds may bear an appropriate legend as provided by the insurer.

(b) The obligation of the initial purchaser to accept delivery of the Bonds is subject to the initial purchaser being furnished with the final, approving opinion of McCall, Parkhurst & Horton L.L.P., bond counsel to the Issuer, which opinion shall be dated as of and delivered on the date of initial delivery of the Bonds to the initial purchaser. The engagement of such firm as bond counsel to the Issuer in connection with issuance, sale and delivery of the Bonds is hereby approved and confirmed. The execution and delivery of

an engagement letter between the Issuer and such firm, with respect to such services as bond counsel, is hereby authorized in such form as may be approved by the Mayor, and the Mayor is hereby authorized to execute such engagement letter.

Section 12. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE BONDS.

(a) Covenants. The Issuer covenants to take any action necessary to assure, or refrain from any action that would adversely affect, the treatment of the Bonds as obligations described in section 103 of the Internal Revenue Code (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Bonds (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the Issuer, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" that is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount that is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action that would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds that were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) that produces a materially higher yield over the term of the Bonds, other than investment property acquired with –

(A) proceeds of the Bonds invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 30 days or less until such proceeds are needed for the purpose for which the bonds are issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(7) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings);

(8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code; and

(9) to assure that the proceeds of the Bonds issued for improvements to the City's waterworks and sewer system will be used solely for new money projects.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (a)(8), a "Rebate Fund" is hereby established by the Issuer for the sole benefit of the United States of America, and such Fund shall not be subject to the claim of any other person, including without limitation the Bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Use of Proceeds. For purposes of the foregoing covenants (a)(1) and (a)(2), the Issuer understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Bonds. It is the understanding of the Issuer that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated that modify or expand provisions of the Code, as applicable to the Bonds, the Issuer will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated that impose additional requirements applicable to the Bonds, the Issuer agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of such intention, the Issuer hereby authorizes and directs the Mayor, the City Manager or the Assistant City Manager to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the Issuer, that may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds.

(d) Allocation of, and Limitation on, Expenditures for the Project. The Issuer covenants to account for the expenditure of sale proceeds and investment earnings to be used for the construction and acquisition of the Project on its books and records by allocating proceeds to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed. The foregoing notwithstanding, the Issuer shall not expend proceeds of the sale of the Bonds or investment earnings thereon more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Bonds, or (2) the date the Bonds are retired, unless the Issuer obtains an opinion of nationally-recognized bond counsel that such expenditure will not adversely affect the status, for federal income tax purposes, of the Bonds or the interest thereon. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The Issuer covenants that the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the Issuer of cash or other compensation, unless the Issuer obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains a legal opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(f) Designation as Qualified Tax-Exempt Obligations. The Issuer hereby designates the Bonds as "qualified tax-exempt obligations" as defined in section 265(b)(3) of the Code. In furtherance of such designation, the Issuer represents, covenants and warrants the following: (a) that during the calendar year in which the Bonds are issued, the Issuer (including any subordinate entities) has not designated nor will designate tax-exempt obligations, which when aggregated with the Bonds, will result in more than \$10,000,000 of "qualified tax-exempt obligations" being issued; (b) that the Issuer reasonably anticipates that the amount of tax-exempt obligations issued, during the calendar year in which the Bonds are issued, by the Issuer (or any subordinate entities) will not exceed \$10,000,000; and, (c) that the Issuer will take such action or refrain from such action as necessary, and as more particularly set forth in this Section, in order that the Bonds will not be considered "private activity bonds" within the meaning of section 141 of the Code.

Section 13. SALE OF BONDS AND APPROVAL OF OFFICIAL STATEMENT; FURTHER PROCEDURES.

(a) The Bonds are hereby sold and shall be delivered to _____ (the "Purchaser") for cash for the par value thereof plus a cash premium of \$_____, with such premium to be used as set forth in Section 15. The Bonds shall initially be registered in the name of such purchaser or its designee. It is officially found, determined, and declared that the Bonds have been sold at public sale to the bidder offering the lowest interest cost, after receiving sealed bids pursuant to an Official Notice of Sale and Bidding Instructions and Official Statement prepared and distributed in connection with the sale of the Bonds, and that the terms of this sale are the most advantageous reasonably obtainable. Said Official Notice of Sale and Bidding Instructions and Official Statement, and any addenda, supplement, or amendment thereto have been and are hereby approved by the governing body of the Issuer, and their use in the offer and sale of the Bonds is hereby approved. It is hereby officially found, determined, and declared that the terms of this sale are the most advantageous reasonably obtainable. The Bonds shall initially be registered in the name of Comerica Securities, Inc. or its designee.

(b) The Issuer hereby approves the form and content of the Official Statement relating to the Bonds and any addenda, supplement or amendment thereto, and approves the distribution of such Official Statement in the reoffering of the Bonds by the Underwriters in final form, with such changes therein or additions thereto as the officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof. The distribution and use of the Preliminary Official Statement dated July 3, 2014, prior to the date hereof is hereby ratified and confirmed.

(c) The Mayor and Mayor Pro Tem, the City Manager, Assistant City Manager and City Secretary, and each of them, shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the Issuer such documents, certificates and instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Letter of Representations, the Bonds, the sale of the Bonds and the Official Statement. In case any officer whose signature shall appear on any Bond shall cease to be such

officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 14. INTEREST EARNINGS ON BOND PROCEEDS. Interest earnings derived from the investment of proceeds from the sale of the Bonds shall be used along with other Bond proceeds for the Project; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on Bond proceeds that are required to be rebated to the United States of America pursuant to Section 12 hereof in order to prevent the Bonds from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

Section 15. CONSTRUCTION FUND.

(a) The Issuer hereby creates and establishes and shall maintain on the books of the Issuer a separate fund to be entitled the "Series 2014 Waterworks and Sewer System Revenue Bond Construction Fund" for use by the Issuer for payment of all lawful costs associated with the acquisition and construction of the Project as hereinbefore provided and to pay the costs of issuance of the Bonds. Upon payment of all such costs, any moneys remaining on deposit in said Fund shall be transferred to the Bond Fund.

(b) The Issuer may place proceeds of the Bonds (including investment earnings thereon) and amounts deposited into the Interest and Sinking Fund in investments authorized by the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended; provided, however, that the Issuer hereby covenants that the proceeds of the sale of the Bonds will be used as soon as practicable for the purposes for which the Bonds are issued.

(c) All deposits authorized or required by this Ordinance shall be secured to the fullest extent required by law for the security of public funds.

Section 16. COMPLIANCE WITH RULE 15c2-12.

(a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

"MSRB" means the Municipal Securities Rulemaking Board.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

(b) Annual Reports.

(i) The Issuer shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, within six months after the end of each fiscal year ending in or after 2014, financial information and operating data with respect to the Issuer of the general type included in the final Official Statement authorized by Section 27 of this Ordinance, being the information described in Exhibit A hereto. Any financial statements so to be provided shall be (1) prepared in accordance with the accounting principles described in Exhibit A hereto, or such other accounting principles as the Issuer may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the Issuer commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not

complete within such period, then the Issuer shall provide unaudited financial information by the required time, and shall provide audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements become available.

(ii) If the Issuer changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the Issuer otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document that is available to the public on the MSRB's internet website or filed with the SEC. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

(c) Event Notices.

(i) The Issuer shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten business days after the occurrence of the event) of any of the following events with respect to the Bonds, if such event is material within the meaning of the federal securities laws:

1. Non-payment related defaults;
2. Modifications to rights of Bondholders;
3. Bond calls;
4. Release, substitution, or sale of property securing repayment of the Bonds;
5. The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms; and
6. Appointment of a successor or additional trustee or the change of name of a trustee.

(ii) The Issuer shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten business days after the occurrence of the event) of any of the following events with respect to the Bonds, without regard to whether such event is considered material within the meaning of the federal securities laws:

1. Principal and interest payment delinquencies;
2. Unscheduled draws on debt service reserves reflecting financial difficulties;
3. Unscheduled draws on credit enhancements reflecting financial difficulties;
4. Substitution of credit or liquidity providers, or their failure to perform;

5. Adverse tax opinions or the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

6. Tender offers;

7. Defeasances;

8. Rating changes;

9. Bankruptcy, insolvency, receivership or similar event of an obligated person

(iii) The Issuer shall notify the MSRB, in a timely manner, of any failure by the Issuer to provide financial information or operating data in accordance with subsection (b) of this Section by the time required by such subsection.

(d) Limitations, Disclaimers, and Amendments.

(i) The Issuer shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the Issuer remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the Issuer in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Bonds no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the Registered Owners and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The Issuer undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the Issuer's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The Issuer does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE ISSUER BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE ISSUER, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the Issuer in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the Issuer under federal and state securities laws.

(v) Should the Rule be amended to obligate the Issuer to make filings with or provide notices to entities other than the MSRB, the Issuer hereby agrees to undertake such obligation with respect to the Bonds in accordance with the Rule as amended. The provisions of this Section may be amended by the Issuer from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the Issuer, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the Registered Owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the Issuer (such as nationally recognized bond counsel) determined that such amendment will not materially impair the interest of the Registered Owners and beneficial owners of the Bonds. The Issuer may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds. If the Issuer so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (b) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided.

Section 17. DEFAULT AND REMEDIES

(a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an "Event of Default," to-wit:

(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Owners, including but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Owner to the City.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case any Owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights of the Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Owners of Bonds then outstanding.

(c) Remedies Not Exclusive.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

Section 18. METHOD OF AMENDMENT. The Issuer hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The Issuer may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (v) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (iv) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the Issuer's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the holders of Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Bonds that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the Issuer; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Bonds, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Bonds so as to:

- (1) Make any change in the maturity of any of the outstanding Bonds;
- (2) Reduce the rate of interest borne by any of the outstanding Bonds;
- (3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Bonds;
- (4) Modify the terms of payment of principal or of interest or redemption premium on outstanding Bonds or any of them or impose any condition with respect to such payment; or
- (5) Change the minimum percentage of the principal amount of any series of Bonds necessary for consent to such amendment.

(c) If at any time the Issuer shall desire to amend this Ordinance under this Section, the Issuer shall send by U.S. mail to each registered owner of the affected Bonds a copy of the proposed amendment and cause notice of the proposed amendment to be published at least once in a financial publication published in The City of New York, New York or in the State of Texas. Such published notice shall briefly set forth the nature

of the proposed amendment and shall state that a copy thereof is on file at the office of the Issuer for inspection by all holders of such Bonds.

(d) Whenever at any time within one year from the date of publication of such notice the Issuer shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the Bonds then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the Issuer may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the Issuer and all holders of such affected Bonds shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the holder of a Bond pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the publication of the notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Bond during such period. Such consent may be revoked at any time after six months from the date of the publication of said notice by the holder who gave such consent, or by a successor in title, by filing notice with the Issuer, but such revocation shall not be effective if the holders of 51% in aggregate principal amount of the affected Bonds then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

For the purposes of establishing ownership of the Bonds, the Issuer shall rely solely upon the registration of the ownership of such Bonds on the registration books kept by the Paying Agent/Registrar.

Section 19. SEVERABILITY. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance, despite such invalidity, which remaining portions shall remain in full force and effect.

Section 20. EFFECTIVE DATE. In accordance with the provisions of V.T.C.A., Government Code, Section 1201.028, this Ordinance shall be effective immediately upon its adoption by the City Council.

(Execution Page Follows)

PASSED, APPROVED AND EFFECTIVE this _____.

ATTEST:

Mayor, City of Rowlett, Texas

City Secretary, City of Rowlett, Texas

[CITY SEAL]

APPROVED AS TO FORM:

City Attorney, City of Rowlett, Texas

EXHIBIT A

Annual Financial Statements and Operating Data

The following information is referred to in Section 16(b) of this Ordinance:

The financial information and operating data with respect to the Issuer to be provided annually in accordance with such Section are as specified (and included in the Appendix or under the headings of the Official Statement referred to) below:

-- Tables 1 through 15, inclusive.

-- APPENDIX B (FINANCIAL INFORMATION FOR THE LAST COMPLETED FISCAL YEAR WHICH WILL BE UNAUDITED, UNLESS AN AUDIT IS PERFORMED IN WHICH EVENT THE AUDITED FINANCIAL STATEMENTS WILL BE MADE AVAILABLE)

Accounting Principles

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements referred to in paragraph above.
