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Discuss and consider (re)appointments to the city's Airport Advisory Board, Animal Advisory Board, Architectural Review Board, ART Review Commission, Historic Preservation Advisory Board, Main Street Advisory Board, and Park Board and take any action necessary.	
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ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, August 19, 2019 - **5:00 PM**

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

I. CALL PUBLIC MEETING TO ORDER

II. EXECUTIVE SESSION.

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

- 1.** Discussion regarding legal issues pertaining to a Facilities Agreement pursuant to Section §551.071 (Attorney/Client Consultation).
- 2.** Discussion regarding appointments to and interviews for city regulatory boards, commissions, and committees - specifically the Planning & Zoning Commission and Board of Adjustments - pursuant to Section 551.074 (Personnel Matters)
- 3.** Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

IV. RECONVENE PUBLIC MEETING (6:00 P.M.)

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER JOHANNESSEN

VII. OPEN FORUM

VIII. CONSENT AGENDA

- pg.6 1.** Consider approval of the minutes from the August 5, 2019 regular city council meeting, and take any action necessary.
- pg.22 2.** Consider authorizing the City Manager to engage the firm of BrooksWatson & Co PLLC to conduct the audit of the City's financial statements for the fiscal years ending September 30, 2019 - 2022, and take any action necessary.
- pg.24 3.** Consider an **ordinance** amending the Code of Ordinances in Chapter 10. "Building and Building Regulations;" Article II. "Administration and Enforcement;" Division 2. "Building and Standards Commission" ("the Commission") to appoint the duties of the Commission to the Board of Adjustments, and take any action necessary. **(1st Reading)**

- pg.29** 4. Consider an **ordinance** amending the Code of Ordinances in Chapter 38. "Subdivisions," Article I. "In General," Section 38-15, "Miscellaneous Requirements" to establish a fee schedule for engineering plan review fees, and take any action necessary. **(1st Reading)**
- pg.32** 5. **P2019-029** - Consider a request by Ryan Joyce of Michael Joyce Properties on behalf of Jen-Liang Wu of Unison Investment for the approval of a master plat for the Northgate Subdivision being a 61.45-acre tract of land identified as Tract 4 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 88 (PD-88) for Single-Family 1 (SF-1) District land uses, located at the southwest corner of the intersection of Stodgehill Road [FM-3549] and Clem Road, and take any action necessary.
- pg.39** 6. **P2019-030** - Consider a request by Ryan Joyce of Michael Joyce Properties on behalf of Jen-Liang Wu of Unison Investment for the approval of a preliminary plat for the Northgate Subdivision containing 40 single-family residential lots on a 61.45-acre tract of land identified as Tract 4 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 88 (PD-88) for Single-Family 1 (SF-1) District land uses, located at the southwest corner of the intersection of Stodgehill Road [FM-3549] and Clem Road, and take any action necessary.

IX. APPOINTMENT ITEMS

1. Appointment with the Planning and Zoning Chairman to discuss and answer any questions regarding cases on the agenda and related issues and take any action necessary.
- pg.49** 2. Appointment with Brad Helmer of Heritage Christian Academy to discuss Specific Use Permit (SUP) No. S-201 concerning temporary educational buildings, and take any action necessary.

X. PUBLIC HEARING ITEMS

- pg.48** 1. **Z2019-015** - Hold a public hearing to discuss and consider a request by Greg Wallis of Mershawn Architects on behalf of the owner for the approval of an **ordinance** for a Specific Use Permit (SUP) for the expansion of an existing Minor Auto Repair Garage on a 1.1107-acre parcel of land identified as Lot 4, Block 1, Horizon Village Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 2581 Horizon Road [FM-3097], and take any action necessary **(1st Reading)**.
- pg.74** 2. **Z2019-016** - Hold a public hearing to discuss and consider approval of an **ordinance** for a text amendment to various sections of the Unified Development Code [Ordinance No. 04-38] and Article IX, Fences, of Chapter 10, Building and Building Regulations, of the Municipal Code of Ordinances for the purpose of updating the codes to conform to changes made by the 86th Legislative Session, and take any action necessary **(1st Reading)**.

XI. ACTION ITEMS

- pg.509 1.** Discuss and consider recommendations by the Main Street Advisory Board regarding approval of an **ordinance** amending the Code of Ordinances in Chapter 32. "Signs;" Article III. "Regulations and Requirements;" Division 4. "Downtown District Signs" to modify allowances for permanent signs in the Downtown District (DT), and take any action necessary. **(1st Reading)**
- pg.518 2.** Discuss and consider authorizing the City Manager to issue a letter of support to TXDOT regarding temporarily postponing implementation of shared outside lanes on John King Blvd. until substantial improvements of the roadway are made, and take any action necessary.
- pg.521 3.** Discuss and consider (re)appointments to the city's Airport Advisory Board, Animal Advisory Board, Architectural Review Board, ART Review Commission, Historic Preservation Advisory Board, Main Street Advisory Board, and Park Board and take any action necessary.

XII. EXECUTIVE SESSION

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

- 1.** Discussion regarding legal issues pertaining to a Facilities Agreement pursuant to Section §551.071 (Attorney/Client Consultation).
- 2.** Discussion regarding appointments to and interviews for city regulatory boards, commissions, and committees - specifically the Planning & Zoning Commission and Board of Adjustments - pursuant to Section 551.074 (Personnel Matters)
- 3.** Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

XIII. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

XIV. ADJOURNMENT

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 771-7700 or FAX (972) 771-7727 for further information.

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

I, Kristy Cole, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 16th day of August, 2019 at 4:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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

Date Removed

2 **ROCKWALL CITY COUNCIL REGULAR MEETING**

3 **Monday, August 05, 2019 - 4:00 PM**

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

5
6 **I. CALL PUBLIC MEETING TO ORDER**

7 Mayor Pruitt called the public meeting to order at 4:01 p.m. Present were Mayor Jim Pruitt and
8 Councilmembers Patrick Trowbridge, John Hohenshelt, Kevin Fowler, Bennie Daniels and Trace
9 Johannesen. Councilmember Dana Macalik arrived to the meeting at 4:04 p.m. Also present were City
10 Manager Rick Crowley, Assistant City Managers Joey Boyd and Mary Smith, and City Attorney Frank
11 Garza.

12
13 **II. WORK SESSION**

- 14 1. Hold a work session to discuss the progress of public input phase and engineering design for
15 four of the 2018 Roadway Bond Projects; Ridge Road West; S. Lakeshore Dr. (Summit Ridge
16 Dr. to Tanya Ln) & Russwood Dr.; Lakedale Dr., S. Lakshore Dr. (2000 block), & Woodpark Ln.
17 and Turtle Cove Blvd (RR tracks to Ridge Rd.), and take any action necessary.

18
19 **Jeremy White from the city's Engineering Department came forth and briefed Council on the above**
20 **listed roadway/sidewalk reconstruction projects.**

21
22 **Councilmember Trowbridge asked if any part of the proposed plans have been modified since the time**
23 **that resident meetings were held and/or residents were communicated with by staff. Ms. Williams**
24 **indicated that no, no changes have been made since that time.**

25
26 **Councilmember Fowler asked when a requirement for sidewalks was instituted. Mr. Crowley, City**
27 **Manager, shared that it was about in the mid 1980's. Mr. Miller shared that sidewalks are required in**
28 **all new city subdivisions, including those that are more rural-like, and the main intent is to create safety**
29 **for pedestrians. Ms. Williams, City Engineer, shared that the city has also put in sidewalks and modified**
30 **some of them in order to be "ADA" (American with Disabilities Act) friendly for those in wheelchairs or**
31 **motorized chairs.**

32
33 **Ms. Williams shared that the city has a registered arborist on staff (Mr. Travis Sales in the Parks**
34 **Department), so staff will be utilizing him, as necessary, related to trees that may be impacted by these**
35 **reconstruction projects.**

36
37 **Wayne McCallum**
38 **1050 Ridge Road West**
39 **Rockwall, TX**

40
41 **Mr. McCallum shared that his main concern is losing some of his property. He is ok with sidewalks;**
42 **however, he wishes they would be a bit more narrow (4' instead of 5'). He also wishes that the**

43 proposed street width would be narrower on Ridge Road West (he would like it to remain at 37' instead
44 of 41'). He believes the wider roadway will increase both traffic and speed. He does not like that
45 installation of sidewalks will increase his lawn upkeep (weed eating).

46
47 **No name given**
48 **795 Ridge Road West**
49 **Rockwall, TX**

50
51 **This gentleman asked what will happen to seeping water that comes up through parts of the existing**
52 **roadway. Staff indicated that, as much as possible, that water will go into the storm sewer drains after**
53 **the reconstruction takes place.**

54
55 **Mr. Adair**
56 **309 Dartbrook Dr.**
57 **Rockwall, TX**

58
59 **Mr. Adair shared that he grew up at this home, and he is one of the sons of Mr. and Mrs. Adair. He is**
60 **generally opposed to sidewalk installation, as he believes it will ruin the neighborhood. Of the**
61 **neighbors he has talked to, he has yet to speak with any who have voice enthusiasm for this**
62 **reconstruction project.**

63
64 **Dr. Carson asked Mr. White (staff person) to readdress what the plan is for the crate myrtles and trees**
65 **and such on Ridge Road West. Mr. White shared that, in general, as much landscaping as possible will**
66 **be left 'as is.' Some of the irrigation will need to be removed and replaced.**

67
68 **Richard Thompson**
69 **1180 Ridge Road West**
70 **Rockwall, TX**

71
72 **Mr. Thompson came forth and suggested the Council possibly consider one sidewalk instead of two. He**
73 **does not believe that this roadway needs to be further widened. Also, he is concerned about edging /**
74 **weed eating being tripled after this project is finished. He is concerned about large, brick mailboxes**
75 **(many of which have brick that matches the home). He wants to know how the city will ensure that**
76 **those either get disassembled and reassembled. His brick is on his walkway too, and it is Chicago fired**
77 **brick that matches both his home and his sidewalk. Mayor Pruitt shared that, for the most part, the**
78 **mailboxes will be disassembled and reconstructed. He prefers to have the curb, the sidewalk and then**
79 **the yard (and avoid having a small 1.5'-2' strip of grass).**

80
81 **Mr. McCallum came forth again and pointed out that if the roadway is not widened, the city may not**
82 **even have to move the mailboxes.**

83
84 **Mayor Pruitt then read the below listed discussion items into the record before recessing the public**
85 **meeting to go into Executive Session at 4:57 p.m.**

86
87 **III. EXECUTIVE SESSION.**

88 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE**
89 **FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:**

- 90 1. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant
91 to Section 551.087 (Economic Development) and possible land purchase pursuant to Section
92 551.072 (Real Property) and Section 551.071 (Consultation with Attorney)
93 2. Discussion regarding possible sale of real property in the vicinity of Downtown, pursuant to
94 Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
95 3. Discussion regarding appointments to and interviews for city regulatory boards, commissions,
96 and committees - specifically the Planning & Zoning Commission and Board of Adjustments -
97 pursuant to Section 551.074 (Personnel Matters)
98 4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland,
99 Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD)
100 regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

101
102 **#3 CONSENT AGENDA (PULLED FROM PUBLIC MEETING AGENDA)** Consider authorizing the City
103 Manager to execute an Interlocal Agreement for Animal Control Services between the City of
104 Rockwall and Rockwall County, and take any action necessary.

105
106 **IV. ADJOURN EXECUTIVE SESSION**

107
108 **Council adjourned from Executive Session at 5:58 p.m.**

109
110
111 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**

112 **Council reconvened the public meeting at 6:00 p.m. with all seven council members being present.**

113
114 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

115 **Mayor Pro Tem Macalik indicated that no action would be taken at this time as a result of Executive**
116 **Session.**

117 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS**

118 **Councilmember Daniels delivered the invocation and led the Pledge of Allegiance.**

119 **VIII. OPEN FORUM**

120 **Mayor Pruitt explained how Open Forum is conducted, thanking members of the public for coming to**
121 **the Council meeting this evening. Mayor Pruitt welcomed two young Boy Scouts in the audience, who**
122 **explained that they are attending to obtain their “citizenship and community” merit badges. He went**
123 **on to explain that if people are present for the ‘sidewalks’ discussion, they may either speak during**
124 **Open Forum or during the sidewalks-related Action Item.**

125
126 **Melody Mayor**

127 **Fence contractor from Renew Fence & Construction came forth and indicated that she recently**
128 **performed work for:**

129 **Amy Harvey**

130 **506 Shoretrail Drive**

131 **Rockwall, TX**

132
133 **Ms. Mayor came forth and shared that she installed a wooden retaining wall (2'x6's with metal posts)**
134 **that is under 4' tall, and she did not realize that she needed to pull a permit until after she had already**
135 **done the retaining wall. She pointed out that Rockwall is the only city that requires that a permit be**
136 **pulled for a retaining wall under 4' tall. All other cities require a permit only if it is going be over 4' tall.**
137 **She shared that she had a professional engineer sign off on the work that was completed to prove that**
138 **it was well built. She explained that Ms. Harvey is a single mom, and this is why she opted to do a**
139 **wooden retaining wall because it cost her about \$6,000 less to do wood versus stone or rock. She is**
140 **wondering if there is some sort of variance process she may be able to go through in order to get the**
141 **work that has already been completed approved and signed off on by the city. Also, she wonders why**
142 **Rockwall is the only city around that requires a permit for 3' retaining walls and shorter when all the**
143 **other cities are 4' or under for pulling a permit.**

144
145 **Judith Head**
146 **203 Woodpark Lane**
147 **Rockwall, TX**

148
149 **She lives on a small street that has only eight homes on it, four on each side. She went on to express**
150 **several concerns pertaining to the reconstruction of her street and the installation of sidewalks. A lot**
151 **of homes have mature and expensive landscaping that will be adversely impacted. She believes that a**
152 **study should be done in order to determine the need for sidewalks, especially because her street is so**
153 **very steep. So, she does not know that sidewalks would even be necessary. She is concerned about**
154 **future maintenance of the sidewalks, should they be installed. She has a petition that shows that 100%**
155 **of the residents on Woodpark Lane are against installation of sidewalks, and they all do not believe it**
156 **is necessary to rebuild the street either. She wonders if the curbs will be wheelchair accessible. Also,**
157 **she wonders if an environmental impact study has been conducted regarding drainage, pointing out**
158 **that their alleyway is more concerning than their street.**

159
160 **Debra Norton**
161 **1235 Ridge Road West**
162 **Rockwall, TX**

163
164 **Ms. Norton shared that sidewalks do not create safety. They will be utilized for more than walkers and**
165 **runners (i.e. scooters, bicycles, etc.), and that actually adversely impacts safety. She is concerned that**
166 **the city is going to take 10' of her property, and she does not believe the city taking her property is**
167 **right. She has been paying taxes for a long time, and taking her property would just not be right. She**
168 **wants to see studies that show that sidewalks are needed, and she wants to see statistics that show**
169 **that pedestrians have been hit or hurt without sidewalks. She wants the city to be sure that there is**
170 **good reason to install the sidewalks. She believes that taking 10' of her property will result in her losing**
171 **a good bit of equity in her home.**

172
173 **Bob Wacker**
174 **309 Featherstone**
175 **Rockwall, TX**

176
177 **Mr. Wacker came forth and asked Council to explain to the public what their options might be**
178 **concerning sidewalks (i.e. is there a variance they may be able to request?).**

179

180 **Doug Demarco**
181 **1230 Ridge Road West**
182 **Rockwall, TX**
183

184 **Mr. Demarco shared that he and his wife have lived at this location for a relatively short period of time.**
185 **He does not believe the existing roadway is that bad, and he does not believe the entire roadway needs**
186 **replacing – only repairs are necessary, in his opinion. He generally expressed an indifference concerning**
187 **sidewalk installation as part of the project; however, if they are installed, he prefers that the sidewalks**
188 **be directly abutted to the curb/street (no grass strip in between the curb and the sidewalk). He**
189 **acknowledged the understanding that it is public right-of-way, and the property does not actually**
190 **belong to him, the homeowner; however, since he has been maintaining it, it sure does feel like ‘his**
191 **property’ that is being taken.**

192
193 **There being no one else wishing to come forth and speak during Open Forum, Mayor Pruitt then closed**
194 **Open Forum.**
195

196
197 **IX. CONSENT AGENDA**

- 198 **1. Consider approval of the minutes from the July 15, 2019 regular city council meeting, and take**
199 **any action necessary.**
- 200 **2. Consider approval of an ordinance amending the Code of Ordinances in Ch. 44 "Utilities,"**
201 **Article V. "Water," Division 7. "Water Resource and Emergency Management Plan," Sec. 44-**
202 **432 to adopt a new plan that incorporates requirements pertaining to "Procedures for**
203 **Curtailment of Water Supplies," and take any action necessary. (2nd Reading)**
- 204 **3. Consider authorizing the City Manager to execute an Interlocal Agreement for Animal Control**
205 **Services between the City of Rockwall and Rockwall County, and take any action necessary.**
- 206 **4. P2019-023 - Consider a request by Rick Bates of RLK Engineering, Inc. on behalf of William**
207 **Salee of Rockwall ISD for the approval of a replat for Lot 2, Block A, Rockwall High School**
208 **Addition being a 35.295-acre parcel of land currently identified as Lot 1, Block A, Rockwall**
209 **High School Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District,**
210 **situated within the IH-30 Overlay (IH-30 OV) District, addressed as 901 W. Yellow Jacket Lane,**
211 **and take any action necessary.**
- 212 **5. P2019-028 - Consider a request by Matthew Gardner of Halff Associates on behalf of Carolina**
213 **Molina of Alvaplast US (SPR Packaging) for the approval of a replat for a 43.0139-acre tract of**
214 **land identified as Lot 1, Block 1, Indalloy Addition; Tract 31 of the R. Ballard Survey, Abstract**
215 **No. 29; and Tract 7 of the N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County,**
216 **Texas, zoned Light Industrial (LI) District, situated at the terminus of Aluminum Plant Road,**
217 **and take any action necessary.**

218
219 **Councilmember Macalik moved to approve the entire Consent Agenda (#1, 2, 3, 4 and 5).**
220 **Councilmember Hohenshelt seconded the motion. The ordinance caption for No. 2 was read as follows:**
221

222
223 **CITY OF ROCKWALL**

ORDINANCE NO. 19-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 44. "UTILITIES;" ARTICLE V. "WATER;" DIVISION 7. "WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN;" SEC. 44-432 TO ADOPT AN UPDATED PLAN TO ENSURE COMPLIANCE WITH CERTAIN REQUIREMENTS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ); PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENT ITEMS

1. Appointment with Scott Self to hear proposal related to "4th of July" 2020 fireworks shows, and take any action necessary.

Scott Self
319 Harborview Drive
Rockwall, TX

Mr. Self came forth and proposed that five firework shows be done, simultaneously, at 9:30 p.m., each lasting for about 10 minutes in length. He pointed out that, although Harry Myers Park has been a good location for fireworks for a number of years, the adjacent property that has been used for years to park 500+ cars is being developed. So, the parking will be an issue. He went on to explain the five, proposed locations. He went on to share that the City of Heath is willing to partner with Mr. Self and the City of Rockwall, and they would have two (additional) fireworks shows, for a total of seven shows. He is coming forth now, in August, in order to seek approval of his proposal so that he can get to work quickly on obtaining and training lots of volunteers that would be utilized to help run these various fireworks shows. He explained that one advantage is that "point loading" would not be a problem, as crowds watching the fireworks would be spread out instead of consolidated in one location. He believes that this would be positively received by the public, and it could receive national recognition.

Mr. Self explained that the fireworks in these five shows would be about 3" in diameter versus the approximate 6" diameter of fireworks that are currently seen at the city's fireworks show at Harry Myers Park. He is asking for the City of Rockwall to finance \$20,000 for the five fireworks shows within the City of Rockwall, which is the same price the city is currently paying for the one show at Harry Myers. Mayor Pruitt expressed that if the city does not like the five, separate shows, then it could revert back to one, larger show like it has now in future years. Mr. Self concurred. Mr. Self shared that there will be some extra expenses, above and beyond the \$20k the first year, because – for example – he will have to purchase the barges from which the fireworks will launch the first year. However, he already has commitments from volunteers and those willing to sponsor some of the extra expense(s).

Councilmember Trowbridge acknowledged that things do essentially get bottlenecked when there is only one, single fireworks location. However, he wonders if five, separate shows will spread out the

270 public too much. Mr. Self shared that some folks will be able to see two or three shows, simultaneously,
271 all at once. He shared that the only other place in the nation that he's seen this done and done well is
272 at the San Diego Harbor.

273
274 Councilmember Fowler shared that the city also has bands and other activities at Harry Myers on the
275 4th of July, prior to the actual fireworks show. So, he has concerns about losing some of those activities
276 and camaraderie. He also wonders where some people may park to watch some of the five, separate
277 shows.

278
279 Mayor Pruitt asked how this would be marketed / advertised. He believes there would have to be
280 indication given, within the marketing, to tell the public where to go in order to watch the show(s). Mr.
281 Self shared that he does not believe these shows would be marketed to those living outside of the City
282 of Rockwall – it will mostly be for the benefit of our own, actual residents. Mr. Self acknowledged the
283 importance of having at least one of the five shows at Harry Myers.

284
285 Mayor Pruitt and the Council provided informal guidance to Mr. Self and staff, instructing them to work
286 together to come back to the City Council with a more detailed plan for moving forward with trying out
287 this new idea for one year.

288

289 XI. ACTION ITEMS

- 290 1. Discuss and consider providing staff direction to move forward with the following 2018
291 Roadway Bond Projects, and take any action necessary:
292 a) Ridge Road West (Shores Blvd. to N. Goliad St./SH 205);
293 b) S. Lakeshore Dr. (Summit Ridge Dr. to Tanya Ln) and Russwood Dr.;
294 c) Lakedale Dr., S. Lakshore Dr. (2000 block), & Woodpark Ln;. and
295 d) Turtle Cove Blvd (RR tracks to Ridge Rd.).

296
297 Mayor Pruitt began discussion of this item, sharing that a citywide ordinance was adopted years ago by
298 a previous city council, and that ordinance called for sidewalks to be installed in all new neighborhoods
299 and when existing roadways are reconstructed. He indicated that if the city residents do not want
300 sidewalks, then the Council needs to hear that; however, if the ordinance is changed, it would apply
301 citywide, as 'piece meal' would not be plausible. He went on to share that a lot of forethought went
302 into informing and educating the public on the bond election that was held and that the voters
303 overwhelmingly passed last year. He went on to that the Council gets a lot of opinions from those who
304 want sidewalks and also from those who do not want sidewalks.

305 Councilmember Hohenshelt addressed the policy related to installation of sidewalks, which he
306 mentioned was established about thirty years ago. All of the subdivisions built since that time have
307 had sidewalks installed to allow people who walk or run to enjoy them. He pointed out that there will
308 be dozens of projects like this over the course of the upcoming nine or ten years. So, whatever the
309 policy needs to be, then it needs to be decided now, and it needs to apply citywide. It will be too
310 challenging to address the issue of sidewalks with every single reconstruction project.

311 City Attorney Frank Garza pointed out that if the city does major reconstruction on a street that was
312 built after 1992, then the city is required to put 'curb cuts' that are "ADA compliant," and this is
313 regardless of whether or not sidewalks are installed on those streets.

314 Councilmember Fowler shared that perhaps the City should institute a policy that if reconstruction
315 happens on a street that already does not have sidewalks, then no sidewalks will be built; however, if
316 it is a new street or a new neighborhood going in, then sidewalks will be built. He went on to share that
317 the Council has in fact received a lot of emails from residents who do in fact want the sidewalks built
318 along with these reconstruction projects.

319 Councilmember Macalik shared that, speaking as a realtor, younger families do factor in whether or not
320 a neighborhood has sidewalks because they do tend to prefer there to be sidewalks. She understands
321 both sides of the issues; however, she believes that cities all over the United States are installing
322 sidewalks because they are quite popular.

323 Councilmember Trowbridge shared that this issue goes beyond those who actually live on a particular
324 street; however, he is also sensitive to the desires of a particular neighborhood.

325 Mayor Pruitt shared that he would like to have property owner feedback far before 40% of the design
326 engineering has already been complete and the money spent in that regard.

327 Councilmember Fowler asked – if this is already a city standard, then why is it even being debated or
328 discussed right now? Mr. Crowley, City Manager, shared that the city always attempts to go into a
329 neighborhood to inform them about an upcoming reconstruction project. It is at that time, typically,
330 when feedback regarding sidewalks and other aspects of a roadway reconstruction project is heard.

331 Councilmember Johannesen expressed frustration because the city tries hard to be very transparent
332 and communicate well with the public, and, unfortunately, residents don't seem to speak up until it
333 literally begins to affect their particular yard.

334 Councilmember Fowler shared that surveys showed that about 60% of residents indicated a desire to
335 have sidewalks on Ridge Road West, and about 40% indicated they do not want them.

336 Ms. Williams, City Engineer, explained that a machine runs along top of a roadway and analyzes its
337 structural integrity (not the 'driveability') and scores it as far as the need for it to be reconstructed (or
338 not).

339 Mayor Pruitt indicated that he will open it up for public comment to those who wish to come forth and
340 speak regarding "Ridge Road West" at this time. He first asked for City Engineer Amy Williams to speak
341 to the surveys that were sent out to property owners. Ms. Williams stated that there are sixty
342 properties and sixty surveys were sent out to those property owners. The response rate was 37% (22
343 were returned). Of those, 59.5% indicated they are "for" sidewalks and 40.5% indicated they are
344 "against" having sidewalks.

345

346 **Don Laws**
347 **1620 Shores Boulevard**
348 **Rockwall, TX**

349
350 **Mr. Laws expressed concern about how much land is going to be taken away from the front of**
351 **everyone’s house. Regarding safety, he believes that once Ridge Road West is widened, people will**
352 **drive along it at a faster rate of speed, and more people will be driving on it. He suggested that perhaps**
353 **the city consider installing a sidewalk only on one side of the roadway or build the road (only) and not**
354 **the sidewalks.**

355 **Mayor Pruitt mentioned that the city has considered sidewalks on only one side of a road; however, he**
356 **pointed out that the Council cannot get folks to agree on which side the sidewalk gets installed.**

357 **Doug Demarco**
358 **1230 Ridge Road West**
359 **Rockwall, TX**

360
361 **Mr. Demarco came forth and shared that everyone bought their home without a sidewalk, and they**
362 **were ok purchasing a home without a sidewalk in front of it. Regarding safety, people’s driving behavior**
363 **tends to be related to the road and related conditions. So, he believes that a wider road will result in**
364 **cars driving faster. He suggested that if they are going to be installed, perhaps Council could consider**
365 **installing patterned sidewalks that are more beautiful or maybe use some of the money to add street**
366 **lights.**

367
368 **Julie Barlow**
369 **1005 Ridge Road**
370 **Rockwall, TX**

371
372 **Mrs. Barlow shared that she and her husband just purchased this home. She was not aware of the policy**
373 **that is in place that calls for the same standards for street widths and sidewalk installations. She**
374 **generally indicated that when a resident receives a survey, they are perhaps not understanding or are**
375 **not aware that the street width will be expanded and installation of sidewalks will mean that part of**
376 **their lawn gets ‘taken in.’ She is not in favor of ‘one size fits all,’ and she is in real estate. She believes**
377 **that people make decisions on purchasing a home based on how the neighborhood makes them feel.**
378 **She purchased this home, which was built in 1981, and moved out of a home that was built 10-15 years**
379 **or so. She and her husband purchased the home because she likes the large trees, no sidewalks, etc.**
380 **She believes that one policy, citywide, pertaining to sidewalks, is generally not feasible. She believes**
381 **some sort of variance or exception needs to be made in this particular case.**

382 **Tom Richmond**
383 **1105 Ridge Road West**
384 **Rockwall, TX**

385
386 **Mr. Richmond shared that it was not clear that there could have possibly been an option for**
387 **reconstruction of the street itself but with no sidewalk being added. He would like to see the roadway**
388 **reconstructed, but he would like the sidewalks to be left out. He wonders if the homeowners along the**

389 roadway could get a variance to essentially ‘skip the sidewalks.’ He generally suggested that the Council
390 consider changing its policy regarding installation of sidewalks.

391 Mr. Crowley, City Manager, pointed out that a portion of a resident’s yard is public “right-of-way,” so
392 projects such as these do not take a person’s property. The property line does not change, and the size
393 of the resident owned property does not change.

394 At 7:43 p.m., Mayor Pruitt called for a brief break and recessed the public meeting. Mayor Pruitt
395 reconvened the meeting at 7:55 p.m.

396 John Sunderson
397 1850 Wind Hill Road
398 Rockwall, TX

399
400 Mr. Sunderson shared that he does not live on this street; however, he is generally a proponent of
401 sidewalks. He does not believe that sidewalks being installed on this roadway would detract from the
402 beauty of the neighborhood. In fact, he believes that the sidewalks being installed would allow for
403 more pedestrians to enjoy the area. He believes the city’s policy on sidewalks is fine ‘as is,’ and it does
404 not need to be changed. He reminded the Council and public that the Council is charged with
405 representing the entire city – not just one street or one neighborhood.

406 Doug Demarco
407 1230 Ridge Road West
408 Rockwall, TX

409
410 Mr. Demarco came forth again and shared his belief that residents who filled out the survey and/or
411 came to the informational resident meetings may not have totally understood about the street
412 widening and that 10’ of their front lawns would be ‘taken in’ as a result of sidewalks being installed.
413 He suggested the city explain that better when sending out a survey. He understands that a portion of
414 their lawn is ‘right-of-way,’ but homeowners do not see it that way.

415
416 An unidentified resident came forth and shared that he was 50/50 on whether or not sidewalks should
417 be installed. He did not realize, however, that portions of front lawns would be lost if sidewalks were
418 installed. He did not understand what he was agreeing to and believes that several residents may not
419 have realized this either.

420
421 Jeff Boehm
422 1400 Plummer
423 Rockwall, TX

424
425 Mr. Boehm shared that he purposefully purchased a home nineteen years ago that did not have
426 sidewalks on the street. He generally expressed that, since these folks purchased a home without
427 sidewalks, it is not fair to them to now insist that they have sidewalks installed. He suggested the city
428 put a policy in place that if homes did not have sidewalks to begin with, then they will never have
429 sidewalks installed.

430 **Dusty Goucher**
431 **1240 Ridge Road West**
432 **Rockwall, TX**

433
434 **Ms. Goucher indicated that she agrees with the “no sidewalks” sentiments that have been expressed**
435 **this evening. She thought there would only be 3’, rather than 10’, of the front of her lawn taken. She**
436 **generally spoke against the installation of sidewalks.**

437
438 **Sandra Solomon**
439 **1635 Shores Boulevard**
440 **Rockwall, TX**

441
442 **Mrs. Solomon came forth and shared that she does not live on this road – she lives further down just a**
443 **little bit in The Shores. She acknowledged the Council members are elected to represent all citizens and**
444 **the city as a whole. She agrees the roadway needs to be reconstructed, and the curbs need**
445 **reconstructing too. She suggested that parking be restricted on it and the speed limit be reduced to 25**
446 **mph. She wished Council the best in making this decision, as she generally knows this is a tough**
447 **decision. She generally expressed concern about the survey that was conducted. She pointed out that**
448 **the ‘return rate’ was low, and it is uncertain if the responses were from those who truly understood on**
449 **what they were giving feedback.**

450
451 **Bob Wacker**
452 **309 Featherstone**
453 **Rockwall, TX**

454
455 **Bob Wacker came forth and shared that he loves sidewalks, and he lives in the Stonecreek subdivision,**
456 **which as sidewalks. He believes the city should move forward with installation of them in this instance.**
457 **He suggested that staff try and communicate about these matters further in advance so that residents**
458 **have additional time to consider these types of projects.**

459
460 **Mr. Richmond came forth again and suggested that the City consider re-surveying the residents along**
461 **the roadway.**

462
463 **Councilmember Trowbridge made a motion to move forward with redesigning the engineering plans to**
464 **remove the sidewalks along Ridge Road West. Councilmember Johannesen seconded the motion. He**
465 **expressed concern about residents who have expressed support for sidewalk installation now possibly**
466 **not being fairly represented (as the plan is perhaps now going to change without their input /**
467 **knowledge). Following the discussion, the vote failed by a vote of 2 ayes and 5 nays (Macalik,**
468 **Hohenshelt, Pruitt, Fowler and Daniels).**

469
470 **Councilmember Hohenshelt moved to approve the current design of Ridge Road West as presented by**
471 **staff / the City Engineer. Councilmember Macalik seconded the motion, which failed by a vote of 3 ayes**
472 **with 4 nays (Trowbridge, Fowler, Daniels and Johannesen).**

473
474 **Mayor Pruitt then took public comments concerning the S. Lakeshore Drive (Summit Ridge Dr. to Tanya**
475 **Ln.) and Russwood Drive reconstruction project.**

476
477

478 **Anthony Diesch**
479 **1302 S. Lakeshore Drive**
480 **Rockwall, TX**

481
482 **Mr. Diesch explained that he is not in favor of sidewalks, and he understands that the Council’s decision**
483 **in this regard is a very difficult one. His concerns, he explained, are mostly related to the damage that**
484 **will be done to the existing trees. He went on to share some photos of large, mature trees that will be**
485 **adversely impacted by 10’ of right-of-way being developed with concrete. He knows that mature trees**
486 **do add to real estate value.**

487
488 **Moriah Pruitte**
489 **311 Russwood Drive**
490 **Rockwall, TX**

491
492 **Ms. Pruitte shared that she believes that if residents would have understood that “do you want**
493 **sidewalks” on the survey equated to “10’ of your front lawn will be taken in,” then their answers would**
494 **have been far different. She is generally strongly opposed to the installation of sidewalks on this street.**

495
496 **Ron Gilleland**
497 **310 Meadowdale Drive**
498 **Rockwall, TX**

499
500 **This is a side street, and he and his wife have lived there for twenty-six years. Mr. Gilleland shared that**
501 **there are people who actually drive into this neighborhood, park their car, and then walk in the streets**
502 **of this neighborhood because it is pretty and it is safe. He generally expressed opposition to sidewalks**
503 **being installed. He is concerned about the trees being adversely impacted by the sidewalks installation,**
504 **and they will change the entire makeup of the neighborhood. He pointed out that there are at least a**
505 **few, highly mature (30-40 + year old) trees that will be drastically impacted if these sidewalks are**
506 **installed. He is generally in favor of the reconstruction and improvement of the roadway itself;**
507 **however, he is greatly in opposition of the sidewalks. Even if the sidewalk is diverted around the mature**
508 **trees, he believes the tree will be adversely impacted.**

509
510 **Jerry Welch**
511 **1509 S. Lakeshore Drive**
512 **Rockwall, TX**

513
514 **Mr. Welch shared that he is about five houses south of Tanya. He suggested that people typically walk**
515 **on the main street, and they perhaps do not walk as much on the side streets. So perhaps the city should**
516 **just put sidewalks on that main street and not install them on the side streets.**

517
518 **Nora Elwonger**
519 **308 Meadowdale**
520 **Rockwall, TX**

521 **Ms. Elwonger asked why a survey was conducted to begin with if a policy was already in place that**
522 **called for sidewalks to be installed. Asking the question led responders to believe that their opinions**
523 **would actually matter. City Manager Rick Crowley shared that it was actually his decision to include**
524 **the question about sidewalks because he anticipated that Council would like to have that feedback.**
525 **She generally indicated that she is strongly opposed to the installation of sidewalks. She purchased her**

526 home without sidewalks and prefers that the street stay that way. She pointed out that the Council
527 previously relied heavily on a survey the last time a decision was made regarding installation or no
528 installation of sidewalks. In this instance, more residents (about 72%) have expressed “no sidewalks.”
529

530 **A.J. Echstein (unsure of spelling)**
531 **1605 Plummer Drive**
532 **Rockwall, TX**
533

534 **Mr. Echstein came forth and asked (a rhetorical question) if the city is going to require sidewalks to be**
535 **installed in the historical district.**
536

537 **Kathleen Ingram**
538 **1410 S. Lakeshore Drive**
539 **Rockwall, TX**
540

541 **Ms. Ingram came forth and suggested that Council consider changing the existing policy that calls for**
542 **sidewalks to be installed upon reconstruction of a roadway. She did not know that ‘new streets’ would**
543 **come with ‘new sidewalks.’ She believes that voters have been misled through the “sidewalks” question**
544 **on the surveys. She believes a variance should be allowed in this instance because she does not know**
545 **that voters understood (when voting on the bond proposal) that a new, reconstructed roadway would**
546 **automatically be accompanied by the installation of sidewalks.**
547

548 **Councilmember Daniels shared that previously when Council asked the people on Summit Ridge to go**
549 **discuss the matter and come back with a mutually agreed upon consensus, they were unable to do so.**
550 **Daniels proposed that the city’s existing policy be amended to state that if a street does not already**
551 **have sidewalks, then it would not have new ones installed upon reconstruction....and if a street did**
552 **have existing sidewalks, then new ones would be installed upon reconstruction.**
553

554 **Mayor Pruitt moved to table this entire Action Item #1 and further discuss it at a later date. Councilman**
555 **Johannesen seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).**
556

557 **2. Discuss and consider directing staff to prepare an ordinance implementing a city initiated**
558 **Engineering Plan Review Fee, and take any action necessary.**

559 **City Engineer, Amy Williams, provided brief background information pertaining to this agenda item.**
560 **Councilman Hohenshelt moved to instruct staff to prepare this ordinance. Councilman Trowbridge**
561 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

562 **3. Discuss and consider (re)appointments to the city's Airport Advisory Board, Animal Advisory**
563 **Board, Architectural Review Board, ART Review Commission, Historic Preservation Advisory**
564 **Board, and Park Board and take any action necessary.**

565 **Mayor Pruitt shared that Council is not ready to take action on these tonight. So, neither discussion nor**
566 **action took place regarding this matter.**

567 **XII. CITY MANAGER’S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO**
568 **CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED**
569 **MATTERS.**

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1. Departmental Reports

- Building Inspections Monthly Report - June 2019
- Finance Department Quarterly Report - June 2019
- Fire Department Monthly Report - June 2019
- GIS Division Monthly Report - June 2019
- Harbor PD Monthly Report - June 2019
- Internal Operations Department Monthly Report - June 2019
- Rockwall Animal Adoption Center Monthly Report - June 2019
- Rockwall County Meals On Wheels / Senior Services 3rd Quarter Report
- Recreation Monthly Report - June 2019
- Police Department Monthly Report - June 2019
- STAR Transit Monthly Report - June 2019

2. City Manager’s Report

No questions were asked pertaining to departmental of city manager’s report.

XIII. EXECUTIVE SESSION

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

- 1.** Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development) and possible land purchase pursuant to Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorney)
- 2.** Discussion regarding possible sale of real property in the vicinity of Downtown, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
- 3.** Discussion regarding appointments to and interviews for city regulatory boards, commissions, and committees - specifically the Planning & Zoning Commission and Board of Adjustments - pursuant to Section 551.074 (Personnel Matters)
- 4.** Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Council did not reconvene in Executive Session following the close of the public meeting agenda.

XV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 9:05 p.m.

608 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 19th
609 DAY OF AUGUST, 2019.

610
611 ATTEST: _____
612 Jim Pruitt, Mayor

613
614 _____
Kristy Cole, City Secretary

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Mary Smith, Director of Finance
DATE: August 16, 2019
SUBJECT: Select Audit Firm

The City Charter requires an audit be performed at the end of each fiscal year, with the audit firm to be rotated every 4 years.

City staff requested proposals for audit services in June 2019. Proposal packages were sent to all audit firms in the State who conduct government audits, as well as to the national level firms, with offices in the area. In addition, all Rockwall CPA's were sent a proposal package. Lists of audit firms in the Metroplex were garnered from the Dallas Chapter of the Texas Society of Certified Public Accountants.

Five proposals for audit services were received from firms including BKD CPA, Whitley Penn, Patillo, Brown & Hill, BrooksWatson & Co, and Weaver.

All of the submitting firms are qualified to conduct the annual audit of the City's financial statements and prepare the Comprehensive Annual Financial Report (CAFR) and all have a long established presence in this area. All firms propose to provide staff that are registered with the State Board of Public Accountancy and offer a significant number of individual years of experience in the audit of local governments.

The proposals vary widely on the cost of service to be provided. 2 of the firms chose to conduct a phone interview with me and their better understanding of the City's process and staff did help those firms identify a cost better matched to our ability to assist them through the audit.

After interviews and extensive review of references, staff proposes the City Council authorize the City Manager to engage the firm of BrooksWatson & Co PLLC to conduct the audit of the City's financial statements for the year ended September 30, 2019 - 22. The firm will prepare the City's CAFR and proposes to meet with the Finance Sub-committee prior to their presentation to the full Council in the month of March 2020.

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Honorable Mayor and Council

FROM: Jeffrey Widmer, Building Official

DATE: August 19, 2019

SUBJECT: Transfer Building and Standards Commission responsibilities to the BOA

When the City's Property Maintenance Code (PMC) was adopted in 2004, the Building and Standards Commission (BSC) was created. City Council appointed members to the commission, and Neighborhood Improvement Services (NIS) has utilized the BSC over the last several years.

The Commission has authority to uphold a determination of the NIS Department, allow a reasonable time in which a property owner has to comply with a determination or order of the NIS Department, accept an alternate method for compliance with the provision of the City's PMC, grant variances when a literal enforcement of the PMC would result in an unnecessary hardship and make recommendations to City Council regarding dangerous buildings.

The commission has not met over the last few years, and members have not been appointed to serve on the commission. Staff believes it would be prudent to retain the ability to utilize the BSC if the need arises in the future.

Our Board of Adjustment (BOA) is an active body that meets practically every month. Working with our City Attorney, the determination was made that the BOA could also serve the City as our BSC when needed. The attached proposed ordinance transfers the responsibilities of the BSC to the BOA.

If Council votes to approve the proposed ordinance change, Staff will inform, educate and assist our BOA Members in preparing to serve as our BSC for future hearings

CITY OF ROCKWALL

ORDINANCE NO. 19-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE CODE OF ORDINANCES IN CHAPTER 10. "BUILDINGS AND BUILDING REGULATIONS;" ARTILE II. "ADMINISTRATION AND ENGFORCEMENT;" DIVISION 2. "BUILDING AND STANDARDS COMMISSION" TO APPOINT THE DUTIES OF THE CITY'S BUILDING AND STANDARDS COMMISSION TO THE CITY'S BOARD OF ADJUSTMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTVE DATE.

WHEREAS, the City Council of the City of Rockwall, Texas ("City Council") took action on January 20, 2004 through adoption of Ordinance 04-05 to establish the Building and Standards Commission to enforce the Property Maintenance Code; and

WHEREAS, the Building and Standards Commission has met on only a few occasions since its creation. Therefore, the City Council believes it would be prudent to consolidate the Building and Standards Commission with the Board of Adjustments, essentially transferring the duties of the Building and Standards Commission to the City's Board of Adjustment; and

WHEREAS, the City Council has determined it to be in the best interest of the City to amend Chapter 10, Article II, Division 2, "Building and Standards Commission" to appoint the duties of the Building and Standards Commission to the Board of Adjustment;

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

SECTION 1. AMENDMENT. That the Code of Ordinances of the City of Rockwall, Texas in Chapter 10, Article II, Division 2, "Building and Standards Commission," specifically Section 10-40 is hereby amended to read as follows:

Sec. 10-40. - Created.

(a) *Organization.* There is hereby created a commission known as the Building and Standards Commission. The rules shall be organized as follows:

- (1) *Composition.* The Building and Standards Commission shall consist of the members of the city's Board of Adjustment, all of whom are appointed by a majority of the city council in accordance with Article II, Sec. 11 of the City's Unified Development Code (UDC).
- (2) *Vacancies.* Vacancies to the Building and Standards Commission shall be filled in accordance with Article II, Sec. 11 of the City's Unified Development Code (UDC).
- (3) *Residency and voter requirements.* Each member of the commission shall be a resident citizen and qualified voter of the city.
- (4) *Terms.* Terms of office shall be the same as the terms for the members of the Board of Adjustment.

(5) *Compensation.* Members shall serve without compensation.

(6) *Removal.* Council may remove a member for cause on a written charge. Before a decision regarding a removal is made, the council must hold a public hearing on the matter if requested by the commission member subject to the removal action.

(b) *Meetings.* The commission shall hold its meetings on the call of the chairperson, or at such other times as the commission may determine. All meetings shall be open to the public.

(c) *Quorum.* All cases to be heard by the commission must be heard by at least four members.

(d) *Chairperson; vice-chairperson.* A chairperson and a vice-chairperson shall be elected by the members of the commission at the first meeting following the annual appointment of the new members.

(e) *Recordkeeping.* The commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(f) *Voting.* The concurring vote of four members of the commission shall be necessary for the adoption of any motion, the issuance of any order, the making of any recommendation, or the determination of the amount and duration of any civil penalty. Only the members of the commission present shall have voting privileges.

(g) *Promulgation of regulations.* The commission shall adopt rules in accordance with the Property Maintenance Code, Article XII of this chapter and pursuant to V.T.C.A., Local Government Code § 54.032. The rules shall establish procedures for use in hearings, providing ample opportunity for presentation of evidence and testimony by respondents or person opposing charges brought by the municipality or its building officials relating to alleged violation of ordinances, as specified in V.T.C.A., Local Government Code § 54.031 et seq.

(h) *Appeals.* Appeals to the commission may be made by any person aggrieved, or by a municipal officer, department, or board affected by any decision (related to the Property Maintenance Code, article XII of this chapter) of the building official. Such appeal shall be filed with the commission chairperson within 15 days after the original decision is rendered. All papers constituting the record pertaining to such appeal shall accompany the appeal. Formal notice of the appeal shall be issued by the commission chairperson, such notice to specify the grounds upon which the appeal is made. The commission shall set a reasonable time for the hearing of the appeal. Notice of all proceedings before the commission must be given as follows:

- (1) By certified mail, return receipt required to the record owners of the attached property, and such holder of a recorded lien against the affected property, as shown by the records in the office of the county clerk, if the address of the lienholder can be ascertained;
- (2) To all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property, or as close to the front door as practicable; and
- (3) The notice shall be mailed and posted on or before the tenth day before the date of the hearing before the commission and must state the date, time, and place

of the hearing. In addition, the notice must be published in a newspaper of general circulation within the city at least ten days before the hearing.

SECTION 2. That the remainder of Chapter 10, Article II, Division 2, "Building and Standards Commission" in the City's Code of Ordinances shall remain unchanged. The Code of the City of Rockwall, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance; and

SECTION 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with all remaining portions not conflicting being saved from repeal herein; and

SECTION 4. That if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and

SECTION 5. That it is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by Section 551.001 et seq., Texas Government Code and that advance public notice of the time, place and purpose of said meeting was given; and

SECTION 6. That this ordinance shall take effect immediately upon its second reading as required by the City Charter, Section 3.11.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS THIS 3rd DAY OF SEPTEMBER, 2019.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: 08/19/2019

2nd Reading: 09/03/2019

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CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 19-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 38. "SUBDIVISIONS," ARTICLE I. "IN GENERAL," SECTION 38-15 "MISCELLANEOUS REQUIREMENTS" TO ESTABLISH AN ENGINEERING PLAN REVIEW FEE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rockwall, Texas ("City Council") deems it to be in the best interest of the City to establish a "plan review fee" associated with engineering related projects.

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

SECTION 1. That the Code of Ordinances of the City of Rockwall shall be amended in Chapter 38. "Subdivisions;" Article I. "In General;" Section 38-15. "Miscellaneous requirements," to add an additional subsection and associated provisions, which shall hereby read as follows:

(s) *Engineering Plan Review Fee.* Any person desiring to submit for engineering construction plan review shall, at the time of said plan being submitted to the engineering department, pay to the city a fee in accordance with the following fee schedule:

First Review Fee	Resubmittal Fee
<ul style="list-style-type: none">• \$100.00 for parcels or tracts of land less than 1-acre.• \$125.00 for parcels or tracts of land between 1 to 5-acres.• \$175.00 for parcels or tracts of land greater than 5-acres.	\$500 (After Third Review)

SECTION 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with all remaining portions not conflicting being saved from repeal herein; and

SECTION 3. That if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and

SECTION 4. That it is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by Section 551.001 et seq., Texas Government Code and that advance public notice of the time, place and purpose of said

meeting was given; and

SECTION 5. That this ordinance shall take effect immediately upon its second reading as required by the City Charter, Section 3.11.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 3rd day of September, 2019.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

APPROVED AS TO FORM:

Frank Garza, City Attorney

1st Reading: 08/19/2019

2nd Reading: 09/03/2019

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CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: August 19, 2019
APPLICANT: Ryan Joyce; Michal Joyce Properties
CASE NUMBER: P2019-029; *Preliminary Plat for Northgate Subdivision*

SUMMARY

Discuss and consider a request by Ryan Joyce of Michael Joyce Properties on behalf of Jen-Liang Wu of Unison Investment for the approval of a master plat for the Northgate Subdivision being a 61.45-acre tract of land identified as Tract 4 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 88 (PD-88) for Single-Family 1 (SF-1) District land uses, located at the southwest corner of the intersection of Stodghill Road [FM-3549] and Clem Road, and take any action necessary.

PLAT INFORMATION

- The applicant is requesting to preliminary plat a 61.45-acre tract of land (*i.e. Tract 4 of the W. M. Dalton Survey Abstract No. 72*) into 40 Lots (*i.e. Lots 1-23, Block A, Lots 1-17, Block B*) for the purpose of establishing a lot layout for a single-family residential development. The preliminary plat also depicts two (2) common space lots that will be utilized as 30-foot landscape buffers adjacent to Stodghill Road [FM-3549]. In addition to the preliminary plat, the applicant has also submitted preliminary drainage and utility plans showing how the development can be adequately served.
- The subject property was annexed in 2008 [*Ordinance No. 08-66*] and is currently vacant. On July 1, 2019, the City Council approved *Ordinance No. 19-26*, which established the development standards for Planned Development District 88 (PD-88). In conjunction with the preliminary plat, the applicant has submitted a request for approval of a master plat (*Case No. P2019-030*) and a site plan (*Case No. SP2019-028*) for the Northgate Subdivision.
- On August 6, 2019 the Parks and Recreation Board reviewed the preliminary plat and made the following recommendations:
 - (1) The developer shall pay pro-rata equipment fees of \$20,920.00 (*i.e. \$523.00 x 40 lots*) to be paid at the time of final plat.
 - (2) The developer shall pay cash in lieu of land fees of \$20,280.00 (*i.e. \$507.00 x 40 lots*) to be paid at the time of final plat.
- The surveyor has completed the majority of the technical revisions requested by staff, and this plat - *conforming to the requirements for final plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
- Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.

- ☑ With the exception of the items listed in the *Conditions of Approval* section of this case memo, this plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the Municipal Code of Ordinances.

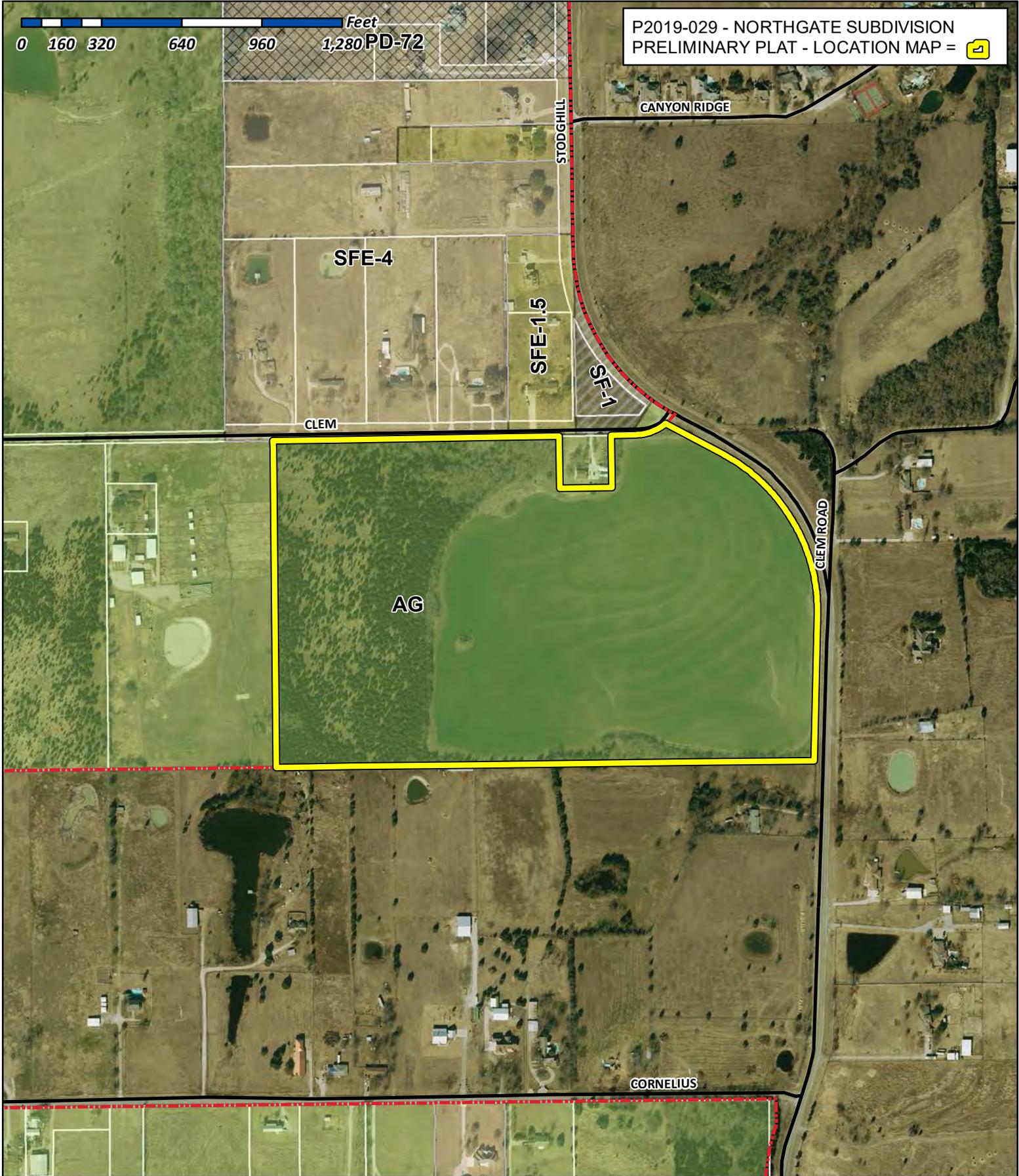
CONDITIONS OF APPROVAL

If the City Council chooses to approve the preliminary plat for *Lots 1-23, Block A, and Lots 1-17, Block B*, staff would propose the following conditions of approval:

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

PLANNING AND ZONING COMMISSION

On August 13, 2019, the Planning and Zoning Commission's motion to recommend approval of the preliminary plat with staff's conditions of approval passed by a vote of 7-0.

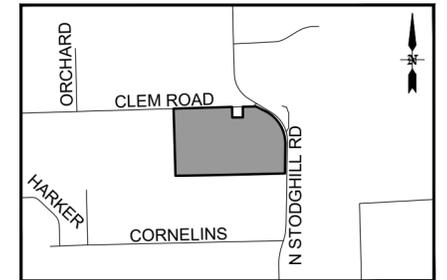
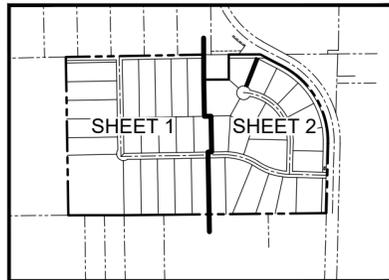
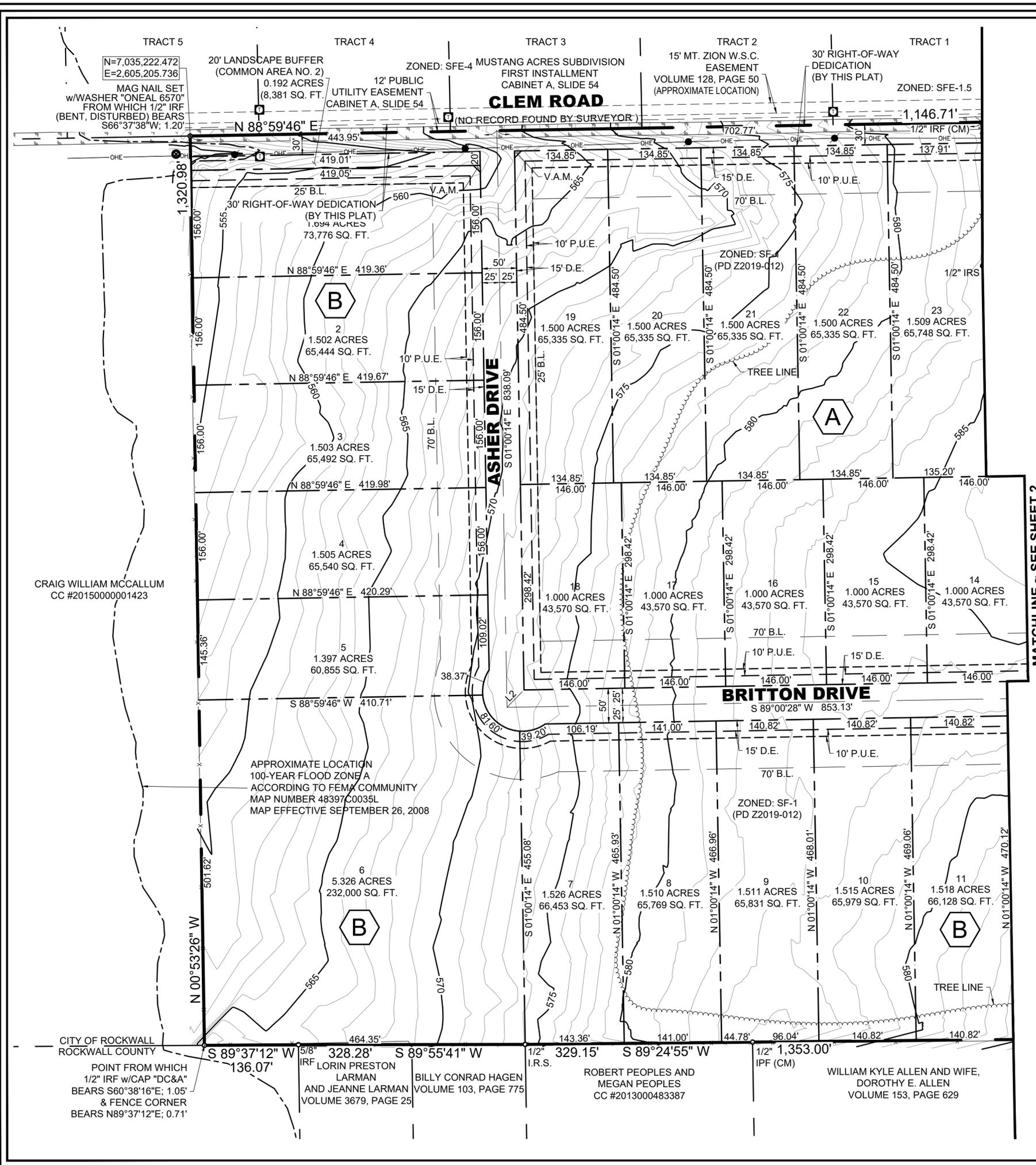


City of Rockwall

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

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KEY MAP
Scale: 1" = 1,000'

VICINITY MAP
NOT TO SCALE

ABBREVIATION LEGEND

ABBR.	DEFINITION
IRS	Iron rod set
IRF	Iron rod found
IPF	Iron pipe found
PKF	PK nail found
CMON	Concrete monument found
CM	Controlling monument
O.P.R.R.C.T.	Official Public Records, Rockwall County, Texas
B.L.	Building line
P.U.E.	Public utility easement
D.E.	Drainage easement
C.A.	Common Area
V.A.M.	10'x10' Visibility, access & maintenance easement
	Indicates street name change

LINE TABLE

LINE #	BEARING	DISTANCE
L1	S03°02'33"W	2.22'
L2	N44°13'01"E	31.70'

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH	CH. L	CH. B
C1	63°42'40"	713.94'	793.88'	753.61'	N30°30'10"W
C2	34°13'31"	500.00'	298.67'	294.25'	N73°53'29"W
C3	31°44'23"	500.00'	276.98'	273.45'	S72°38'54"E
C4	88°39'30"	408.94'	632.78'	571.52'	N42°37'42"W

NOTE:

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

**PRELIMINARY PLAT
NORTHGATE**

LOTS 1-23, BLOCK A; LOTS 1-7, BLOCK B; 2 COMMON AREAS (LANDSCAPE BUFFERS) [42 LOTS]
62.512 ACRES OUT OF THE WILLIAM DALTON SURVEY,
ABSTRACT NO. 72
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
CASE NO. P2019-029
DATE OF PREPARATION: 6/26/19
DATE OF LAST REVISION: 8/6/19

OWNER

Unison Investment
23545 Crenshaw Blvd., Suite 201
Torrance, CA 90505

DEVELOPER

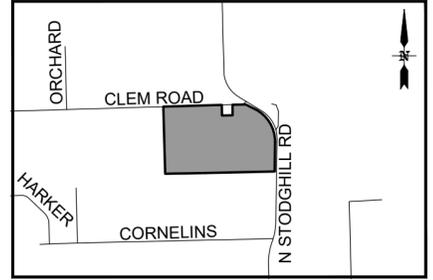
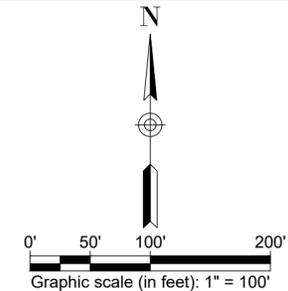
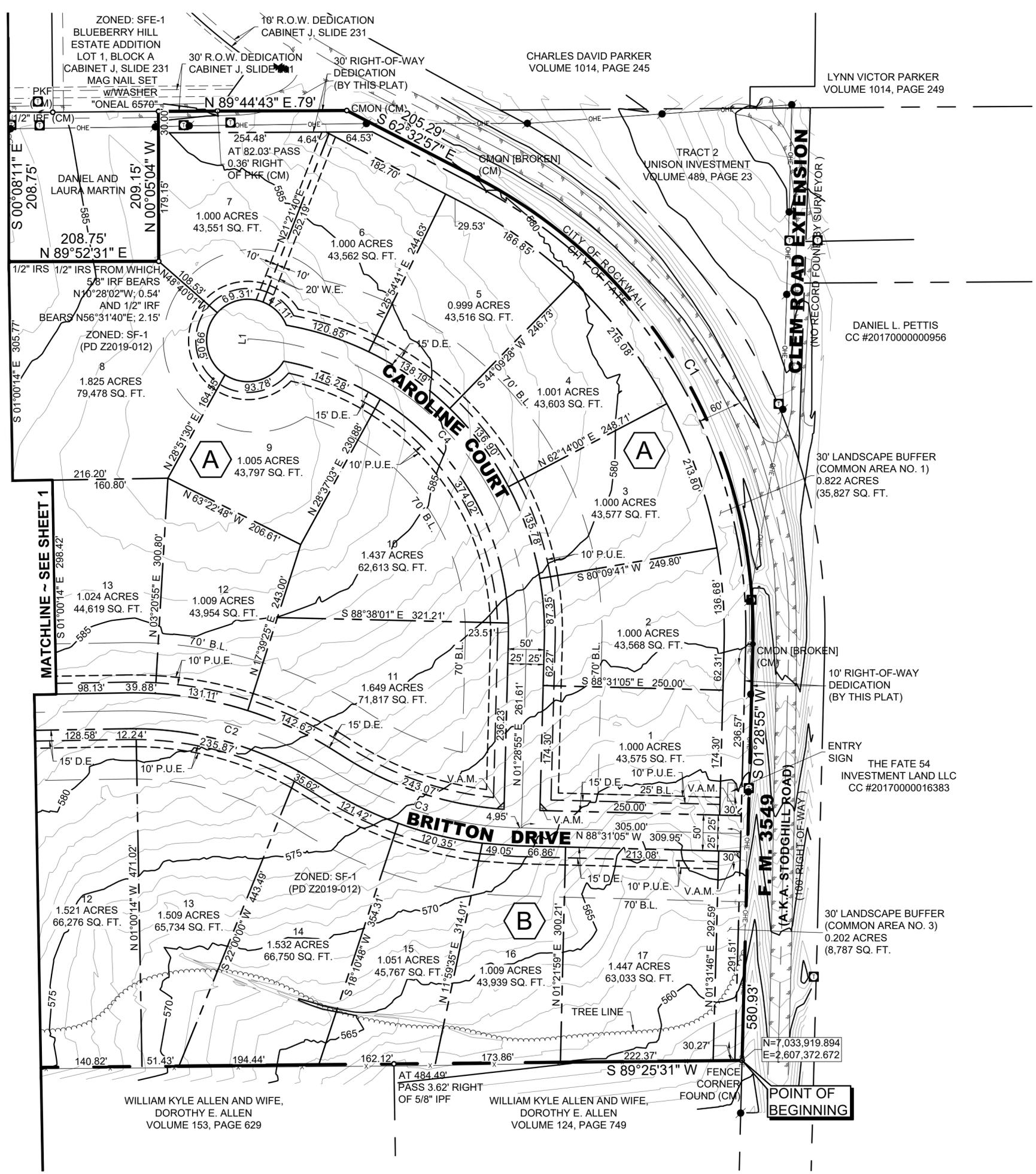
Northgate Rockwall LD, LLC
1189 Waters Edge Drive
Rockwall, TX 75087

LAND SURVEYOR

O'Neal Surveying Co.
3111 Cole Avenue, Suite 101
Dallas, Texas 75204
(903) 804-2891
Firm No. 10194132



ENGINEERING / PROJECT MANAGEMENT /
CONSTRUCTION SERVICES - FIRM REG. #F-001145
201 WINDCO CIR, SUITE 200, WYLIE, TX 75098
972-941-8400 FAX: 972-941-8401 WWW.ECDLP.COM



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ENGINEERING CONCEPTS & DESIGN, L.P.
ENGINEERING / PROJECT MANAGEMENT / CONSTRUCTION SERVICES - FIRM REG. #F-001145
201 WINDCO CIR, SUITE 200, WYLIE, TX 75098
972-941-8400 FAX: 972-941-8401 WWW.ECDLP.COM

OWNER'S CERTIFICATION [Public Dedication]

STATE OF TEXAS §
COUNTY OF ROCKWALL §

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

BEING 62.517 ACRES OF LAND LOCATED IN THE WILLIAM DALTON SURVEY, ABSTRACT NUMBER 72, ELLIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN CALLED 61.455 ACRE TRACT AS DESCRIBED TO UNISON INVESTMENT BY DEED RECORDED IN VOLUME 489, PAGE 23, DEED RECORDS, ROCKWALL COUNTY, TEXAS (D.R.R.C.T.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A FENCE CORNER FOUND IN THE WEST LINE OF FARM-TO-MARKET ROAD 3549 (100' RIGHT-OF-WAY) AT THE SOUTHEAST CORNER OF THE ABOVE-MENTIONED 61.455 ACRE TRACT;

THENCE SOUTH 89 DEGREES 25 MINUTES 31 SECONDS WEST, AT A DISTANCE OF 484.49 FEET PASS 3.62 FEET RIGHT OF A 5/8" IRON PIPE FOUND AND CONTINUING FOR A TOTAL DISTANCE OF 1353.00 FEET WITH THE SOUTH LINE OF SAID 61.455 ACRE TRACT TO A 1/2" IRON PIPE FOUND AT THE NORTHWEST CORNER OF THE WILLIAM KYLE ALLEN ET UX 12.888 ACRE TRACT AS DESCRIBED IN VOLUME 153, PAGE 629, (D.R.R.C.T.) AND THE NORTHEAST CORNER OF THE ROBERT PEOPLES AND MEGAN PEOPLES 10.00 ACRE TRACT AS DESCRIBED IN INSTRUMENT NUMBER 2013000483387, (D.R.R.C.T.);

THENCE SOUTH 89 DEGREES 24 MINUTES 55 SECONDS WEST, A DISTANCE OF 329.15 FEET WITH THE SOUTH LINE OF SAID 61.455 ACRE TRACT TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET AT THE NORTHWEST CORNER OF THE ABOVE-MENTIONED 10.00 ACRE TRACT AND THE NORTHEAST CORNER OF THE BILLY CONRAD HAGEN 4.030 ACRE TRACT AS DESCRIBED IN VOLUME 103, PAGE 775, (D.R.R.C.T.);

THENCE SOUTH 89 DEGREES 55 MINUTES 41 SECONDS WEST, A DISTANCE OF 328.28 FEET WITH THE SOUTH LINE OF SAID 61.455 ACRE TRACT, SAME BEING THE COMMON NORTH LINE OF THE ABOVE-MENTIONED 4.030 ACRE TRACT AND THE LORIN PRESTON LARMAN AND JEANNE LARMAN 4.962 ACRE TRACT AS DESCRIBED IN VOLUME 3679, PAGE 25, (D.R.R.C.T.) TO A 5/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF THE JUST MENTIONED 4.962 ACRE TRACT;

THENCE SOUTH 89 DEGREES 37 MINUTES 12 SECONDS WEST, A DISTANCE OF 136.07 FEET TO THE SOUTHWEST CORNER OF SAID 61.455 ACRE TRACT, SAME BEING THE COMMON SOUTHEAST CORNER OF THE CRAIG WILLIAM MCCALLUM 20.057 ACRE TRACT AS DESCRIBED IN INSTRUMENT NUMBER 2015000001423, (D.R.R.C.T.), FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "DC&A" BEARS SOUTH 60 DEGREES 38 MINUTES 16 SECONDS EAST, A DISTANCE OF 1.05 FEET AND A FENCE CORNER BEARS NORTH 89 DEGREES 37 MINUTES 12 SECONDS EAST, A DISTANCE OF 0.71 FEET;

THENCE NORTH 00 DEGREES 53 MINUTES 26 SECONDS WEST, A DISTANCE OF 1320.98 FEET TO A MAG NAIL WITH WASHER STAMPED "ONEAL 6570" SET IN THE APPROXIMATE CENTERLINE OF CLEM ROAD (NO RECORD FOUND BY SURVEYOR) AT THE NORTHWEST CORNER OF SAID 61.455 ACRE TRACT AND THE NORTHEAST CORNER OF THE ABOVE-MENTIONED 20.057 ACRE TRACT;

THENCE NORTH 88 DEGREES 59 MINUTES 46 SECONDS EAST, A DISTANCE OF 1146.71 FEET WITH THE APPROXIMATE CENTERLINE OF CLEM ROAD AND THE NORTH LINE OF SAID 61.455 ACRE TRACT TO A 1/2" IRON ROD FOUND;

THENCE SOUTH 00 DEGREES 08 MINUTES 11 SECONDS EAST, A DISTANCE OF 208.75 FEET LEAVING CLEM ROAD TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET AT AN INTERIOR CORNER OF SAID 61.455 ACRE TRACT;

THENCE NORTH 89 DEGREES 52 MINUTES 31 SECONDS EAST, A DISTANCE OF 208.75 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET FOR AN INTERIOR CORNER OF SAID 61.455 ACRE TRACT;

THENCE NORTH 00 DEGREES 05 MINUTES 04 SECONDS WEST, A DISTANCE OF 209.15 FEET TO A MAG NAIL WITH WASHER STAMPED "ONEAL 6570" SET IN THE APPROXIMATE CENTERLINE OF CLEM ROAD AND AN EXTERIOR CORNER OF SAID 61.455 ACRE TRACT;

THENCE NORTH 89 DEGREES 44 MINUTES 43 SECONDS EAST, A DISTANCE OF 261.79 FEET WITH THE NORTH LINE OF SAID 61.455 ACRE TRACT TO A CONCRETE MONUMENT FOUND IN THE SOUTHWEST LINE OF FARM-TO-MARKET ROAD 3549;

THENCE SOUTH 62 DEGREES 32 MINUTES 57 SECONDS EAST, A DISTANCE OF 205.29 FEET WITH THE SOUTHWEST LINE OF FARM-TO-MARKET ROAD 3549 AND THE COMMON NORTHEAST LINE OF SAID 61.455 ACRE TRACT, TO A BROKEN CONCRETE MONUMENT FOUND AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 063 DEGREES 42 MINUTES 40 SECONDS, A RADIUS OF 713.94 FEET AND A LONG CHORD THAT BEARS SOUTH 30 DEGREES 30 MINUTES 10 SECONDS EAST FOR A DISTANCE OF 753.61 FEET;

THENCE SOUTHEASTERLY WITH SAID CURVE TO THE RIGHT AND THE SOUTHWEST LINE OF FARM-TO-MARKET ROAD 3549 AND THE COMMON NORTHEAST LINE OF SAID 61.455 ACRE TRACT, AN ARC LENGTH OF 793.88 FEET TO A BROKEN CONCRETE MONUMENT FOUND;

THENCE SOUTH 01 DEGREES 28 MINUTES 55 SECONDS WEST, WITH THE WEST LINE OF FARM-TO-MARKET ROAD 3549 AND THE COMMON EAST LINE OF SAID 61.455 ACRE TRACT, A DISTANCE OF 580.93 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 62.517 ACRES OF LAND, MORE OR LESS.

STATE OF TEXAS §
COUNTY OF ROCKWALL §

Before me, the undersigned authority, on this day personally appeared [PROPERTY OWNER], known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given upon my hand and seal of office this ____ day of _____, 2019.

Notary Public in and for the State of Texas My Commission Expires _____

SURVEYOR'S CERTIFICATE

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, Daniel Chase O'Neal, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.

PRELIMINARY ~ This document shall not be recorded for any purpose and shall not be used, reviewed, or relied upon as a final survey document.

Daniel Chase O'Neal
Texas Registered Professional Land Surveyor No. 6570

STANDARD CITY SIGNATURE BLOCK

Planning & Zoning Commission, Chairman Date _____

APPROVED:
I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the ____ day of _____, 2019.

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

WITNESS OUR HANDS, this ____ day of _____, 2019.

Mayor, City of Rockwall City Secretary City Engineer

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CITY OF ROCKWALL

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

TO: Mayor and City Council

DATE: August 19, 2019

APPLICANT: Ryan Joyce; Michael Joyce Properties

CASE NUMBER: P2019-030; *Master Plat for Northgate Subdivision*

SUMMARY

Discuss and consider a request by Ryan Joyce of Michael Joyce Properties on behalf of Jen-Liang Wu of Unison Investment for the approval of a preliminary plat for the Northgate Subdivision containing 40 single-family residential lots on a 61.45-acre tract of land identified as Tract 4 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 88 (PD-88) for Single-Family 1 (SF-1) District land uses, located at the southwest corner of the intersection of Stodghill Road [FM-3549] and Clem Road, and take any action necessary.

PLAT INFORMATION

- The applicant is requesting to master plat the Northgate Subdivision. The Northgate Subdivision is a one (1) phase, master planned community that will consist of 40 single-family residential lots on a 61.45-acre tract of land. The master plat depicts the proposed timing and phasing for the proposed development. A summary of the proposed lot composition is as follows:

Lot Composition:

Lot Type	Minimum Lot Size (FT)	Minimum Lot Size (SF)	Dwelling Units (#)	Dwelling Units (%)
A	120' x 200'	43,560 SF	17	42%
B	130' x 400'	65,340 SF	23	58%
<i>Maximum Permitted Units:</i>			40	100.00%

- The subject property was annexed in 2008 [*Ordinance No. 08-66*] and is currently vacant. On July 1, 2019, the City Council approved *Ordinance No. 19-26*, which established the development standards for Planned Development District 88 (PD-88). In conjunction with the master plat, the applicant has submitted a request for approval of a preliminary plat (*Case No. P2019-029*) and a site plan (*Case No. SP2019-028*) for the Northgate Subdivision.
- On August 6, 2019, the Parks and Recreation Board reviewed the master plat and made the following recommendations:
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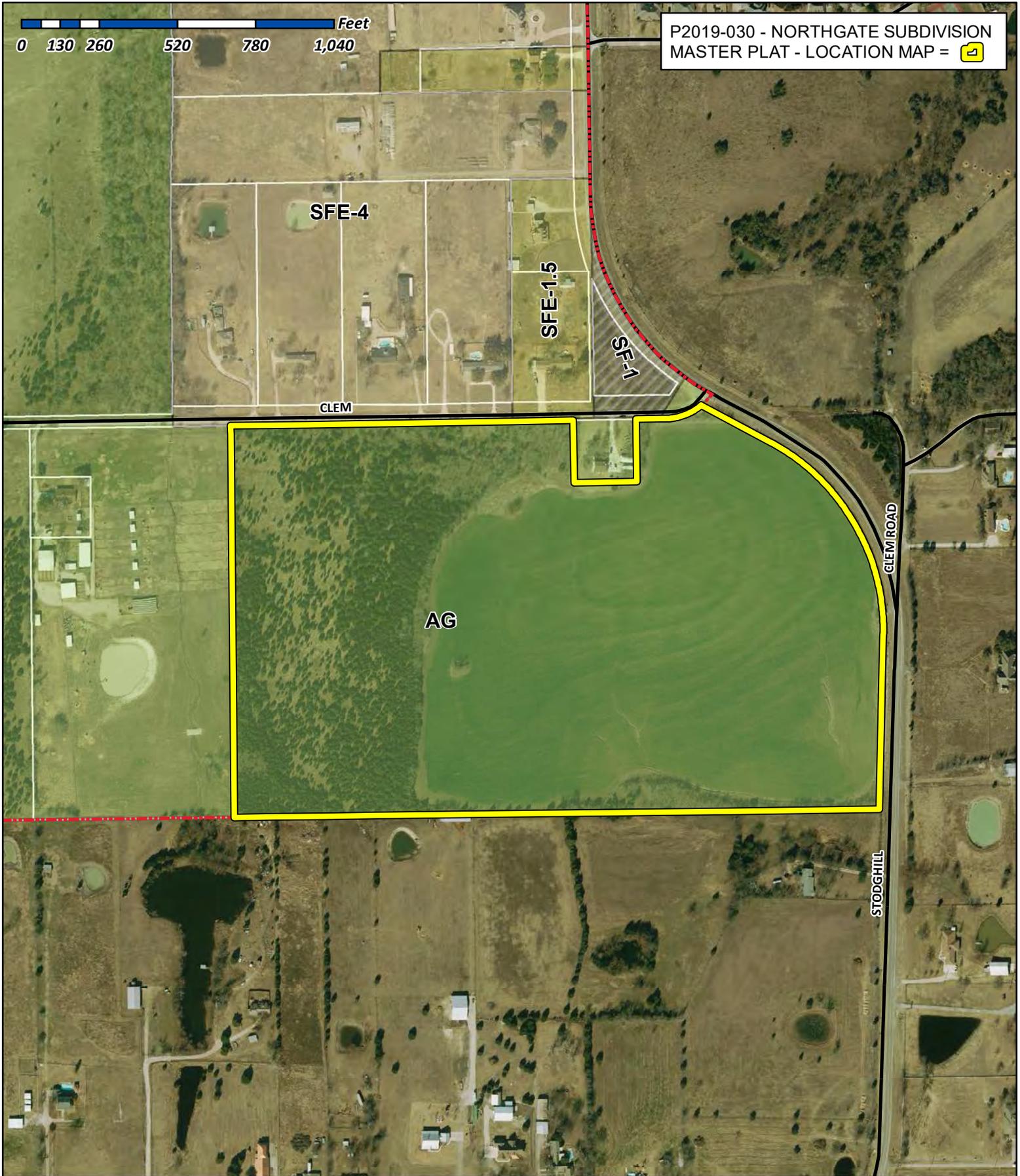
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0 130 260 520 780 1,040 Feet

P2019-030 - NORTHGATE SUBDIVISION
MASTER PLAT - LOCATION MAP = 

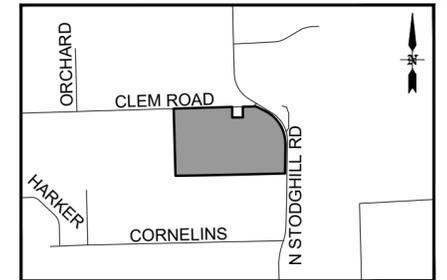
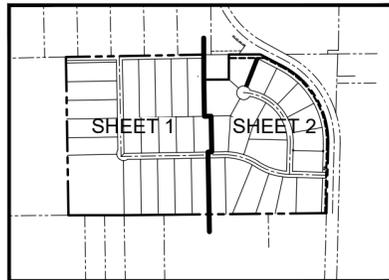
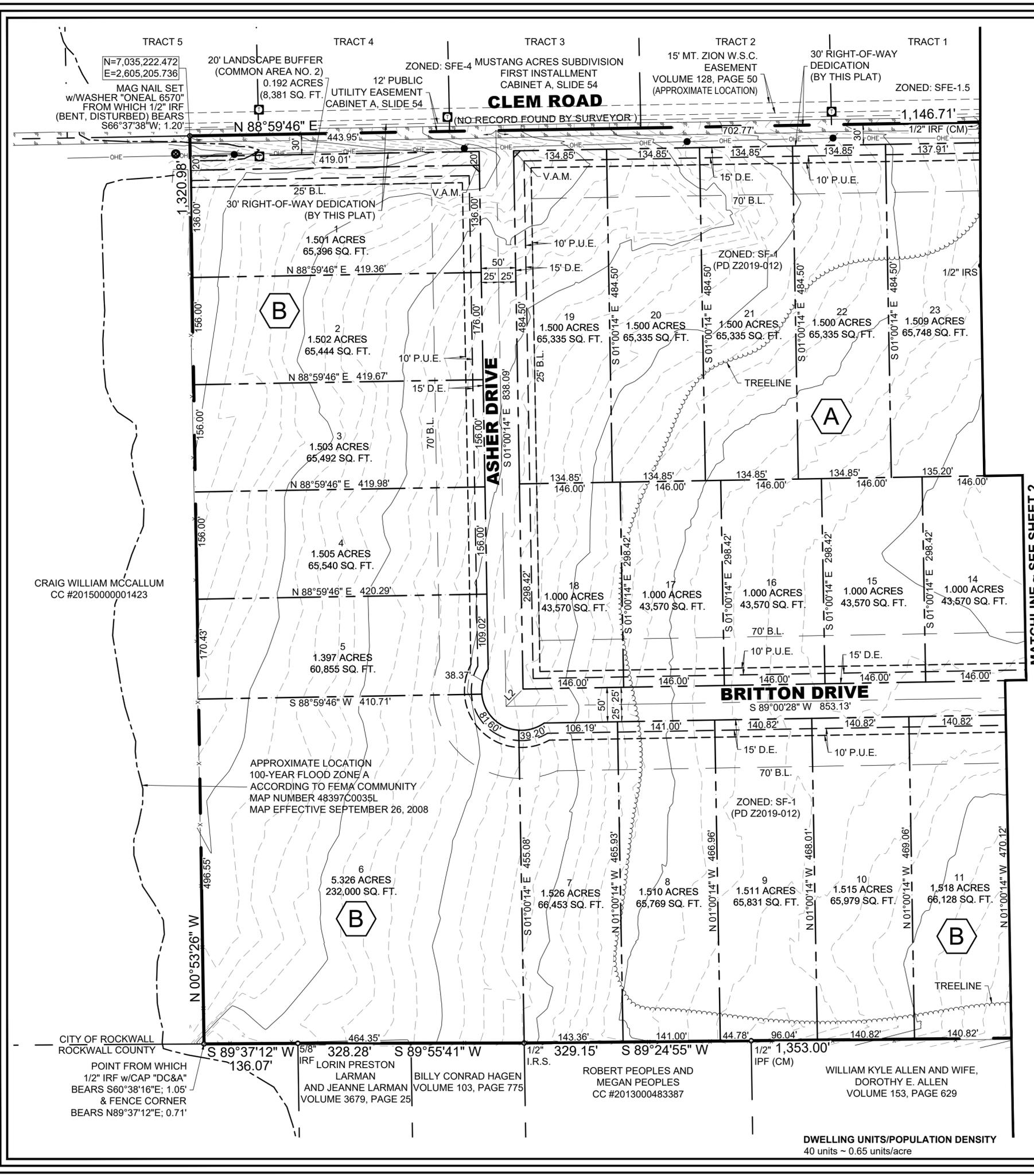


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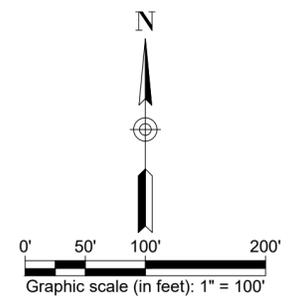


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CMON	Concrete monument found
CM	Controlling monument
O.P.R.R.C.T.	Official Public Records, Rockwall County, Texas
B.L.	Building line
P.U.E.	Public utility easement
D.E.	Drainage easement
C.A.	Common area
V.A.M.	10'x10' Visibility, access & maintenance easement
◊	Indicates street name change



LINE TABLE

LINE #	BEARING	DISTANCE
L1	S03°02'33"W	2.22'
L2	N44°13'01"E	31.70'

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH	CH. L	CH. B
C1	63°42'40"	713.94'	793.88'	753.61'	N30°30'10"W
C2	34°13'31"	500.00'	298.67'	294.25'	N73°53'29"W
C3	31°44'23"	500.00'	276.98'	273.45'	S72°38'54"E
C4	88°39'30"	408.94'	632.78'	571.52'	N42°37'42"W

NOTE:

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

LOT MIX TABLE

17	1 ACRE LOTS
22	1.5 ACRE LOTS
1	5.3 ACRE LOT

OWNER
Unison Investment
23545 Crenshaw Blvd., Suite 201
Torrance, CA 90505

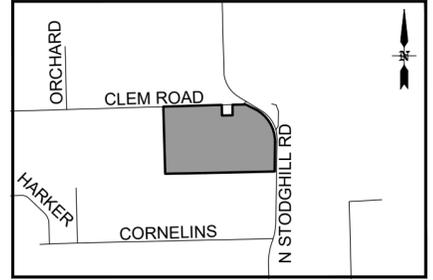
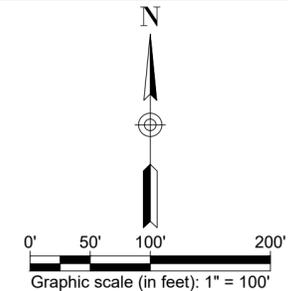
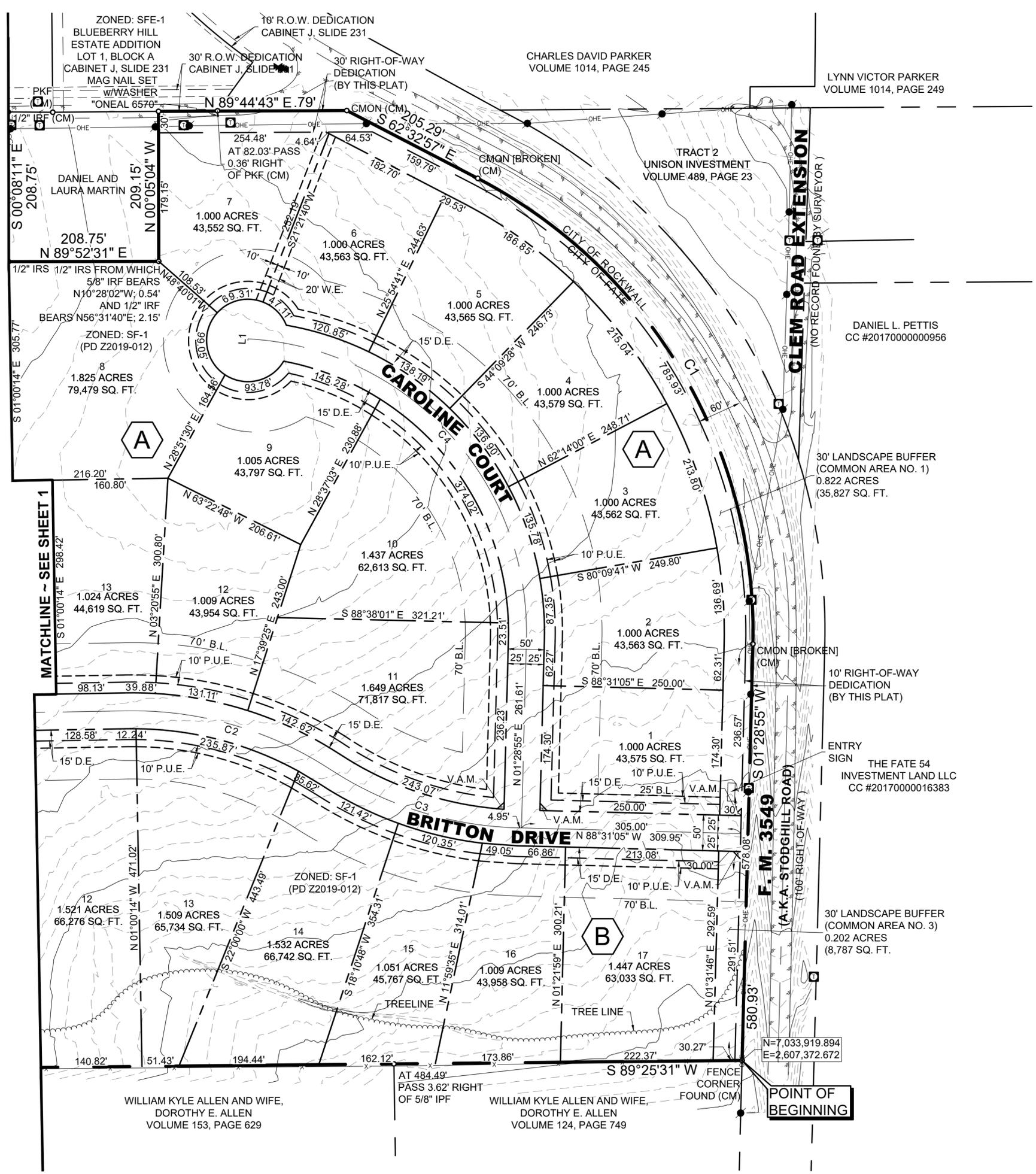
DEVELOPER
Northgate Rockwall LD, LLC
1189 Waters Edge Drive
Rockwall, TX 75087

LAND SURVEYOR
O'Neal Surveying Co.
3111 Cole Avenue, Suite 101
Dallas, Texas 75204
(903) 804-2891
Firm No. 10194132

MASTER PLAT
NORTHGATE
LOTS 1-23, BLOCK A; LOTS 1-7, BLOCK B; 2 COMMON AREAS (LANDSCAPE BUFFERS) [42 LOTS]
62.512 ACRES OUT OF THE WILLIAM DALTON SURVEY, ABSTRACT NO. 72
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
CASE NO. P2019-029
DATE OF PREPARATION: 7/1/19
DATE OF LAST REVISION: 8/6/19

ENGINEERING CONCEPTS & DESIGN, L.P.
ENGINEERING / PROJECT MANAGEMENT / CONSTRUCTION SERVICES - FIRM REG. #F-001145
201 WINDCO CIR, SUITE 200, WYLIE, TX 75098
972-941-8400 FAX: 972-941-8401 WWW.ECDLP.COM

DWELLING UNITS/POPULATION DENSITY
40 units ~ 0.65 units/acre



VICINITY MAP
NOT TO SCALE

ABBREVIATION LEGEND	
ABBR.	DEFINITION
IRS	Iron rod set
IRF	Iron rod found
IPF	Iron pipe found
PKF	PK nail found
CMON	Concrete monument found
CM	Controlling monument
O.P.R.C.T.	Official Public Records, Rockwall County, Texas
B.L.	Building line
P.U.E.	Public utility easement
D.E.	Drainage easement
C.A.	Common Area
V.A.M.	10'x10' Visibility, access & maintenance easement
	Indicates street name change

NOTE:

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OWNER'S CERTIFICATION [Public Dedication]

STATE OF TEXAS §
COUNTY OF ROCKWALL §

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

BEING 62.517 ACRES OF LAND LOCATED IN THE WILLIAM DALTON SURVEY, ABSTRACT NUMBER 72, ELLIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN CALLED 61.455 ACRE TRACT AS DESCRIBED TO UNISON INVESTMENT BY DEED RECORDED IN VOLUME 489, PAGE 23, DEED RECORDS, ROCKWALL COUNTY, TEXAS (D.R.R.C.T.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A FENCE CORNER FOUND IN THE WEST LINE OF FARM-TO-MARKET ROAD 3549 (100' RIGHT-OF-WAY) AT THE SOUTHEAST CORNER OF THE ABOVE-MENTIONED 61.455 ACRE TRACT;

THENCE SOUTH 89 DEGREES 25 MINUTES 31 SECONDS WEST, AT A DISTANCE OF 484.49 FEET PASS 3.62 FEET RIGHT OF A 5/8" IRON PIPE FOUND AND CONTINUING FOR A TOTAL DISTANCE OF 1353.00 FEET WITH THE SOUTH LINE OF SAID 61.455 ACRE TRACT TO A 1/2" IRON PIPE FOUND AT THE NORTHWEST CORNER OF THE WILLIAM KYLE ALLEN ET UX 12.888 ACRE TRACT AS DESCRIBED IN VOLUME 153, PAGE 629, (D.R.R.C.T.) AND THE NORTHEAST CORNER OF THE ROBERT PEOPLES AND MEGAN PEOPLES 10.00 ACRE TRACT AS DESCRIBED IN INSTRUMENT NUMBER 2013000483387, (D.R.R.C.T.);

THENCE SOUTH 89 DEGREES 24 MINUTES 55 SECONDS WEST, A DISTANCE OF 329.15 FEET WITH THE SOUTH LINE OF SAID 61.455 ACRE TRACT TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET AT THE NORTHWEST CORNER OF THE ABOVE-MENTIONED 10.00 ACRE TRACT AND THE NORTHEAST CORNER OF THE BILLY CONRAD HAGEN 4.030 ACRE TRACT AS DESCRIBED IN VOLUME 103, PAGE 775, (D.R.R.C.T.);

THENCE SOUTH 89 DEGREES 55 MINUTES 41 SECONDS WEST, A DISTANCE OF 328.28 FEET WITH THE SOUTH LINE OF SAID 61.455 ACRE TRACT, SAME BEING THE COMMON NORTH LINE OF THE ABOVE-MENTIONED 4.030 ACRE TRACT AND THE LORIN PRESTON LARMAN AND JEANNE LARMAN 4.962 ACRE TRACT AS DESCRIBED IN VOLUME 3679, PAGE 25, (D.R.R.C.T.) TO A 5/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF THE JUST MENTIONED 4.962 ACRE TRACT;

THENCE SOUTH 89 DEGREES 37 MINUTES 12 SECONDS WEST, A DISTANCE OF 136.07 FEET TO THE SOUTHWEST CORNER OF SAID 61.455 ACRE TRACT, SAME BEING THE COMMON SOUTHEAST CORNER OF THE CRAIG WILLIAM MCCALLUM 20.057 ACRE TRACT AS DESCRIBED IN INSTRUMENT NUMBER 20150000001423, (D.R.R.C.T.), FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "DC&A" BEARS SOUTH 60 DEGREES 38 MINUTES 16 SECONDS EAST, A DISTANCE OF 1.05 FEET AND A FENCE CORNER BEARS NORTH 89 DEGREES 37 MINUTES 12 SECONDS EAST, A DISTANCE OF 0.71 FEET;

THENCE NORTH 00 DEGREES 53 MINUTES 26 SECONDS WEST, A DISTANCE OF 1320.98 FEET TO A MAG NAIL WITH WASHER STAMPED "ONEAL 6570" SET IN THE APPROXIMATE CENTERLINE OF CLEM ROAD (NO RECORD FOUND BY SURVEYOR) AT THE NORTHWEST CORNER OF SAID 61.455 ACRE TRACT AND THE NORTHEAST CORNER OF THE ABOVE-MENTIONED 20.057 ACRE TRACT;

THENCE NORTH 88 DEGREES 59 MINUTES 46 SECONDS EAST, A DISTANCE OF 1146.71 FEET WITH THE APPROXIMATE CENTERLINE OF CLEM ROAD AND THE NORTH LINE OF SAID 61.455 ACRE TRACT TO A 1/2" IRON ROD FOUND;

THENCE SOUTH 00 DEGREES 08 MINUTES 11 SECONDS EAST, A DISTANCE OF 208.75 FEET LEAVING CLEM ROAD TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET AT AN INTERIOR CORNER OF SAID 61.455 ACRE TRACT;

THENCE NORTH 89 DEGREES 52 MINUTES 31 SECONDS EAST, A DISTANCE OF 208.75 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET FOR AN INTERIOR CORNER OF SAID 61.455 ACRE TRACT;

THENCE NORTH 00 DEGREES 05 MINUTES 04 SECONDS WEST, A DISTANCE OF 209.15 FEET TO A MAG NAIL WITH WASHER STAMPED "ONEAL 6570" SET IN THE APPROXIMATE CENTERLINE OF CLEM ROAD AND AN EXTERIOR CORNER OF SAID 61.455 ACRE TRACT;

THENCE NORTH 89 DEGREES 44 MINUTES 43 SECONDS EAST, A DISTANCE OF 261.79 FEET WITH THE NORTH LINE OF SAID 61.455 ACRE TRACT TO A CONCRETE MONUMENT FOUND IN THE SOUTHWEST LINE OF FARM-TO-MARKET ROAD 3549;

THENCE SOUTH 62 DEGREES 32 MINUTES 57 SECONDS EAST, A DISTANCE OF 205.29 FEET WITH THE SOUTHWEST LINE OF FARM-TO-MARKET ROAD 3549 AND THE COMMON NORTHEAST LINE OF SAID 61.455 ACRE TRACT, TO A BROKEN CONCRETE MONUMENT FOUND AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 063 DEGREES 42 MINUTES 40 SECONDS, A RADIUS OF 713.94 FEET AND A LONG CHORD THAT BEARS SOUTH 30 DEGREES 30 MINUTES 10 SECONDS EAST FOR A DISTANCE OF 753.61 FEET;

THENCE SOUTHEASTERLY WITH SAID CURVE TO THE RIGHT AND THE SOUTHWEST LINE OF FARM-TO-MARKET ROAD 3549 AND THE COMMON NORTHEAST LINE OF SAID 61.455 ACRE TRACT, AN ARC LENGTH OF 793.88 FEET TO A BROKEN CONCRETE MONUMENT FOUND;

THENCE SOUTH 01 DEGREES 28 MINUTES 55 SECONDS WEST, WITH THE WEST LINE OF FARM-TO-MARKET ROAD 3549 AND THE COMMON EAST LINE OF SAID 61.455 ACRE TRACT, A DISTANCE OF 580.93 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 62.517 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS §
COUNTY OF ROCKWALL §

I (we) the undersigned owner(s) of the land shown on this plat, and designated herein as the **NORTHGATE** subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I (we) further certify that all other parties who have a mortgage or lien interest in the **NORTHGATE** subdivision have been notified and signed this plat. I (we) understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. I (we) also understand the following:

- No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
- Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
- The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
- The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
- The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
- No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall; or Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or Until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall.

I (we) further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; I (we), my (our) successors and assigns hereby waive any claim, damage, or cause of action that I (we) may have as a result of the dedication of exactions made herein.

Mr. Jen-Liang Wu

STATE OF TEXAS §
COUNTY OF ROCKWALL §

Before me, the undersigned authority, on this day personally appeared Mr. Jen-Liang Wu, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given upon my hand and seal of office this ____ day of _____, 2019.

Notary Public in and for the State of Texas

My Commission Expires

[IF APPLICABLE:]

Signature of Party with Mortgage or Lien Interest

STATE OF TEXAS §
COUNTY OF ROCKWALL §

Before me, the undersigned authority, on this day personally appeared [PROPERTY OWNER], known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given upon my hand and seal of office this ____ day of _____, 2019.

Notary Public in and for the State of Texas

My Commission Expires

SURVEYOR'S CERTIFICATE

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, Daniel Chase O'Neal, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.

PRELIMINARY ~ This document shall not be recorded for any purpose and shall not be used, reviewed, or relied upon as a final survey document.

Daniel Chase O'Neal
Texas Registered Professional Land Surveyor No. 6570

OWNER
Unison Investment
23545 Crenshaw Blvd., Suite 201
Torrance, CA 90505

DEVELOPER
Northgate Rockwall LD, LLC
1189 Waters Edge Drive
Rockwall, TX 75087

LAND SURVEYOR
O'Neal Surveying Co.
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ENGINEERING / PROJECT MANAGEMENT /
CONSTRUCTION SERVICES - FIRM REG. #F-001145
201 WINDCO CIR, SUITE 200, WYLIE, TX 75098
972-941-8400 FAX: 972-941-8401 WWW.ECDLP.COM

STANDARD CITY SIGNATURE BLOCK

Planning & Zoning Commission, Chairman

Date

APPROVED:

I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the ____ day of _____, 2019.

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

WITNESS OUR HANDS, this ____ day of _____, 2019.

Mayor, City of Rockwall

City Secretary

City Engineer

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HCA Gymnasium/Classroom Project Timeline

	2018	2019	2020	2021	2022
Objectives - main focus for timeframe	Re-plan based on CC SUP denial	<ul style="list-style-type: none"> —Continue donor meetings —Update Rockwall City Council - 7/1 —New timeline to CC —In-Kind Donor meetings —Update Rockwall City Council - 8/17 —Update CC - 11/4 	<ul style="list-style-type: none"> —Explore financing options based on donor levels —Update CC - 1/6 —Q1 City pre-development meeting —Q1 Zoning master plat approved —Update CC - 4/6 —Update CC - 7/6 —Q3 HCA Board financing plan approval —Q3 City site plan / engineering / final plat approved —Update CC - 10/5 —Q4 Building permitting begins --Q4 Evaluate contractors 	<ul style="list-style-type: none"> —Construction begins --Q1 CC Update --Q2 CC Update --Q3 CC Update --Q4 CC Update 	—Q3 Construction complete
Key Results - how we'll know when we're successful	<ul style="list-style-type: none"> —Q1 - 8% funding —Q2 - 12% funding —Q4 - 15% funding 	<ul style="list-style-type: none"> —Q1 - 15% funding —Q3 - 18% funding (XX donor meetings) —Q4 - 20% funding forecast (XX donor meetings) 	<ul style="list-style-type: none"> --Q1 - 22% funding f'cast (XX donor meetings) --Q3 - 100% funded f'cast (25% donor / 75% commercial) --Q4 Contractor selected 	--Q2 - Ground broken	

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CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Mayor and City Council
DATE: August 19, 2019
APPLICANT: Greg Wallis; Mershawn Architects
CASE NUMBER: Z2019-015; *SUP for Expansion of Existing Minor Auto Repair Garage*

SUMMARY

Hold a public hearing to discuss and consider a request by Greg Wallis of Mershawn Architects on behalf of the owner for the approval of a Specific Use Permit (SUP) for the expansion of an existing Minor Auto Repair Garage on a 1.1107-acre parcel of land identified as Lot 4, Block 1, Horizon Village Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 2581 Horizon Road [FM-3097], and take any action necessary.

BACKGROUND

The subject property was annexed in 1986 [*Ordinance No. 86-37*] and is zoned Commercial (C) District. On May 16, 2005, the City Council approved a Specific Use Permit (SUP) [*Ordinance 05-20; Case No. Z2005-012; S-019*] to allow the expansion of an existing minor auto repair garage on the subject property.

PURPOSE

The applicant is requesting the approval of a Specific Use Permit (SUP) for the expansion of an existing minor auto repair garage (*i.e. Kwik Kar*).

ADJACENT LAND USES AND ACCESS

The subject property is located at 2581 Horizon Road [FM-3097]. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property is a hardware store (*i.e. Lowes Improvement Store*) followed by Steger Towne Drive, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan. Beyond this is a commercial shopping center (*i.e. Steger Towne Crossing*) followed by IH-30, which is a TxDOT6D (*Texas Department of Transportation, principle arterial, six [6] lane, divided roadway*) on the City's Master Thoroughfare Plan. These areas are zoned Commercial (C) District.

South: Directly south of the subject property is Horizon Road [FM-3097], which is identified as a TxDOT4D (*Texas Department of Transportation principle arterial, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan. Following this roadway is a financial institution (*i.e. Well Fargo Bank*) and a rehabilitation facility (*i.e. Horizon Ridge Rehabilitation Management*). These areas are zoned Commercial (C) District and Planned Development District 9 (PD-9) for General Retail (GR) District land uses.

East: Directly east of the subject property is a restaurant (*i.e. Sonic*) followed by several commercial businesses (*e.g. National Tire & Battery, Standard Service, Bel Fiore Salon*). Beyond

this is Ralph Hall Parkway, which is identified as a M4D (*major collector, four [4] lane, divided roadway*) on the City's Master Thoroughfare Plan. These areas are zoned Commercial (C) District.

West: Directly west of the subject property is a car-wash facility (*i.e. Horizon Car Wash*) followed by Horizon Road [FM-3097], which is identified as a TxDOT4D (*Texas Department of Transportation principle arterial, six [6] lane, divided roadway*) on the City's Master Thoroughfare Plan. Beyond this there are several commercial businesses (*e.g. Bank of America, Pizza Hut, Kroger*). These areas are zoned Commercial (C) District and Planned Development District 9 (PD-9) for General Retail (GR) District land uses.

CHARACTERISTICS OF THE REQUEST

According to Section 1, *Land Use Schedule*, of Article IV, *Permissible Uses*, of the Unified Development Code (UDC), a minor auto repair garage is permitted with a Specific Use Permit (SUP) in a Commercial (C) District. Currently, there is an 8,431 SF building on the subject property and the applicant is proposing to construct a second building that will be approximately 1,440 SF and located behind the existing building. According to the applicant, the new structure will match the existing structure with regard to design and materials. Since this is a substantial change from the approved Specific Use Permit (SUP) [*Ordinance No. 05-20*], the applicant is required to amend the Specific Use Permit (SUP).

CONFORMANCE WITH THE CITY'S CODES

According to Subsection 4.05, *Commercial (C) District*, of Section 4, *Commercial Districts*, of Article V, *District Development Standards*, of the Unified Development Code (UDC), the Commercial (C) District is the "...proper zoning classification for most types of commercial development..." and "...excludes land uses that are not compatible with retail shopping..." The Unified Development Code (UDC) goes on to state that the Commercial (C) District is a "...general business zoning and is intended to service most commercial land uses..." In this case, since the minor auto repair garage is a general commercial operation, the applicant's request appears to conform to the district development standards stipulated in the Unified Development Code (UDC).

STAFF ANALYSIS

Currently, there is an existing minor auto repair garage on the subject property. The applicant is proposing to expand the current facility by constructing a second building in order to manage the volume of vehicles being serviced. The proposed facility will be located behind the existing building and will match the existing building with regard to design and materials. Given the proposed layout, design and the adjacent automotive land uses, the applicant's request does not appear to negatively impact the subject property or adjacent properties. Staff should note, approval of a Specific Use Permit (SUP) is a discretionary decision for the City Council, pending a recommendation from the Planning and Zoning Commission. Should this request be approved, the applicant would be required to submit a site plan for approval by the Architectural Review Board (ARB) and the Planning and Zoning Commission.

NOTIFICATIONS

On July 26, 2019, staff notified 32 property owners/residents within 500-feet of the subject property. There are no Homeowner's Associations (HOA's)/Neighborhood Programs located within 1,500-feet of the subject property and participating in the Neighborhood Notification Program. At the time this report was written, staff had not received any notices concerning this request.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request, then staff would propose the following conditions of approval:

- (1) The minor auto repair garage shall generally conform to the concept plan and building elevations depicted in Exhibits 'B' and 'C' of the attached ordinance;
- (2) Vehicles, equipment, parts, and/or inventory shall not be stored outside overnight.
- (3) All work must be performed within an enclosed building.
- (4) The addition shall match the design and materials of the existing buildings.
- (5) A ten (10)-foot landscape buffer consisting of ground cover, a built-up berm and/or shrubbery or a combination thereof along the entire length of the frontage.
- (6) Any construction resulting from the approval of this zoning change shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On August 13, 2019, the Planning and Zoning Commission's motion to recommend approval of the Specific Use Permit (SUP) with staff's conditions of approval passed by a vote of 7-0,

0 30 60 120 180 240 Feet

Z2019-015 - SUP FOR AN EXISTING MINOR AUTO REPAIR GARAGE
ZONING - LOCATION MAP = 



City of Rockwall

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

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

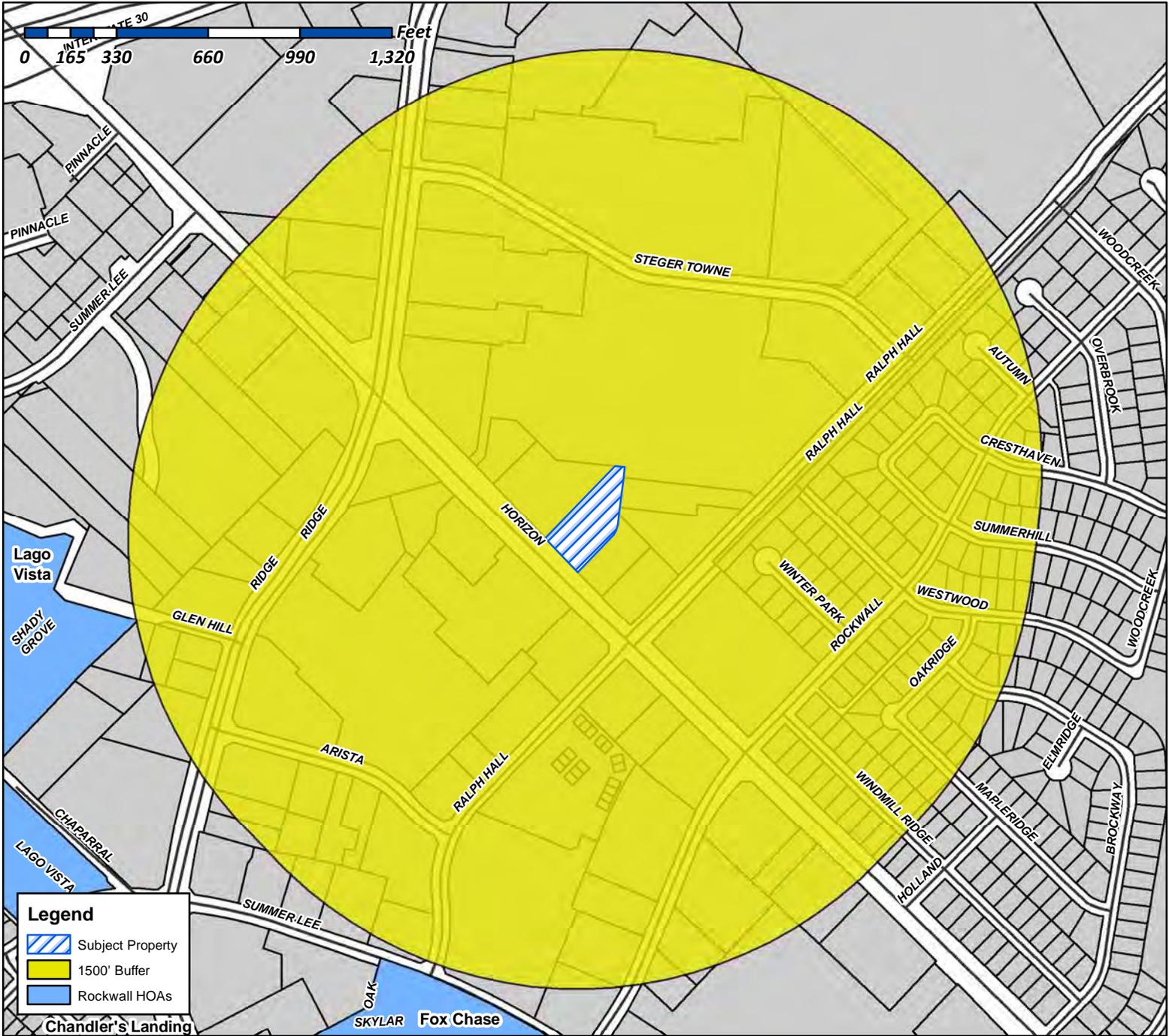
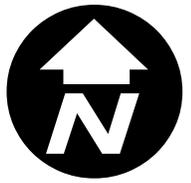




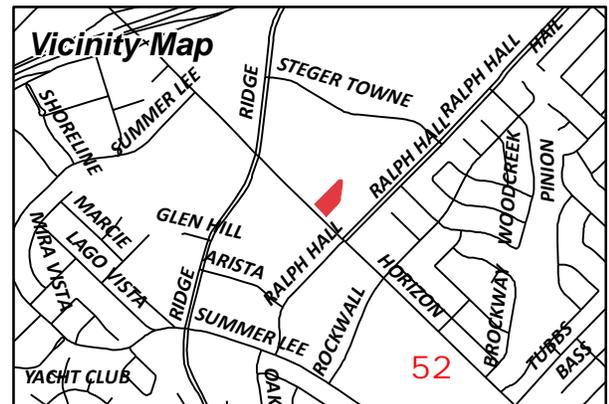
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Case Number: Z2019-015
Case Name: SUP for an Existing Minor Repair Garage
Case Type: Zoning
Zoning: Commercial (C) District
Case Address: 3581 Horizon Road



Date Created: 7/12/2019
 For Questions on this Case Call (972) 771-7745



City of Rockwall

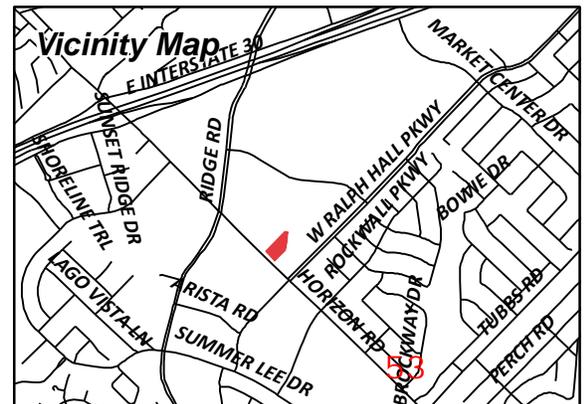
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Case Number: Z2019-015
Case Name: SUP for an Existing Minor Repair Garage
Case Type: Zoning
Zoning: Commercial (C) District
Case Address: 2581 Horizon Road

Date Created: 7/16/2019
For Questions on this Case Call (972) 771-7745



LOWES HOME CENTERS INC
1000 LOWES BLVD
MOORESVILLE, NC 28117

KROGER TEXAS LP
1014 VINE STREET
CINCINNATI, OH 45202

HVCSG LLC
1027 WOODBRIDGE PLACE
HEATH, TX 75032

NEW BLB CORPORATION
1100 SIENNA CT
BURLESON, TX 76028

CFT DEVELOPMENTS LLC
ATTN: DAVID LUO, DIRECTOR
1683 WALNUT GROVE AVE
ROSEMEAD, CA 91770

CURRENT RESIDENT
2400 HORIZON RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2450 HORIZON RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2501 HORIZON RD
ROCKWALL, TX 75032

ROCKWALL PARTNERS LTD
2525 HORIZON RD
ROCKWALL, TX 75032

JUCHA RHETT BARRY
2581 HORIZON RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2805 HORIZON RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2865 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2901 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2935 RIDGE RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2970 HORIZON RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2994 HORIZON RD
ROCKWALL, TX 75032

CURRENT RESIDENT
2995 HORIZON RD
ROCKWALL, TX 75032

OUR SAVIOR EVANG LUTHERAN
CHURCH C/O E H CONSTION
3003 HORIZON
ROCKWALL, TX 75032

SWAGERTY TOMMY & DEBORAH K HARGROVE
321 WINTER PARK
ROCKWALL, TX 75032

BROOM JUDY M
322 WINTER PARK
ROCKWALL, TX 75032

SOUTHTRUST BANK
C/O WELLS FARGO
333 MARKET ST 10TH FLOOR O
SAN FRANCISCO, CA 94105

HASTINGS CLAIMS SERVICE INC
732 WINDSONG LN
ROCKWALL, TX 75032

CURRENT RESIDENT
750 RALPH HALL PKWY
ROCKWALL, TX 75032

KROGER TEXAS LP
751 FREEPORT PKWY
COPPELL, TX 75019

CURRENT RESIDENT
760 RALPH HALL
ROCKWALL, TX 75032

CURRENT RESIDENT
851 STEGER TOWNE DR
ROCKWALL, TX 75032

ROCKWALL HORIZON RIDGE LP
930 W RALPH HALL PKWY O
ROCKWALL, TX 75032

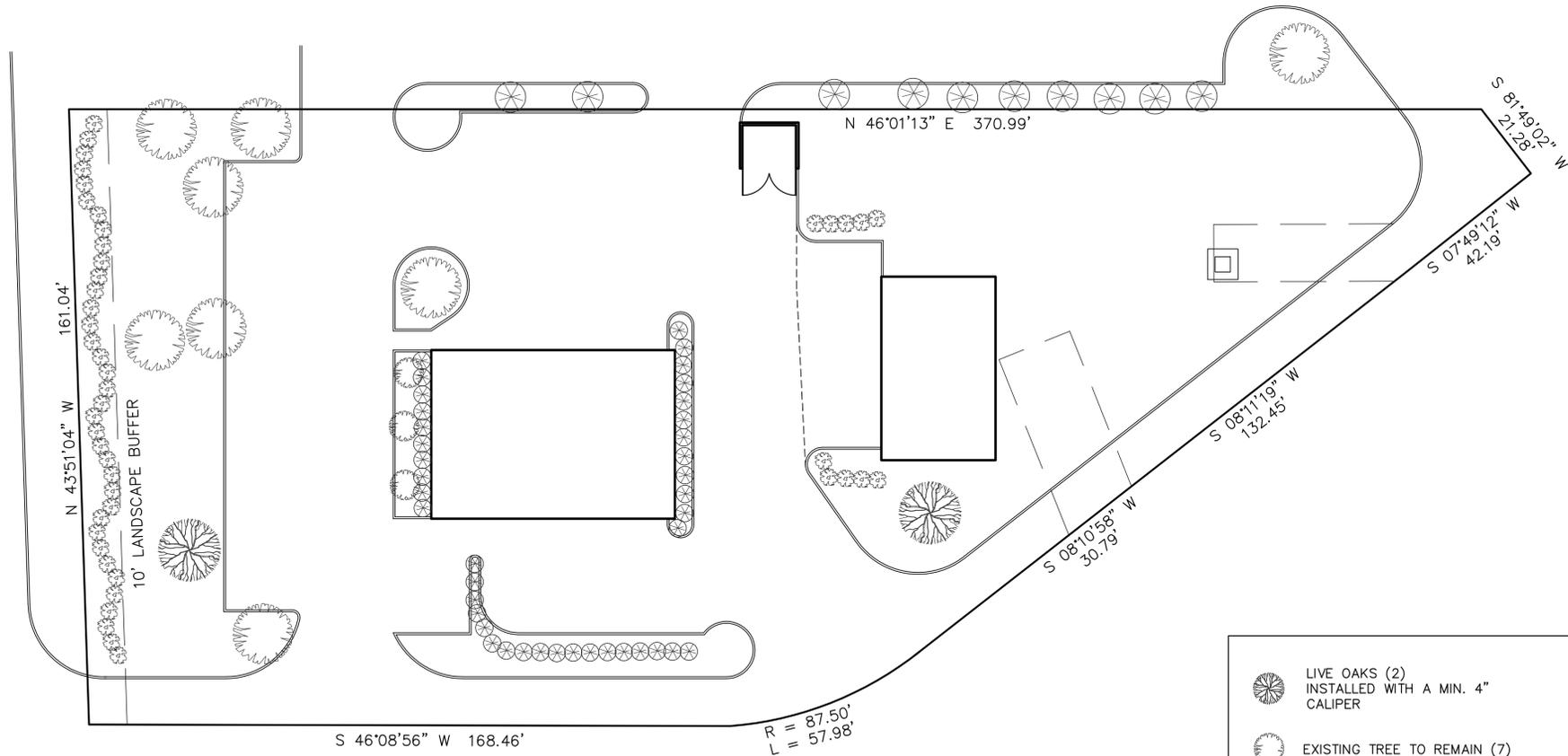
750 HALL PARKWAY LLC
NTW LLC
C/O MARVIN F POER & COMPANY O
ATLANTA, GA 30355

BANK OF AMERICA
CORPORATE REAL ESTATE ASSESSMENTS
NC1-001-03-81 O
CHARLOTTE, NC 28255

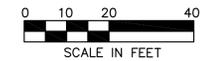
ARMSTRONG RALPH HALL LP
C/O ARMSTRONG DEVELOPMENT PROPERTIES
INC
ONE ARMSTRONG PLACE
BUTLER, PA 16004

ERVIN RICHARD
PO BOX 171373
ARLINGTON, TX 76003

AMERICAN NATIONAL BANK THE
PO BOX 40
TERRELL, TX 75160



- LIVE OAKS (2)
INSTALLED WITH A MIN. 4" CALIPER
 - EXISTING TREE TO REMAIN (7)
 - EXISTING SHRUB (40)
 - NEW INDIAN HAWTHORNE (46)
PLANTS SHALL BE A MINIMUM OF 5-GALLONS & SHALL CREATE A MINIMUM 2' TALL SCREEN WITHIN TWO YEARS OF PLANTING. SHALL BE PLANTED @ 36" O.C.
- ALL AREAS NOT SHOWN AS SPECIFIC PLANT MATERIAL SHALL BE HYDOMULCHED, BERMUDA.
- IN ORDER TO MEET BUDGET TREES SPECIFIED MAY NOT BE USED OTHER TREES FROM THE APPROVED CITY OF ROCKWALL PLANT LIST MAY BE SUITABLE FOR SUBSTITUTION.
- REQUIRED LANDSCAPE AREAS SHALL BE IRRIGATED BY AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM. SYSTEM SHALL HAVE FREEZE GUARD AND RAINSTAT.
- CONTRACTOR SHALL SUPPLY SLEEVES AS NEEDED FOR IRRIGATION.
- TREES AND PLANTS SHALL BE PLANTED NO CLOSER THAN WITHIN 4' OF CURB AT PARKING SPACES AND NO CLOSER THAN 5' FROM ANY WATER, SEWER, OR STORM SEWER LINES.



PRICING & CONSTRUCTION
GENERAL NOTES:

1. THESE DRAWINGS ARE DIAGRAMMATIC IN NATURE AND ARE NOT INTENDED TO INDICATE EACH AND EVERY FITTING, OFFSET, OR OTHER APPURTENANCE NECESSARY TO COMPLETE THE SYSTEM.
2. IT IS THE SUBCONTRACTOR'S RESPONSIBILITY TO REVIEW THE DOCUMENTS AND INCLUDE ALL NECESSARY ITEMS TO PROVIDE A COMPLETE OPERATIONAL SYSTEM.
3. ANY DISCREPANCIES NOTED BY THE SUBCONTRACTOR SHALL BE BROUGHT TO THE ATTENTIONS OF THE ARCHITECT (IN WRITING) BEFORE BIDDING THIS PROJECT.
4. AFTER BIDS ARE TURNED IN, THE SUBCONTRACTOR SHALL COMPLETE THE SYSTEMS AT NO ADDITIONAL COST.
5. PLUMBING, MECHANICAL, AND ELECTRICAL SUBCONTRACTORS ARE RESPONSIBLE FOR COORDINATING ALL COMPONENTS TO INSURE COMPLETE AND WORKING SYSTEMS. EACH SUBCONTRACTOR SHALL REVIEW ALL DRAWINGS FOR COMPLIANCE.
6. THE ARCHITECT WILL BE RESPONSIBLE TO DETERMINE WHICH TRADE SHALL PROVIDE AND INSTALL ANY COMPONENTS MISSED FOR WORKING SYSTEMS AS NEEDED.

		EXISTING	NEW	REQUIRED	PROVIDED
1.	STREET TREES 1 CANOPY PER 50' LINEAR OF R.O.W.	4	1	3	5
2.	LANDSCAPE BUFFER			25'	35'
3.	TOTAL LANDSCAPE AREA 15% REQUIRED			7,257 SF	19,817 SF

HORIZON VILLAGE
BEING A 1.11 AC. TRACT OF LAND SITUATED IN THE HORIZON VILLAGE ADDITION BLOCK 1 LOT 4 IN THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

OWNER
IYM AUTOMOTIVE INC.
5905 HORIZON ROAD
ROCKWALL, TEXAS 75087
CASE #SP2019-015

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RESIDENTIAL RESTAURANTS ARCHITECTS
INSTITUTIONAL
MEDICAL COMMERCIAL CHURCHES
MERSHAWN ARCHITECTS
2313 RIDGE ROAD #103
ROCKWALL, TEXAS 75087
PHONE: 972-722-9302
FAX: 972-249-2051

No.	Date	Revision	By

KWIK KAR
ROCKWALL, TEXAS
LANDSCAPE PLAN

Scale: 1" = 20'-0"

Date: MM/DD/YEAR

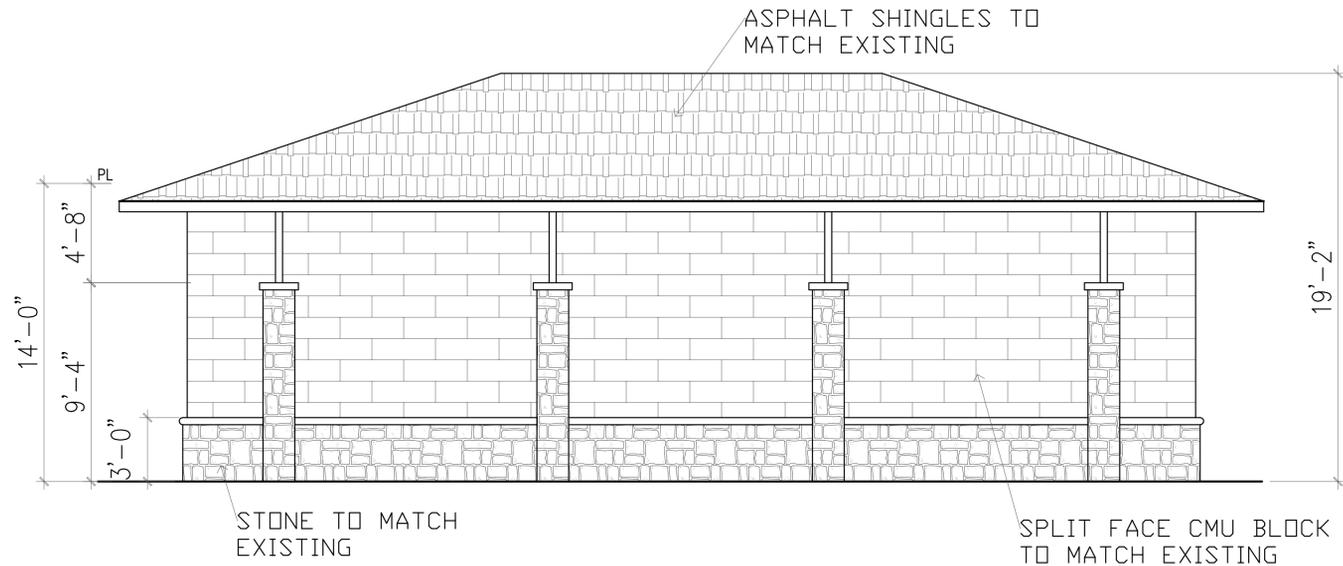
Project No.: AAAAAA

Designed: GW

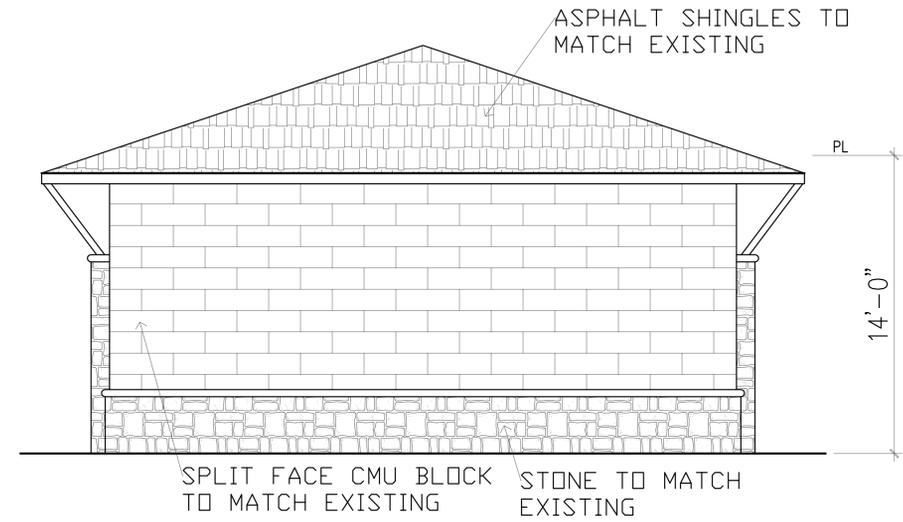
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Checked: WM

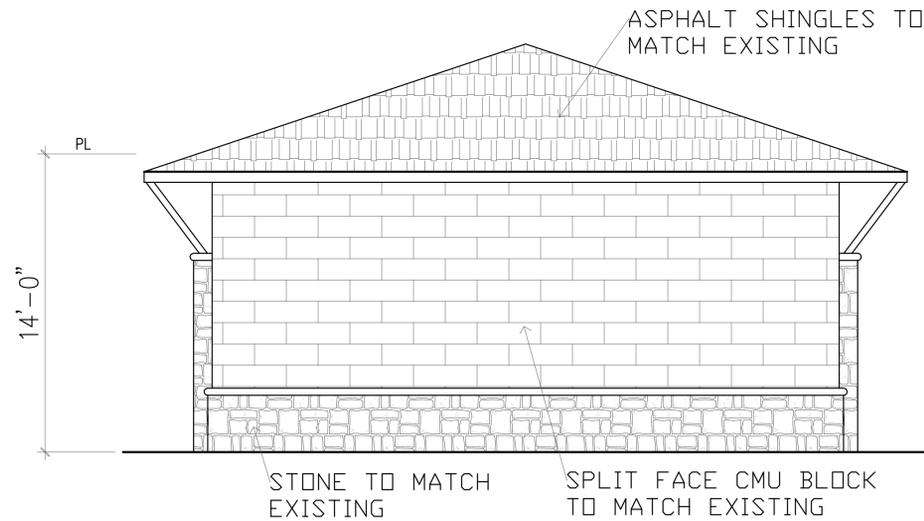
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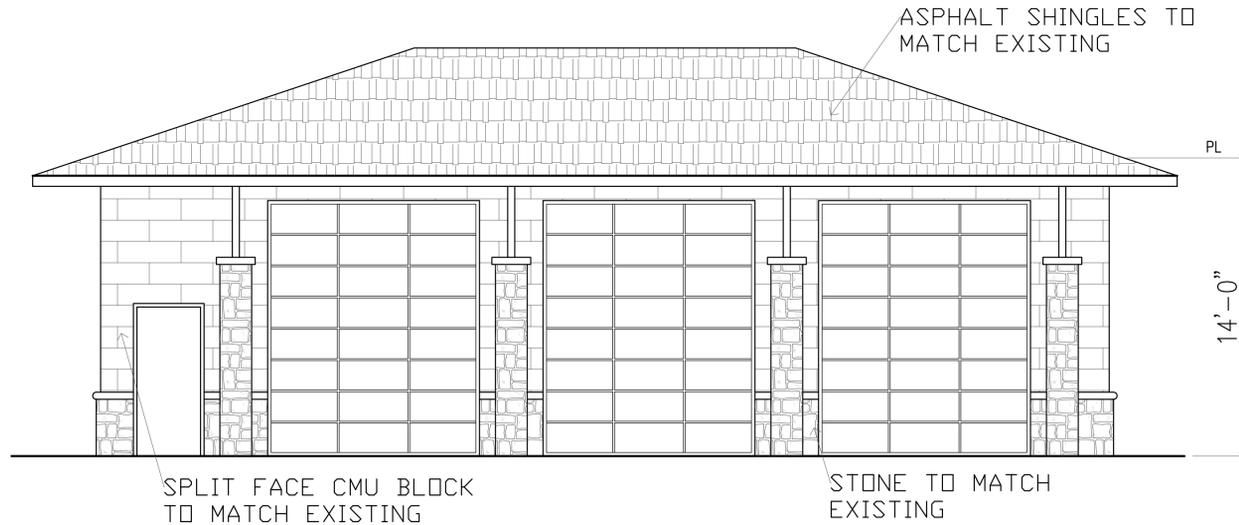
NORTH ELEVATION
100% MASONRY 30% STONE 70% BLOCK



EAST ELEVATION
100% MASONRY 24% STONE 76% BLOCK



WEST ELEVATION
100% MASONRY 24% STONE 76% BLOCK



SOUTH ELEVATION
100% MASONRY 38% STONE 62% BLOCK

PRICING & CONSTRUCTION
GENERAL NOTES:

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RESIDENTIAL RESTAURANTS
INSTITUTIONAL
ARCHITECTS

MEDICAL COMMERCIAL
CHURCHES
MERSHAWN

2313 RIDGE ROAD #103
ROCKWALL, TEXAS 75087

PHONE: 972-722-9302
FAX: 972-249-2051

No.	Date	Revision	By

KWIK KAR
ROCKWALL, TEXAS

EXTERIOR ELEVATIONS

Scale: 1/4" = 1'-0"

Date: _____

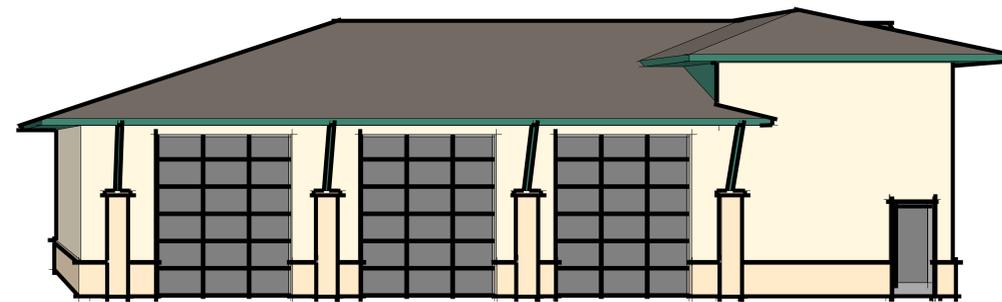
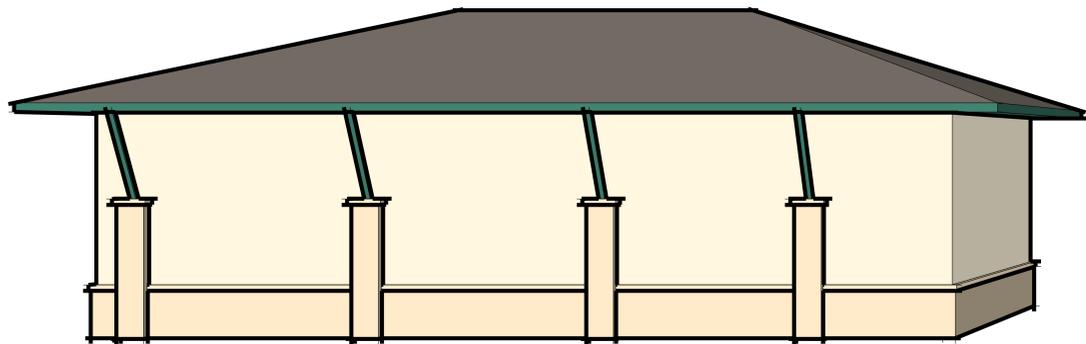
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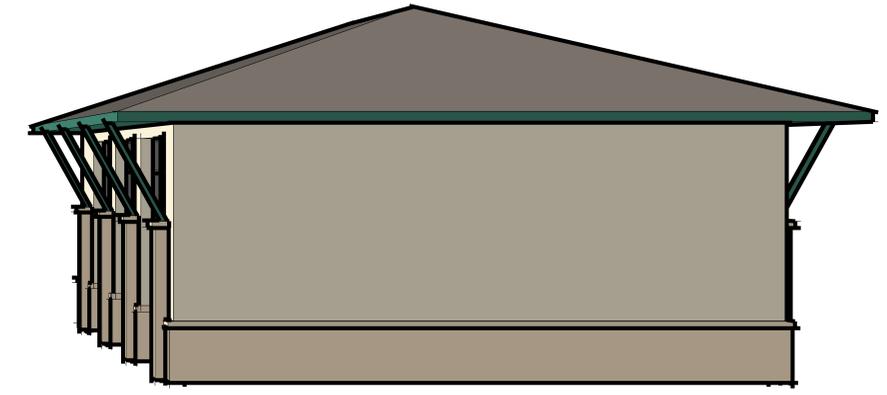
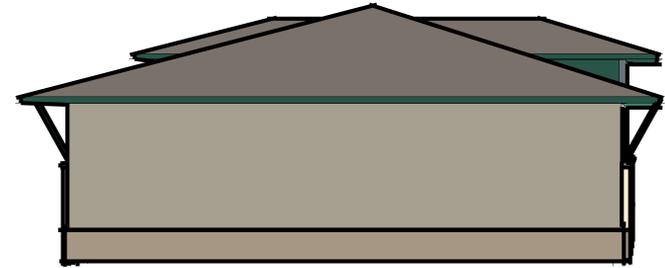
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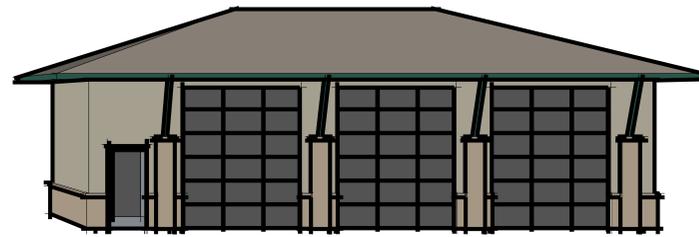
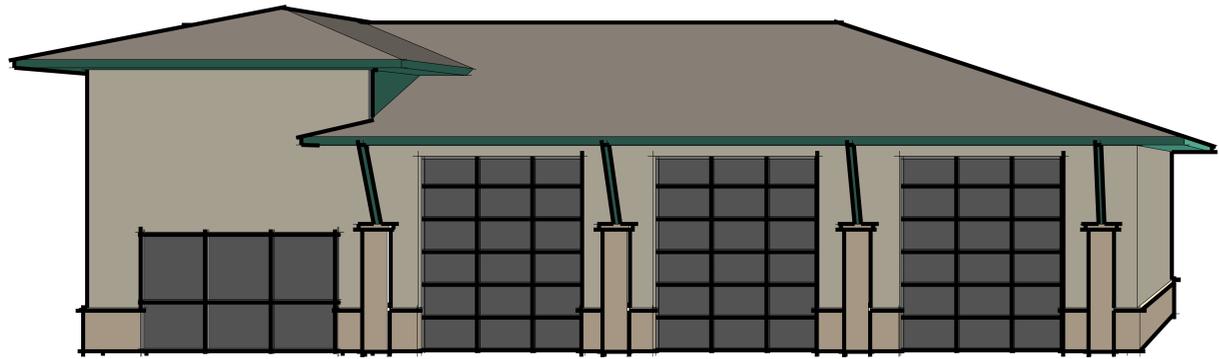
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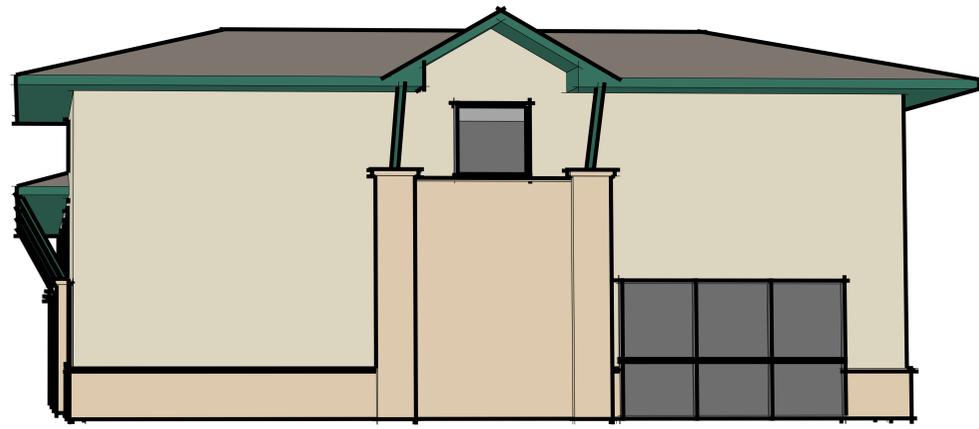
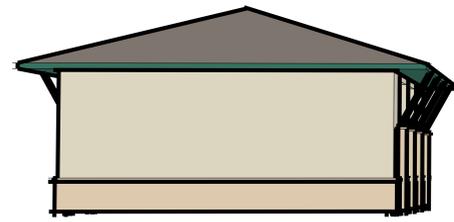
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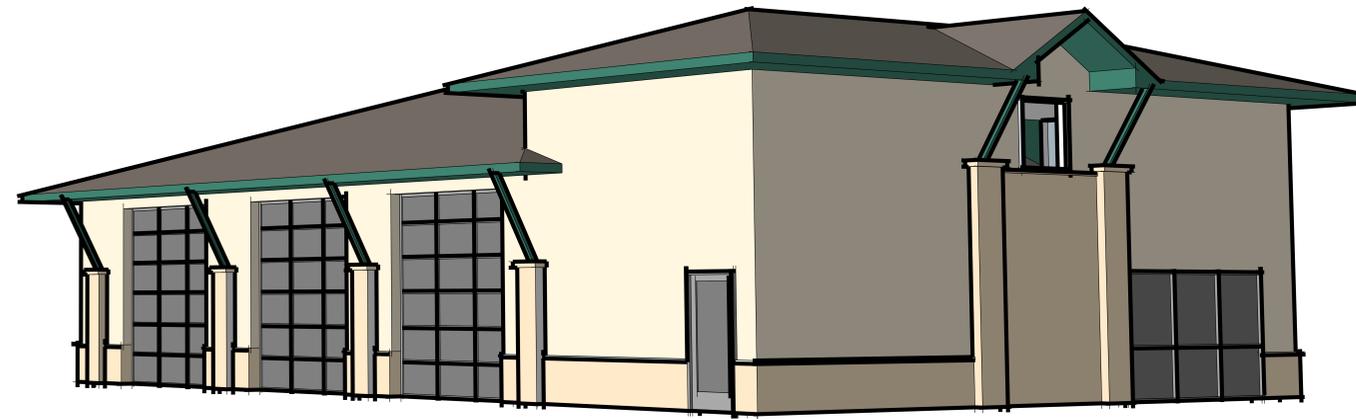
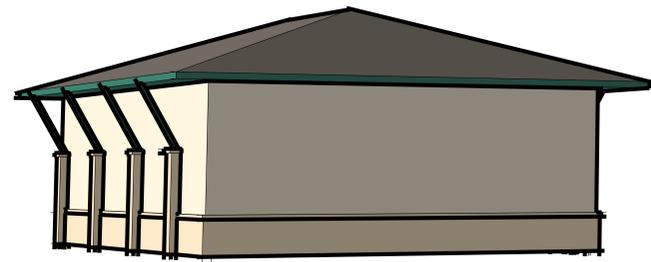
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A4 OF

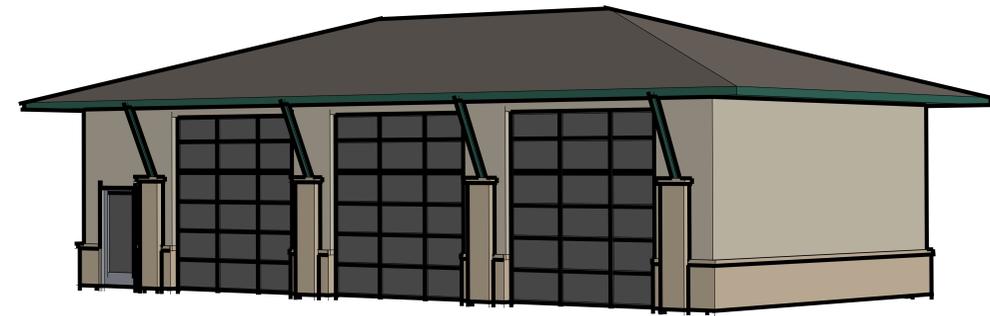
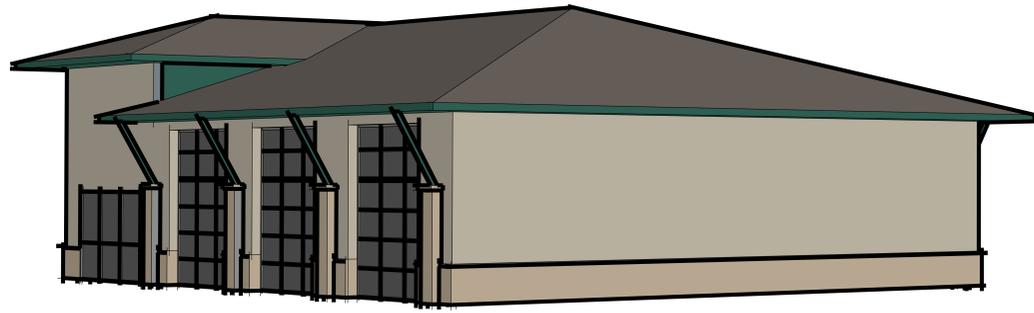












CITY OF ROCKWALL

ORDINANCE NO. 19-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *MINOR AUTO REPAIR GARAGE*, IN A COMMERCIAL (C) DISTRICT, SITUATED ON A 1.1107-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 4, BLOCK 1, HORIZON VILLAGE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Greg Wallace of Mershawn Architects on behalf of the owner for the approval of a Specific Use Permit (SUP) to allow a *minor auto repair garage* in a Commercial (C) District on a 1.1107-acre parcel of land being described as Lot 4, Block 1, Horizon Village Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 2581 Horizon Road [FM-3097], and being more specifically depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 04-38*] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;

SECTION 1. That the approval of this ordinance shall supersede all requirements stipulated by *Ordinance No. 05-20*.

SECTION 2. That the Unified Development Code (UDC) [*Ordinance No. 04-38*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing a *minor auto repair garage* as stipulated by Section 1, *Land Use Schedule*, of Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 04-38*], on the *Subject Property*, and,

SECTION 3. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 4.4, *Commercial (C) District*, of Section 4, *Commercial Districts*, of Article V, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 04-38*] as

heretofore amended and as may be amended in the future, and shall be subject to the following:

3.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *minor auto repair garage* on the *Subject Property* and conformance to these stipulations is required for continued operations:

- 1) The *minor auto repair garage* shall generally conform to the concept plan and building elevations depicted in *Exhibits 'B' and 'C'* of this ordinance;
- 2) Vehicles, equipment, parts, and/or inventory shall not be stored outside overnight.
- 3) All work must be performed within an enclosed building.
- 4) The addition shall match the design and materials of the existing buildings as depicted in *Exhibit 'C'* of this ordinance.
- 5) A ten (10)-foot landscape buffer consisting of ground cover, a built-up berm and/or shrubbery or a combination thereof shall be installed along the entire length of the frontage of the subject property.

3.2 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- 1) Upon obtaining a Certificate of Occupancy (CO), should any business or establishment operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC).

SECTION 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 5. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 6. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS* (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full

force and effect.

SECTION 8. That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 3RD DAY OF SEPTEMBER, 2019.**

Jim Pruitt, *Mayor*

ATTEST:

Kristy Cole, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: August 19, 2019

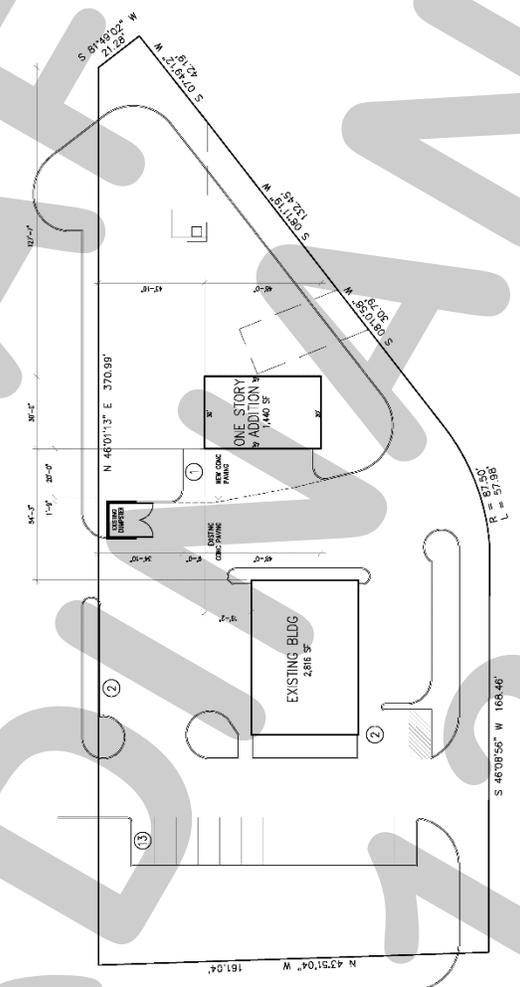
2nd Reading: September 3, 2019

Address: 2581 Horizon Road [FM-3097]
Legal Description: Lot 1, Block 1, Horizon Village Addition



No.	Date	Revisions

CONTRACTOR TO VERIFY PLANS ARE TO BEST FIT AND NOTIFY MERSHAW ARCHITECTS OF ANY DISCREPANCIES BEFORE CONSTRUCTION.



GENERAL NOTES:

1. THIS PLAN IS TO BE CONSIDERED A PART OF THE CONTRACT DOCUMENTS. IT SHALL BE OPEN TO INTERPRETATION ONLY IN THE EVENT OF A DISCREPANCY BETWEEN THIS PLAN AND THE SPECIFICATIONS OR OTHER CONTRACT DOCUMENTS.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

HORIZON VILLAGE
 HORIZON VILLAGE APARTMENT BLOCK 1
 IN THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

OWNER: HORIZON VILLAGE APARTMENTS, INC.
 10000 W. HORIZON ROAD, SUITE 100
 ROCKWALL, TEXAS 75087
 PHONE: 972-262-8300
 FAX: 972-262-2081

DESIGNED BY: MERSHAW ARCHITECTS, INC.
 2013 ROCK HOOK CIRCLE
 ROCKWALL, TEXAS 75087
 PHONE: 972-262-8300
 FAX: 972-262-2081

DATE: 11/27/2018
 DRAWN BY: AMMA
 CHECKED BY: [Blank]

- ABSTRACT NO. 9 - WILLIAM BLEWIS SURVEY
1. ZONING: C USE: OIL CHANGE
 2. PROPOSED USE: OIL CHANGE
 3. PROPOSED BUILDING AREA: 4,256 SF 1.11 AC
 4. BUILDING AREA: 1,440 SF
 5. TOTAL BUILDING AREA: 5,696 SF
 6. TOTAL LOT AREA: 1.88 AC
 7. PAVING REQUIRED: 2 PER EACH BAY = 18 SPACES REQUIRED
 8. TOTAL PAVING PROVIDED: 18 SPACES
 9. TOTAL PAVING PROVIDED: 18 SPACES
 10. TOTAL SQUARE FOOTAGE OF IMPERVIOUS SURFACE: 28,266 SF



HORIZON ROAD

LOCATION PLAN

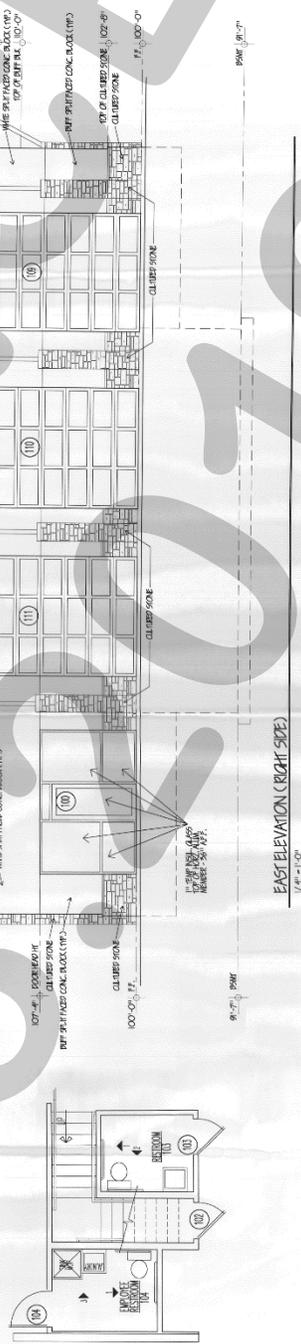
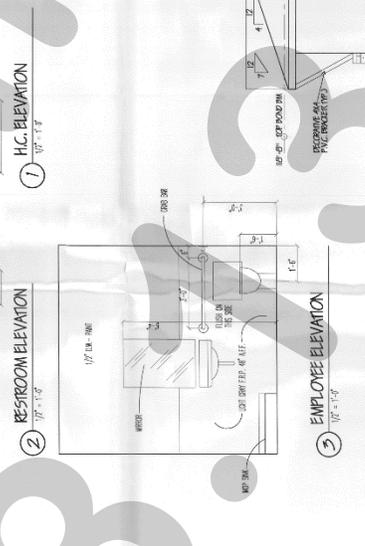
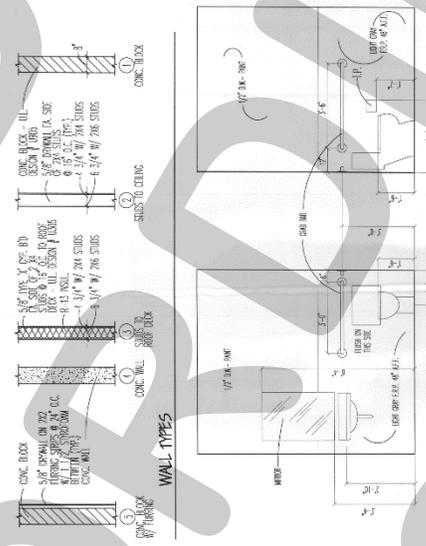


BENCHMARK CONSTRUCTION INC.

A PROPOSED BUILDING FOR :
 LOCATED AT :
 2929 FM 3097 - HORIZON ROAD
 ROCKWALL, TEXAS

PROJECT NO. 04158
DATE 5/18/05
REVISIONS: 1. 5/18/05 BENCH MARK CONSTRUCTION INC. 2. 5/18/05 PLASTER
DESIGNED BY: [Signature]
CHECKED BY: [Signature]
SCALE: 1/4" = 1'-0"
SHEET A5 OF SIX

ROOM NO.	FINISH	QTY	REMARKS	DATE	BY
101	CONCRETE FLOOR	1	CONCRETE FLOOR		
102	CONCRETE FLOOR	1	CONCRETE FLOOR		
103	CONCRETE FLOOR	1	CONCRETE FLOOR		
104	CONCRETE FLOOR	1	CONCRETE FLOOR		
105	CONCRETE FLOOR	1	CONCRETE FLOOR		
106	CONCRETE FLOOR	1	CONCRETE FLOOR		
107	CONCRETE FLOOR	1	CONCRETE FLOOR		
108	CONCRETE FLOOR	1	CONCRETE FLOOR		
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115	CONCRETE FLOOR	1	CONCRETE FLOOR		
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117	CONCRETE FLOOR	1	CONCRETE FLOOR		
118	CONCRETE FLOOR	1	CONCRETE FLOOR		
119	CONCRETE FLOOR	1	CONCRETE FLOOR		
120	CONCRETE FLOOR	1	CONCRETE FLOOR		



NO.	DATE	REVISION

CONTRACTOR TO VERIFY PLANS AND TO MEET SET AND NOTIFY MERSHAWN ARCHITECTS OF ANY DISCREPANCIES BEFORE CONSTRUCTION.

NORTH ELEVATION
 100% MASONRY 30% STONE 70% BLOCK

EAST ELEVATION
 100% MASONRY 24% STONE 76% BLOCK

SOUTH ELEVATION
 100% MASONRY 38% STONE 62% BLOCK

WEST ELEVATION
 100% MASONRY 24% STONE 76% BLOCK

GENERAL NOTES:

1. UNLESS SHOWN OTHERWISE, ALL MATERIALS TO BE SUPPLIED BY THE CONTRACTOR AND INSTALLED BY THE CONTRACTOR'S EMPLOYEES.
2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND TO COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR NOTIFYING ALL AFFECTED ADJACENT PROPERTY OWNERS OF ANY WORKING CONDITIONS AS NECESSARY.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR NOTIFYING ALL AFFECTED ADJACENT PROPERTY OWNERS OF ANY WORKING CONDITIONS AS NECESSARY.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR NOTIFYING ALL AFFECTED ADJACENT PROPERTY OWNERS OF ANY WORKING CONDITIONS AS NECESSARY.

PRICING & CONSTRUCTION

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CITY OF ROCKWALL
CITY COUNCIL MEMORANDUM

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

TO: Mayor and City Council
CC: Rick Crowley, *City Manager*
Mary Smith, *Assistant City Manager*
Joey Boyd, *Assistant City Manager*
FROM: Ryan Miller, *Director of Planning and Zoning*
DATE: August 19, 2019
SUBJECT: Legislative Update for Planning and Zoning Related Bills

During the 86th Legislative Session several planning and zoning related bills were approved by the legislature that have major impacts to the City's zoning codes, and that could affect development and the growth of the community in the future. The two (2) bills that impose the greatest changes and restrictions on the zoning codes are HB2439 and HB3167. HB2439 prohibits a City's ability to -- *directly or indirectly* -- regulate the use of building materials for residential and commercial buildings, and HB3167 establishes a 30-day *shot clock* for action on all site plan and platting submittals. To address the changes imposed by the legislature, City staff held a work session with the City Council on July 15, 2019 to discuss strategies and changes to the zoning code that would continue to ensure the City of Rockwall demands the highest quality development while also bringing the City codes into compliance by the effective date of the bills (*i.e.* September 1, 2019). At the work session, the City Council directed staff to employ all the presented strategies, and to commence the process of amending the code. A subsequent work session was held on July 15, 2019 to also discuss moving the City's fence standards from the Municipal Code of Ordinances to the Unified Development Code (UDC), and bring front yard fences under the purview of the Planning and Zoning Commission utilizing the City Council as an appeals board. The City Council also directed staff to incorporate this change into the proposed text amendment.

Staff has completed a review of the City's zoning codes and prepared a text amendment employing the strategies outlined in the work session. Staff also incorporated changes that address HB1545, which deals with changes to the Texas Alcohol Beverage Commission's (TABC's) Alcoholic Beverage Code. Staff has also identified several other minor changes that resulted from the changes made to address the legislator's actions. A summary of these changes are as follows:

Major Changes Relating to HB2439, HB3167 & HB1545

- (1) **Building Materials.** Staff removed all references to building material/exterior material percentage requirements from Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the UDC for commercial and residential buildings. After re-reviewing the language contained in HB2439 and reading a *Legal Q&A* briefing from the Texas Municipal League (TML) staff is confident that the bill excludes the City's *General Industrial Standards*, and that the City can continue to regulate building materials for industrial buildings. Staff also conferred with the City Attorney about this approach, and the City Attorney concurs with staff's assessment of the bill. This means moving forward the City is able to regulate building materials in the City's Overlay Districts, the Downtown (DT) District, Planned Development District 32 (PD-32), and industrial buildings being constructed in a Light Industrial (LI) or Heavy Industrial (HI) District. Based on the work session and the City Council's position, staff will also continue to regulate building materials in existing Planned Development Districts and explore the possibility of incorporating material requirements in new Planned Development Districts when the applicant agrees with incorporating these standards into the zoning ordinance.

- (2) Established Subdivisions. A new land use -- *Residential Infill in or Adjacent to an Established Subdivision* -- was created in Article IV, *Permissible Uses*, of the UDC to require all residential infill development be required to apply for a Specific Use Permit (SUP). This will only affect subdivisions that [1] consist of five (5) or more lots, [2] are 90% developed, and [3] that have been in existence for a period greater than ten (10) years. The strategy behind this change in the code is to protect subdivisions that are [1] not protected under a Planned Development District or [2] that are not covered by deed restrictions (*typically the City's older subdivisions*) from potential infill development that is not aesthetically similar to existing development within the subdivision. Staff should note that the City Attorney has ruled that Specific Use Permits (SUP's) are exempt from the material requirement exemptions of HB2439. For the City Council's reference staff has included a map showing all residential subdivisions in the City that have: [1] deed restrictions with material requirements, [2] deed restrictions with no material requirements, and [3] subdivisions that staff was unable to find deed restrictions or that have no deed restrictions. Staff should point out that these neighborhoods would not be covered by any building material requirements in cases where an addition is being proposed for an existing structure or where the exterior of an existing structure is being re-cladded in a new exterior material. Staff anticipates that this strategy will add an estimated 15-25 additional Specific Use Permit (SUP) cases each year based on previous permitting numbers (*i.e. in 2018 the City issued 23 infill permits and in 2019 the City issued 14 infill permits to date that meet the new requirements*).
- (3) Residential Accessory Buildings. In 2018, the UDC was amended to no longer require Specific Use Permits (SUPs) for accessory buildings/structures. In replacement of this requirement the Planning and Zoning Commission was charged with approving material exceptions for accessory buildings/structures, and the Board of Adjustments (BOA) was charged with approving variances to the density and dimensional requirements (*i.e. size and height*) for accessory buildings/structures. Based on the changes of HB2439, staff changed the zoning code back to requiring SUPs for these types of structures. In addition, staff reduced the size requirements for all accessory buildings/structures that can be permitted without a SUP. Staff should reiterate that this strategy is not tied to building materials, but is tied to ensuring that [1] any development within an existing subdivision is aesthetically similar to existing development within the subdivision, and [2] to ensure that a public hearing process is retained in approving structures that due not conform to the permitted standards. Staff anticipates based on previous case volumes (*i.e. the code previously required SUP's for accessory buildings prior to changes in 2018*) that this will add an additional five (5) to ten (10) SUP cases per year. This was based on the number of SUP's that were processed in 2016 (*ten [10] cases*) and 2017 (*four [4] cases*) for accessory buildings
- (4) Development Review Procedures. Staff moved all references relating to the City's development processes to Article XI, *Development Applications and Review Process*, of the UDC (*formerly Zoning Related Applications*). In addressing the requirements of HB3167 staff reviewed all of the City's development processes for compliance to the approved legislative bill. Upon review staff noticed that the zoning code had multiple sections duplicated through out the document (*with some inconsistencies from section to section*), and that the majority of the processes were divided between Article II, *Authority and Administrative Procedures*, and Article XI, *Zoning Related Applications*, of the UDC. In addition, Article XI, *Zoning Related Applications*, -- *despite the name of the article* -- did not contain information relating to zoning cases. Based on this staff consolidated the City's processes relating to development applications in Article XI, *Zoning Related Applications*, removed duplicated sections, and renamed the Article XI, *Development Applications and Review Process*. Article II, *Authority and Administrative Procedures*, was also renamed to Article II, *Development Review Authority*, and only contains information relating to the authority of boards, commissions, the City Council, and administrative staff.
- (5) Residential Standards. Staff increased the *General Residential District Standards* contained in Article V, *District Development Standards*, of the UDC not pertaining to building material requirements. Specifically, staff increased the *Anti-Monotony* standards contained in this section

to match the *Anti-Monotony* standards being required within the City's Planned Development Districts. This will ensure -- *at a minimum* -- that the front facades of homes in a new subdivision will be required to vary with more regularity. The idea behind this strategy is to vary exterior materials, articulation, garage locations, and the number of stories to create more variation, which will bring the final product closer to the City's expectations for residential development.

- (6) Commercial Standards. Staff increased the *General Commercial District Standards* contained in Article V, *District Development Standards*, of the UDC to include roof design standards similar to the roof design standards required for development in the City's overlay districts. This strategy requires that all buildings be required to have either a pitched roof with a minimum 6:12 roof pitch, or a parapet or mansard roof design. Requiring this roof pitch coupled with the City's existing articulation requirements should make it difficult to established pre-manufactured metal buildings in the City's commercial zoning districts.
- (7) Screening Standards. Staff increased the screening standards contained in Article V, *District Development Standards*, and Article VIII, *Landscape and Fence Standards*, of the UDC to better define the types of screening necessary to screen loading docks, outside storage areas, trash/recycling container enclosures, utility equipment, aboveground storage tanks and residential adjacency. The purpose behind increasing these standards is to [1] ensure commercial uses that are established adjacent to residential subdivisions and/or properties are better screened, and [2] to provide a discretionary process for alternative screening plans that can be reviewed by the Planning and Zoning Commission in conjunction with all proposed site improvements. This strategy is also tied to the changes made to the variance and exception process detailed in *Section 9* below.
- (8) Landscaping Requirements. Staff increased the landscaping requirements -- *including the amount of landscaping required for each district* -- contained in Article VIII, *Landscape and Fence Standards*, of the UDC as part of a strategy to make better use of the new language created for exceptions and variances detailed in *Section 9* below.
- (9) Variances and Exceptions. Staff created a new *Exceptions and Variances* section that calls for [1] applicants to provide written justification for all variances and exceptions, and [2] provide a minimum of two (2) compensatory measures (*e.g. increased landscaping, building materials equal to the current code requirements, underground utilities, etc.*) in order to request a variance and/or exception. This incentivizes voluntary conformance to the City's material requirements or provides other compensatory measures that can be employed to off-set a request for a variance and/or exception. Staff should note that the City Attorney has reviewed the language in this section and has stated that since this strategy is tied to voluntary actions made by the applicant that it does not conflict with the requirements of HB2439. In addition, staff increased the voting requirements for all variances and exceptions to match the voting requirements for variances in overlay districts (*i.e. ¾-majority vote for approval, with a minimum of four [4] votes in the affirmative*). Staff also added a \$100.00 fee for variance and exception requests that are not tied to site plans. The purpose of the fee is to cover administrative review costs associated with processing these cases. Currently, no fee exists for these types of cases.
- (10) Alcohol Related Land Uses. Based on HB1545 -- *which made numerous changes to the Texas Alcohol Beverage Code and that allows breweries to have package sales for off-premise consumption* -- staff has changed the requirements for the *Craft/Micro Brewery, Distillery and/or Winery* land use to be in compliance with this legislation by removing the section that states "...retail package sales of on-site manufactured product for off-premise consumption shall be permitted for wineries, but prohibited for breweries, as permitted by Sections 12, 14, and 16 of the Texas Alcohol Beverage Commission's (TABC's) Alcoholic Beverage Code..." and replacing it with "... retail package sales of on-site manufactured product for off-premise consumption shall be allowed as permitted by the Texas Alcohol Beverage Commission's (TABC) Alcoholic Beverage Code."

- (11) Planned Development Districts. Staff made changes to Article X, *Planned Development District Regulations*, of the UDC removing the material requirements for residential Planned Development Districts, and tying commercial Planned Development District regulations to the *General Overlay District Standards* contained in Article V, *District Development Standards*, of the UDC. This change was to address the changes of HB2439. In addition, staff amended the size requirements for Planned Development Districts to allow more properties requesting zoning changes to be permitted to request Planned Development District zoning. This was done to allow greater discretion for the Planning and Zoning Commission and City Council when examining zoning cases and establishing the requirements that can be incorporated into a zoning ordinance.

Minor Changes Identified by Staff through the Amendment Process.

- (1) Fence Standards. The fence standards contained in Article XI, *Fences*, of Chapter 10, *Building and Building Regulations*, of the Municipal Code of Ordinances were rewritten and moved to Article VIII, *Landscape Standards*, of the UDC. This necessitated a change to the title of the article from *Landscape Standards* to *Landscape and Fence Standards*. This change puts front yard fence exceptions under the purview of the Planning and Zoning Commission and makes the City Council a review board for the Planning and Zoning Commission's decisions. This is similar to the changes made to address the variance and exception process in 2018. In addition, staff removed all other references to fences from other articles and consolidated them into Article VIII, *Landscape Standards*, of the UDC.
- (2) Site Plan Content. The UDC currently contains a list of submittal requirements for site plan applications in Article XI, *Zoning Related Applications*. This list needs to be adjusted from time to time to ensure that it is up to date. To avoid unnecessary text amendments in the future, this list of requirements was removed from the article and new wording for this section was added allowing the Director of Planning and Zoning to maintain and provide the list of requirements in the development application. This will allow staff to make changes to the list of technical requirements for submittals without needing to go through an amending process.
- (3) Landscape Planting Materials. The list of acceptable landscaping materials is currently duplicated in Article VIII, *Landscape Standards*, and Appendix F, *Landscape Guidelines and Requirements*, of the UDC. To avoid having duplicated sections in the UDC staff removed the list of acceptable planting materials from Article VIII, *Landscape Standards*, and placed a reference referring the reader to Appendix F, *Landscape Guidelines and Requirements*. In addition, the minimum size of landscape shrubs was increased from two (2) gallons to five (5) gallons in the *General Overlay Districts Standards* of Article V, *District Development Standards*, of the UDC and the minimum tree size was increased from three (3) inches to four (4) inches in Article VIII, *Landscape and Fence Standards*, of the UDC. These additions were made to make the City's standards uniform across all zoning districts/overlay districts.
- (4) Small Matching Grants/Building Permit Fee Waiver Programs. The requirements for the small matching grants and building permit fee waiver programs were adopted via resolution; however, these requirements were never codified into the zoning code. As a result, staff codified these processes into Article XI, *Development Applications and Review Procedures*, of the UDC.
- (5) Fee Schedule. The current Article II, *Authority and Administrative Procedures*, of the UDC has references to a fee schedule; however, no fee schedule currently exists in the UDC. To address this staff has created a fee schedule based on the City's current development application/Historic Preservation Advisory Board application fees and codified it into Article XI, *Development Applications and Review Procedures*, of the UDC.
- (6) Definitions. All definitions were removed from the current Article IV, *Permissible Uses*, and Article VIII, *Landscape Standards*, of the UDC and placed into Article XIII, *Definitions*, of the UDC. In

addition, staff has defined all land uses contained in the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the UDC and placed them into a new section contained in Article XIII, *Definitions*, of the UDC.

- (7) *Exhibits*. As part of the amendment, staff has updated or included new technical drawings that better convey the standards contained in the UDC.
- (8) *Permissible Use Charts*. The *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the UDC were reformatted to make them easier to read, and references were added to the land use definitions and conditional use standards. These are intended to be links to help staff, citizens and developers understand what each use is and the requirements associated with establishing the use. In addition, the overlay district land use requirements were added to the *Permissible Use Charts* to make it easier for staff, citizens and developers to know what would be required on a particular property located within an overlay district. Staff also reviewed the *Permissible Use Charts* and deleted duplicated land uses and made minor corrections to where land uses were permitted based on the text contained in the article.

Staff should point out that due to the expediency in which these amendments were prepared, staff is requesting that the City Council allow staff to bring back a subsequent amendment addressing any additional changes or further clarifications needed to achieve compliance with the legislative mandates; however, staff is confident that the proposed amendment will bring the City's UDC into conformance/compliance with all legislative actions resulting from the 86th Legislative Session. In addition, the changes that were made to the UDC that were not tied to legislative actions are intended to clarify the zoning code and make it easier for staff, citizens and developers to understand and interpret the code. With this being said the approval of any text amendment to the UDC is a discretionary decision for the City Council, and any changes to the amendment requested by the City Council can be drafted between the first and second reading of the proposed draft ordinance.

On August 13, 2019, staff took the proposed amendment to the Planning and Zoning Commission for a recommendation to the City Council. Based on the submitted materials the Planning and Zoning Commission approved a motion to recommend approval of the amendment as written by a vote of 7-0. Staff has also sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 6.1 of Article II, *Authority and Administrative Procedures*, of the UDC. This notice was published on July 26, 2019. Should the City Council have any questions concerning the legislative bills or the proposed text amendment, staff and the City Attorney will be present at the meeting on August 19, 2019.

AN ACT

relating to consent annexation requirements.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. REPEAL OF TIER SYSTEM

SECTION 1.01. The following provisions of Chapter 43, Local Government Code, are repealed:

- (1) Sections 43.001(2), (3), (4), and (5);
- (2) Section 43.011;
- (3) Subchapter B;
- (4) Section 43.0505(b);
- (5) Section 43.052;
- (6) Section 43.053;
- (7) Section 43.056(q);
- (8) Section 43.0561;
- (9) Section 43.0562;
- (10) Section 43.0563;
- (11) Section 43.0564;
- (12) Section 43.061(b);
- (13) Section 43.066;
- (14) Section 43.067;
- (15) Section 43.068;
- (16) Section 43.069;
- (17) Section 43.0751(o);
- (18) Section 43.0752;
- (19) Section 43.103;
- (20) Section 43.105; and
- (21) Subchapter Y.

SECTION 1.02. The heading to Subchapter C-2, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-2. GENERAL ANNEXATION AUTHORITY AND PROCEDURES
REGARDING CONSENT ANNEXATIONS [~~+~~ ~~TIER 2 MUNICIPALITIES~~]

SECTION 1.03. The heading to Subchapter C-3, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-3. ANNEXATION OF AREA ON REQUEST OF OWNERS [~~+~~ ~~TIER 2 MUNICIPALITIES~~]

SECTION 1.04. The heading to Subchapter C-4, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-4. ANNEXATION OF AREAS WITH POPULATION OF LESS THAN
200 BY PETITION [~~+~~ ~~TIER 2 MUNICIPALITIES~~]

SECTION 1.05. The heading to Subchapter C-5, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-5. ANNEXATION OF AREAS WITH POPULATION OF AT LEAST 200
BY ELECTION [~~+~~ ~~TIER 2 MUNICIPALITIES~~]

SECTION 1.06. Section 43.1025(c), Local Government Code, is amended to read as follows:

(c) The area described by Subsection (b) may be annexed under the requirements prescribed by Subchapter C-3, C-4, or C-5, as applicable [~~to a tier 2 municipality~~], but the annexation may not occur unless each municipality in whose extraterritorial jurisdiction the area may be located:

- (1) consents to the annexation; and
- (2) reduces its extraterritorial jurisdiction over

the area as provided by Section 42.023.

SECTION 1.07. Section 43.1211, Local Government Code, is amended to read as follows:

Sec. 43.1211. USE OF CONSENT PROCEDURES [~~AUTHORITY OF CERTAIN TIER 2 MUNICIPALITIES~~] TO ANNEX FOR LIMITED PURPOSES. Except as provided by Section 43.0751, beginning December 1, 2017, a [~~tier 2~~] municipality described by Section 43.121(a) may annex an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area ~~79~~ing the procedures

under Subchapter C-3, C-4, or C-5, as applicable.

ARTICLE 2. CONFORMING CHANGES

SECTION 2.01. The following provisions of the Special District Local Laws Code are repealed:

- (1) Section 8374.252(a);
- (2) Section 8375.252(a);
- (3) Section 8376.252(a);
- (4) Section 8377.252(a);
- (5) Section 8378.252(a);
- (6) Section 8382.252(a);
- (7) Section 8383.252(a);
- (8) Section 8384.252(a);
- (9) Section 8385.252(a); and
- (10) Section 8477.302(a).

SECTION 2.02. Section 43.0116(a), Local Government Code, is amended to read as follows:

(a) Notwithstanding any other law and subject to Subsection (b), a municipality may annex all or part of the area located in an industrial district designated by the governing body of the municipality under Section 42.044 under the procedures prescribed by Subchapter C-1 [~~the requirements applicable to a tier 1 municipality~~].

SECTION 2.03. The heading to Subchapter C, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C. LIMITATIONS AND REQUIREMENTS REGARDING ANNEXATIONS EXEMPTED FROM CONSENT ANNEXATION PROCEDURES [~~PROCEDURE FOR AREAS ANNEXED UNDER MUNICIPAL ANNEXATION PLAN: TIER 1 MUNICIPALITIES~~]

SECTION 2.04. Section 43.0505(a), Local Government Code, is amended to read as follows:

(a) This [~~Except as provided by Subsection (b), this~~] subchapter applies only to an annexation under Subchapter C-1 [~~a tier 1 municipality~~].

SECTION 2.05. Sections 43.056(a), (b), (j), and (k), Local Government Code, are amended to read as follows:

(a) This section applies to a service plan under Section 43.065 [~~Before the first day of the 10th month after the month in which the inventory is prepared as provided by Section 43.053, the municipality proposing the annexation shall complete a service plan that provides for the extension of full municipal services to the area to be annexed. The municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality~~].

(b) The service plan, which must be completed [~~in the period provided by Subsection (a)~~] before the annexation, must include a program under which the municipality will provide full municipal services in the annexed area no later than 2-1/2 years after the effective date of the annexation, in accordance with Subsection (e), unless certain services cannot reasonably be provided within that period and the municipality proposes a schedule for providing those services, and must include a list of all services required by this section to be provided under the plan. If the municipality proposes a schedule to extend the period for providing certain services, the schedule must provide for the provision of full municipal services no later than 4-1/2 years after the effective date of the annexation. However, under the program if the municipality provides any of the following services within the corporate boundaries of the municipality before annexation, the municipality must provide those services in the area proposed for annexation on the effective date of the annexation of the area:

- (1) police protection;
- (2) fire protection;
- (3) emergency medical services;
- (4) solid waste collection, except as provided by

Subsection (o);

(5) operation and maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;

- (6) operation and maintenance of roads and streets, including road and street lighting;
- (7) operation and maintenance of parks, playgrounds, and swimming pools; and
- (8) operation and maintenance of any other publicly owned facility, building, or service.

(j) The proposed service plan must be made available for public inspection and explained to the inhabitants of the area at the public hearings held under Section 43.063 ~~[43.0561]~~. The plan may be amended through negotiation at the hearings, but the provision of any service may not be deleted. On completion of the public hearings, the service plan shall be attached to the ordinance annexing the area and approved as part of the ordinance.

(k) On approval by the governing body, the service plan is a contractual obligation that is not subject to amendment or repeal except that if the governing body determines at the public hearings required by this subsection that changed conditions or subsequent occurrences make the service plan unworkable or obsolete, the governing body may amend the service plan to conform to the changed conditions or subsequent occurrences. An amended service plan must provide for services that are comparable to or better than those established in the service plan before amendment. Before any amendment is adopted, the governing body must provide an opportunity for interested persons to be heard at public hearings called and held in the manner provided by Section 43.063 ~~[43.0561]~~.

SECTION 2.06. The heading to Subchapter C-1, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-1. ANNEXATION PROCEDURE FOR AREAS EXEMPTED FROM
~~CONSENT [MUNICIPAL] ANNEXATION PROCEDURES [PLAN: TIER 1~~
MUNICIPALITIES]

SECTION 2.07. Section 43.061(a), Local Government Code, is amended to read as follows:

(a) Unless otherwise specifically provided by this chapter or another law ~~[Except as provided by Subsection (b)]~~, this subchapter applies only to an annexation under:

- (1) Section 43.0115 (Enclave);
- (2) Section 43.0116 (Industrial District);
- (3) Section 43.012 (Area Owned by Type-A

Municipality);

- (4) Section 43.013 (Navigable Stream);
- (5) Section 43.0751(h) (Strategic Partnership);
- (6) Section 43.101 (Municipally Owned Reservoir);
- (7) Section 43.102 (Municipally Owned Airport); and
- (8) Section 43.1055 (Road and Right-of-Way) [area that

is proposed for annexation by a tier 1 municipality and that is not required to be included in a municipal annexation plan under Section 43.052(h)].

SECTION 2.08. Section 43.062(b), Local Government Code, is amended to read as follows:

(b) This subsection applies only to an area that contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract ~~[described by Section 43.052(h)(1)]~~. Before the 30th day before the date of the first hearing required under Section 43.063, a municipality shall give written notice of its intent to annex the area to:

- (1) each property owner in an area proposed for annexation, as indicated by the appraisal records furnished by the appraisal district for each county in which the area is located;
- (2) each public entity~~[, as defined by Section 43.053,]~~ or private entity that provides services in the area proposed for annexation, including each:

(A) municipality, county, fire protection service provider, including a volunteer fire department, and emergency medical services provider, including a volunteer emergency medical services provider; and

(B) municipal utility district, water control and improvement district, or other district created under Section

52, Article III, or Section 59, Article XVI, Texas Constitution;
and

(3) each railroad company that serves the municipality and is on the municipality's tax roll if the company's right-of-way is in the area proposed for annexation.

SECTION 2.09. Section 43.0715(c), Local Government Code, is amended to read as follows:

(c) At the time notice of the municipality's intent to annex the land within the district is first given in accordance with Section ~~[43.052,]~~ 43.0683~~[,]~~ or 43.0693, as applicable, the municipality shall proceed to initiate and complete a report for each developer conducted in accordance with the format approved by the Texas Commission on Environmental Quality for audits. In the event the municipality is unable to complete the report prior to the effective date of the annexation as a result of the developer's failure to provide information to the municipality which cannot be obtained from other sources, the municipality shall obtain from the district the estimated costs of each project previously undertaken by a developer which are eligible for reimbursement. The amount of such costs, as estimated by the district, shall be escrowed by the municipality for the benefit of the persons entitled to receive payment in an insured interest-bearing account with a financial institution authorized to do business in the state. To compensate the developer for the municipality's use of the infrastructure facilities pending the determination of the reimbursement amount, all interest accrued on the escrowed funds shall be paid to the developer whether or not the annexation is valid. Upon placement of the funds in the escrow account, the annexation may become effective. In the event a municipality timely escrows all estimated reimbursable amounts as required by this subsection and all such amounts, determined to be owed, including interest, are subsequently disbursed to the developer within five days of final determination in immediately available funds as required by this section, no penalties or interest shall accrue during the pendency of the escrow. Either the municipality or developer may, by written notice to the other party, require disputes regarding the amount owed under this section to be subject to nonbinding arbitration in accordance with the rules of the American Arbitration Association.

SECTION 2.10. Sections 43.0751(b) and (h), Local Government Code, are amended to read as follows:

(b) The governing bodies of a municipality and a district may negotiate and enter into a written strategic partnership agreement for the district by mutual consent. ~~[The governing body of a municipality, on written request from a district included in the municipality's annexation plan under Section 43.052, shall negotiate and enter into a written strategic partnership agreement with the district. A district included in a municipality's annexation plan under Section 43.052:~~

~~[(1) - - may not submit its written request before the date of the second hearing required under Section 43.0561; and~~

~~[(2) - - must submit its written request before the 61st day after the date of the second hearing required under Section 43.0561.]~~

(h) On the full-purpose annexation conversion date set forth in the strategic partnership agreement pursuant to Subsection (f) (5), the land included within the boundaries of the district shall be deemed to be within the full-purpose boundary limits of the municipality without the need for further action by the governing body of the municipality. The full-purpose annexation conversion date established by a strategic partnership agreement may be altered only by mutual agreement of the district and the municipality. However, nothing herein shall prevent the municipality from terminating the agreement and instituting proceedings to annex the district, on request by the governing body of the district, on any date prior to the full-purpose annexation conversion date established by the strategic partnership agreement

under the procedures prescribed by Subchapter C-1 [~~applicable to a tier 1 municipality~~]. Land annexed for limited or full purposes under this section shall not be included in calculations prescribed by Section 43.055(a).

SECTION 2.11. Section 43.07515(a), Local Government Code, is amended to read as follows:

(a) A municipality may not regulate under Section 43.0751 [~~or 43.0752~~] the sale, use, storage, or transportation of fireworks outside of the municipality's boundaries.

SECTION 2.12. Section 43.101(c), Local Government Code, is amended to read as follows:

(c) A municipality may annex the [~~The~~] area described by this section [~~may be annexed~~] without the consent of any owners or residents of the area under the procedures prescribed by Subchapter C-1 [~~applicable to a tier 1 municipality by:~~

[~~(1) a tier 1 municipality; and~~

[~~(2)~~] if there are no owners other than the municipality or residents of the area[~~, a tier 2 municipality~~].

SECTION 2.13. Section 43.102(c), Local Government Code, is amended to read as follows:

(c) A municipality may annex the [~~The~~] area described by this section [~~may be annexed~~] without the consent of any owners or residents of the area under the procedures prescribed by Subchapter C-1 [~~applicable to a tier 1 municipality by:~~

[~~(1) a tier 1 municipality; and~~

[~~(2)~~] if there are no owners other than the municipality or residents of the area[~~, a tier 2 municipality~~].

SECTION 2.14. Section 43.1055, Local Government Code, is amended to read as follows:

Sec. 43.1055. ANNEXATION OF ROADS AND RIGHTS-OF-WAY [~~IN CERTAIN LARGE COUNTIES~~]. Notwithstanding any other law, a [~~tier 2~~] municipality may by ordinance annex a road or the right-of-way of a road on request of the owner of the road or right-of-way or the governing body of the political subdivision that maintains the road or right-of-way under the procedures prescribed by Subchapter C-1 [~~applicable to a tier 1 municipality~~].

SECTION 2.15. Section 43.141(a), Local Government Code, is amended to read as follows:

(a) A majority of the qualified voters of an annexed area may petition the governing body of the municipality to disannex the area if the municipality fails or refuses to provide services or to cause services to be provided to the area:

(1) if the area was annexed under Subchapter C-1 [~~municipality is a tier 1 municipality~~], within the period specified by Section 43.056 or by the service plan prepared for the area under that section; or

(2) if the area was annexed under Subchapter C-3, C-4, or C-5 [~~municipality is a tier 2 municipality~~], within the period specified by the written agreement under Section 43.0672 or the resolution under Section 43.0682 or 43.0692, as applicable.

SECTION 2.16. Section 43.203(b), Local Government Code, is amended to read as follows:

(b) On receipt of the district's petition, the governing body of the municipality shall enter into negotiations with the district for an agreement to alter the status of annexation that must:

(1) specify the period, which may not be less than 10 years beginning on January 1 of the year following the date of the agreement, in which limited-purpose annexation is in effect;

(2) provide that, at the expiration of the period, the district's annexation status will automatically revert to full-purpose annexation without following procedures provided by Section [~~Sections~~] 43.014 [~~and 43.052 through 43.055~~] or any [~~other~~] procedural requirement for annexation not in effect on January 1, 1995; and

(3) specify the financial obligations of the district during and after the period of limited-purpose annexation for:

(A) facilities constructed by the municipality that are in or that serve the district;

(B) debt incurred by the district for water and sewer infrastructure that will be assumed by the municipality at the end of the period of limited-purpose annexation; and

(C) use of the municipal sales taxes collected by the municipality for facilities or services in the district.

SECTION 2.17. Section 43.905(a), Local Government Code, is amended to read as follows:

(a) A municipality that proposes to annex an area shall provide written notice of the proposed annexation to each public school district located in the area proposed for annexation within the period prescribed for providing the notice of, as applicable:

(1) the hearing under Section 43.0673; or

(2) the first hearing under Section [43.0561,] 43.063, [43.0673,] 43.0683, or 43.0693[~~, as applicable~~].

SECTION 2.18. Sections 43.9051(a) and (b), Local Government Code, are amended to read as follows:

(a) In this section, "public entity" includes a county, fire protection service provider, including a volunteer fire department, emergency medical services provider, including a volunteer emergency medical services provider, or special district described[~~, as that term is defined~~] by Section 43.062(b)(2)(B) [~~43.052~~].

(b) A municipality that proposes to annex an area shall provide to each public entity that is located in or provides services to the area proposed for annexation written notice of the proposed annexation within the period prescribed for providing the notice of, as applicable:

(1) the hearing under Section 43.0673; or

(2) the first hearing under Section [43.0561,] 43.063, [43.0673,] 43.0683, or 43.0693[~~, as applicable, to each public entity that is located in or provides services to the area proposed for annexation~~].

ARTICLE 3. HEARING REQUIREMENTS FOR CERTAIN CONSENT ANNEXATIONS

SECTION 3.01. Section 43.0673, Local Government Code, is amended to read as follows:

Sec. 43.0673. PUBLIC HEARING [~~HEARINGS~~]. (a) Before a municipality may adopt an ordinance annexing an area under this subchapter [~~section~~], the governing body of the municipality must conduct one [~~at least two~~] public hearing [~~hearings~~].

[~~(b) - - The hearings must be conducted not less than 10 business days apart.~~]

(c) During the [~~first~~] public hearing, the governing body:

(1) must provide persons interested in the annexation the opportunity to be heard; and

(2) [~~During the final public hearing, the governing body~~] may adopt an ordinance annexing the area.

(d) The municipality must post notice of the hearing [~~hearings~~] on the municipality's Internet website if the municipality has an Internet website and publish notice of the hearing [~~hearings~~] in a newspaper of general circulation in the municipality and in the area proposed for annexation. The notice for the [~~each~~] hearing must be:

(1) published at least once on or after the 20th day but before the 10th day before the date of the hearing; and

(2) [~~The notice for each hearing must be~~] posted on the municipality's Internet website on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing.

ARTICLE 4. TRANSITION AND EFFECTIVE DATE

SECTION 4.01. (a) Except as provided by Subsections (b) and (c) of this section, the changes in law made by this Act apply only to an annexation of an area that is not final on the effective date of this Act. An annexation of an area that was final before the effective date of this Act is governed by those portions of Chapter 43, Local Government Code, that relate to post-annexation

procedures and requirements in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) The changes in law made by this Act do not apply to the annexation of an area for which the governing body of a municipality has adopted a resolution to direct the municipality's city manager to prepare a service plan for the area on or before the effective date of this Act. An annexation of an area for which the governing body adopted a resolution to direct the municipality's city manager to prepare a service plan for the area before the effective date of this Act is governed by Chapter 43, Local Government Code, as it existed on January 1, 2019.

(c) Until the fourth anniversary of the date that final judgment in an action described by this subsection is rendered, the changes in law made by this Act do not apply to an annexation of an area described by this subsection, and an annexation of an area described by this subsection is governed by Chapter 43, Local Government Code, as it existed on January 1, 2019. This subsection applies only to an area that is:

- (1) wholly located in a county that:
 - (A) borders the Gulf of Mexico; and
 - (B) contains an international border; and
- (2) proposed to be annexed by a municipality that is a named party in an action:
 - (A) involving issues of fact or law relating to the annexation; and
 - (B) commenced before January 1, 2019.

SECTION 4.02. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 347 was passed by the House on April 9, 2019, by the following vote: Yeas 133, Nays 14, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 347 on May 13, 2019, by the following vote: Yeas 131, Nays 9, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 347 was passed by the Senate, with amendments, on May 8, 2019, by the following vote: Yeas 25, Nays 6.

Secretary of the Senate

APPROVED: _____
Date

Governor

By: Phelan, Rodriguez, Collier, Schaefer

H.B. No. 2439

A BILL TO BE ENTITLED
AN ACT

relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 10, Government Code, is amended by adding Subtitle Z to read as follows:

SUBTITLE Z. MISCELLANEOUS PROVISIONS PROHIBITING CERTAIN
GOVERNMENTAL ACTIONS
CHAPTER 3000. GOVERNMENTAL ACTION AFFECTING RESIDENTIAL AND
COMMERCIAL CONSTRUCTION

Sec. 3000.001. DEFINITIONS. In this chapter:

(1) "National model code" has the meaning assigned by Section 214.217, Local Government Code.

(2) "Governmental entity" has the meaning assigned by Section 2007.002.

Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING PRODUCTS, MATERIALS, OR METHODS PROHIBITED. (a) Notwithstanding any other law and except as provided by Subsection (d), a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that:

(1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or

(2) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

(b) A governmental entity that adopts a building code governing the construction, renovation, maintenance, or other alteration of a residential or commercial building may amend a provision of the building code to conform to local concerns if the amendment does not conflict with Subsection (a).

(c) This section does not apply to:

(1) a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;

(2) a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage under Chapter 2210, Insurance Code;

(3) an ordinance or other regulation that:

(A) regulates outdoor lighting for the purpose of reducing light pollution; and

(B) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program;

(4) an ordinance or order that:

(A) regulates outdoor lighting; and

(B) is adopted under Subchapter B, Chapter 229, Local Government Code, or Subchapter B, Chapter 240, Local Government Code;

.(5) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b), Local Government Code, if the municipality:

.(A) is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or

.(B) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission;

.(6) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April 1, 2019;

.(7) a building located in an area designated as a historic district on the National Register of Historic Places;

.(8) a building designated as a Recorded Texas Historic Landmark;

.(9) a building designated as a State Archeological Landmark or State Antiquities Landmark;

.(10) a building listed on the National Register of Historic Places or designated as a landmark by a governmental entity;

.(11) a building located in a World Heritage Buffer Zone; and

.(12) a building located in an area designated for development, restoration, or preservation in a main street city under the main street program established under Section 442.014.

(d) A municipality that is not a municipality described by Subsection (c)(3)(A) or (B) may adopt or enforce a regulation described by Subsection (a) that applies to a building located in a place or area designated on or after April 1, 2019, by the municipality for its historical, cultural, or architectural importance and significance, if the municipality has the voluntary consent from the building owner.

(e) A rule, charter provision, ordinance, order, building code, or other regulation adopted by a governmental entity that conflicts with this section is void.

Sec. 3000.003. INJUNCTION. (a) The attorney general or an aggrieved party may file an action in district court to enjoin a violation or threatened violation of Section 3000.002.

(b) The court may grant appropriate relief.

(c) The attorney general may recover reasonable attorney's fees and costs incurred in bringing an action under this section.

(d) Sovereign and governmental immunity to suit is waived and abolished only to the extent necessary to enforce this chapter.

Sec. 3000.004. OTHER PROVISIONS NOT AFFECTED. This chapter does not affect provisions regarding the installation of a fire sprinkler protection system under Section 1301.551(i), Occupations Code, or Section 775.045(a)(1), Health and Safety Code.

Sec. 3000.005. SEVERABILITY. If any provision of a rule, charter provision, ordinance, order, building code, or other regulation described by Section 3000.002(a) is held invalid under this chapter, the invalidity does not affect other provisions or applications of the rule, charter provision, ordinance, order, building code, or other regulation that can be given effect without the invalid provision or application, and to this end the provisions of the rule, charter provision, ordinance, order, building code, or other regulation are severable.

SECTION 2. This Act takes effect September 1, 2019.

AN ACT

relating to county and municipal approval procedure for land development applications.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 212.001, Local Government Code, is amended by amending Subdivision (2) and adding Subdivision (3) to read as follows:

(2) "Plan" means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan.

~~(3)~~ "Plat" includes a preliminary plat, general plan, final plat, and replat.

SECTION 2. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0085 to read as follows:

Sec. 212.0085. APPROVAL PROCEDURE: APPLICABILITY. The approval procedures under this subchapter apply to a municipality regardless of whether the municipality has entered into an interlocal agreement, including an interlocal agreement between a municipality and county under Section 242.001(d).

SECTION 3. The heading to Section 212.009, Local Government Code, is amended to read as follows:

Sec. 212.009. APPROVAL PROCEDURE: INITIAL APPROVAL.

SECTION 4. Section 212.009, Local Government Code, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsections (b-1) and (b-2) to read as follows:

(a) The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove ~~[act on]~~ a plan or plat within 30 days after the date the plan or plat is filed. A plan or plat is ~~[considered]~~ approved by the municipal authority unless it is disapproved within that period and in accordance with Section 212.0091.

(b) If an ordinance requires that a plan or plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove ~~[act on]~~ the plan or plat within 30 days after the date the plan or plat is approved by the planning commission or is ~~[considered]~~ approved by the inaction of the commission. A plan or plat is ~~[considered]~~ approved by the governing body unless it is disapproved within that period and in accordance with Section 212.0091.

(b-1) Notwithstanding Subsection (a) or (b), if a groundwater availability certification is required under Section 212.0101, the 30-day period described by those subsections begins on the date the applicant submits the groundwater availability certification to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable.

(b-2) Notwithstanding Subsection (a) or (b), the parties may extend the 30-day period described by those subsections for a period not to exceed 30 days if:

(1) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and

(2) the municipal authority or governing body, as applicable, approves the extension request.

(c) If a plan or plat is approved, the municipal authority giving the approval shall endorse the plan or plat with a certificate indicating the approval. The certificate must be signed by:

(1) the authority's presiding officer and attested by the authority's secretary; or

(2) a majority of the members~~88~~ of the authority.

(d) If the municipal authority responsible for approving plats fails to approve, approve with conditions, or disapprove [act on] a plan or plat within the prescribed period, the authority on the applicant's request shall issue a certificate stating the date the plan or plat was filed and that the authority failed to act on the plan or plat within the period. The certificate is effective in place of the endorsement required by Subsection (c).

SECTION 5. Subchapter A, Chapter 212, Local Government Code, is amended by adding Sections 212.0091, 212.0093, 212.0095, 212.0096, 212.0097, and 212.0099 to read as follows:

Sec. 212.0091. APPROVAL PROCEDURE: CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS. (a) A municipal authority or governing body that conditionally approves or disapproves a plan or plat under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

(b) Each condition or reason specified in the written statement:

(1) must:

(A) be directly related to the requirements under this subchapter; and

(B) include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and

(2) may not be arbitrary.

Sec. 212.0093. APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a plan or plat under Section 212.0091, the applicant may submit to the municipal authority or governing body that conditionally approved or disapproved the plan or plat a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response.

Sec. 212.0095. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL OF RESPONSE. (a) A municipal authority or governing body that receives a response under Section 212.0093 shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plan or plat not later than the 15th day after the date the response was submitted.

(b) A municipal authority or governing body that conditionally approves or disapproves a plan or plat following the submission of a response under Section 212.0093:

(1) must comply with Section 212.0091; and

(2) may disapprove the plan or plat only for a specific condition or reason provided to the applicant under Section 212.0091.

(c) A municipal authority or governing body that receives a response under Section 212.0093 shall approve a previously conditionally approved or disapproved plan or plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

(d) A previously conditionally approved or disapproved plan or plat is approved if:

(1) the applicant filed a response that meets the requirements of Subsection (c); and

(2) the municipal authority or governing body that received the response does not disapprove the plan or plat on or before the date required by Subsection (a) and in accordance with Section 212.0091.

Sec. 212.0096. APPROVAL PROCEDURE: ALTERNATIVE APPROVAL PROCESS. (a) Notwithstanding Sections 212.009, 212.0091, 212.0093, and 212.0095, an applicant may elect at any time to seek approval for a plan or plat under an alternative approval process adopted by a municipality if the process allows for a shorter approval period than the approval process described by Sections 212.009, 212.0091,

212.0093, and 212.0095.

(b) An applicant that elects to seek approval under the alternative approval process described by Subsection (a) is not:

(1) required to satisfy the requirements of Sections 212.009, 212.0091, 212.0093, and 212.0095 before bringing an action challenging a disapproval of a plan or plat under this subchapter; and

(2) prejudiced in any manner in bringing the action described by Subdivision (1), including satisfying a requirement to exhaust any and all remedies.

Sec. 212.0097. APPROVAL PROCEDURE: WAIVER PROHIBITED. A municipal authority responsible for approving plats or the governing body of a municipality may not request or require an applicant to waive a deadline or other approval procedure under this subchapter.

Sec. 212.0099. JUDICIAL REVIEW OF DISAPPROVAL. In a legal action challenging a disapproval of a plan or plat under this subchapter, the municipality has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of this subchapter or any applicable case law. The court may not use a deferential standard.

SECTION 6. Section 212.014, Local Government Code, is amended to read as follows:

Sec. 212.014. REPLATTING WITHOUT VACATING PRECEDING PLAT. A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) is signed and acknowledged by only the owners of the property being replatted;
- (2) is approved~~[, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard,]~~ by the municipal authority responsible for approving plats; and
- (3) does not attempt to amend or remove any covenants or restrictions.

SECTION 7. Section 212.015, Local Government Code, is amended by adding Subsections (a-1), (f), and (g) and amending Subsection (b) to read as follows:

(a-1) If a proposed replat described by Subsection (a) requires a variance or exception, a public hearing must be held by the municipal planning commission or the governing body of the municipality.

(b) Notice of the hearing required under Subsection (a-1) ~~[Section 212.014]~~ shall be given before the 15th day before the date of the hearing by:

- (1) publication in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and
- (2) by written notice, with a copy of Subsection (c) attached, forwarded by the municipal authority responsible for approving plats to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.

(f) If a proposed replat described by Subsection (a) does not require a variance or exception, the municipality shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll. This subsection does not apply to a proposed replat if the municipal planning commission or the

governing body of the municipality holds a public hearing and gives notice of the hearing in the manner provided by Subsection (b).

(g) The notice of a replat approval required by Subsection (f) must include:

(1) the zoning designation of the property after the replat; and

(2) a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

SECTION 8. Subchapter A, Chapter 232, Local Government Code, is amended by adding Section 232.0023 to read as follows:

Sec. 232.0023. APPROVAL PROCEDURE: APPLICABILITY. The plat application approval procedures under this subchapter apply to a county regardless of whether the county has entered into an interlocal agreement, including an interlocal agreement between a municipality and county under Section 242.001(d).

SECTION 9. The heading to Section 232.0025, Local Government Code, is amended to read as follows:

Sec. 232.0025. APPROVAL PROCEDURE: TIMELY APPROVAL OF PLATS AND PLANS.

SECTION 10. Section 232.0025, Local Government Code, is amended by amending Subsections (d), (f), (g), (h), and (i), and adding Subsection (d-1) to read as follows:

(d) Except as provided by Subsection (f), the commissioners court or the court's designee shall approve, approve with conditions, or disapprove ~~[take final action on]~~ a plat application ~~[, including the resolution of all appeals,]~~ not later than the 30th ~~[60th]~~ day after the date the ~~[a]~~ completed ~~[plat]~~ application is received by the commissioners court or the court's designee. An application is approved by the commissioners court or the court's designee unless the application is disapproved within that period and in accordance with Section 232.0026.

(d-1) Notwithstanding Subsection (d), if a groundwater availability certification is required under Section 232.0032, the 30-day period described by that subsection begins on the date the applicant submits the groundwater availability certification to the commissioners court or the court's designee, as applicable.

(f) The 30-day ~~[60-day]~~ period under Subsection (d):

(1) may be extended for a [reasonable] period not to exceed 30 days, if:

(A) requested and agreed to in writing by the applicant and approved by the commissioners court or the court's designee; or

(B) [-(2) may be extended 60 additional days if] Chapter 2007, Government Code, requires the county to perform a takings impact assessment in connection with the ~~[a]~~ plat application; and

(2) [-(3)] applies only to a decision wholly within the control of the commissioners court or the court's designee.

(g) The commissioners court or the court's designee shall make the determination under Subsection (f)(1) ~~[(f)(2)]~~ of whether the 30-day ~~[60-day]~~ period will be extended not later than the 20th day after the date a completed plat application is received by the commissioners court or the court's designee.

(h) The commissioners court or the court's designee may not require ~~[compel]~~ an applicant to waive the time limits or approval procedure contained in this subchapter ~~[section]~~.

(i) If the commissioners court or the court's designee fails to approve, approve with conditions, or disapprove a plat application ~~[take final action on the plat]~~ as required by this subchapter ~~[Subsection (d)]~~:

(1) the commissioners court shall refund the greater of the unexpended portion of any ~~[plat]~~ application fee or deposit or 50 percent of an ~~[a plat]~~ application fee or deposit that has been paid;

(2) the ~~[plat]~~ application is granted by operation of law; and

(3) the applicant may apply to a district court in the

county where the tract of land is located for a writ of mandamus to compel the commissioners court to issue documents recognizing the plat application's [plat's] approval.

SECTION 11. Subchapter A, Chapter 232, Local Government Code, is amended by adding Sections 232.0026, 232.0027, 232.0028, 232.00285, and 232.0029 to read as follows:

Sec. 232.0026. APPROVAL PROCEDURE: CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS. (a) A commissioners court or designee that conditionally approves or disapproves of a plat application under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or the reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

(b) Each condition or reason specified in the written statement:

(1) must:

(A) be directly related to the requirements of this subchapter; and

(B) include a citation to the law, including a statute or order, that is the basis for the conditional approval or disapproval, if applicable; and

(2) may not be arbitrary.

Sec. 232.0027. APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a plat application under Section 232.0026, the applicant may submit to the commissioners court or designee that conditionally approved or disapproved the application a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The commissioners court or designee may not establish a deadline for an applicant to submit the response.

Sec. 232.0028. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL OF RESPONSE. (a) A commissioners court or designee that receives a response under Section 232.0027 shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat application not later than the 15th day after the date the response was submitted under Section 232.0027.

(b) A commissioners court or designee that conditionally approves or disapproves a plat application following the submission of a response under Section 232.0027:

(1) must comply with Section 232.0026; and

(2) may disapprove the application only for a specific condition or reason provided to the applicant for the original application under Section 232.0026.

(c) A commissioners court or designee that receives a response under Section 232.0027 shall approve a previously conditionally approved or disapproved plat application if the applicant's response adequately addresses each condition for the conditional approval or each reason for the disapproval.

(d) A previously conditionally approved or disapproved plat application is approved if:

(1) the applicant filed a response that meets the requirements of Subsection (c); and

(2) the commissioners court or designee that received the response does not disapprove the application on or before the date required by Subsection (a) and in accordance with Section 232.0026.

Sec. 232.00285. DEVELOPMENT PLAN REVIEW. (a) In this section, "development plan" includes a preliminary plat, preliminary subdivision plan, subdivision construction plan, site plan, general plan, land development application, or site development plan.

(b) Unless explicitly authorized by another law of this state, a county may not require a person to submit a development plan during the plat approval process required by this subchapter. If a county is authorized under another law of this state to require approval of a development plan, the county must comply with the

approval procedures under this subchapter during the approval process.

Sec. 232.0029. JUDICIAL REVIEW OF DISAPPROVAL. In a legal action challenging a disapproval of a plat application under this subchapter, the county has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of this subchapter or any applicable case law. The court may not use a deferential standard.

SECTION 12. Section 232.0025(e), Local Government Code, is repealed.

SECTION 13. The change in law made by this Act applies only to a plat application filed on or after the effective date of this Act. A development or plan application filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 14. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 3167 was passed by the House on May 2, 2019, by the following vote: Yeas 119, Nays 18, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3167 was passed by the Senate on May 21, 2019, by the following vote: Yeas 27, Nays 3, 1 present, not voting.

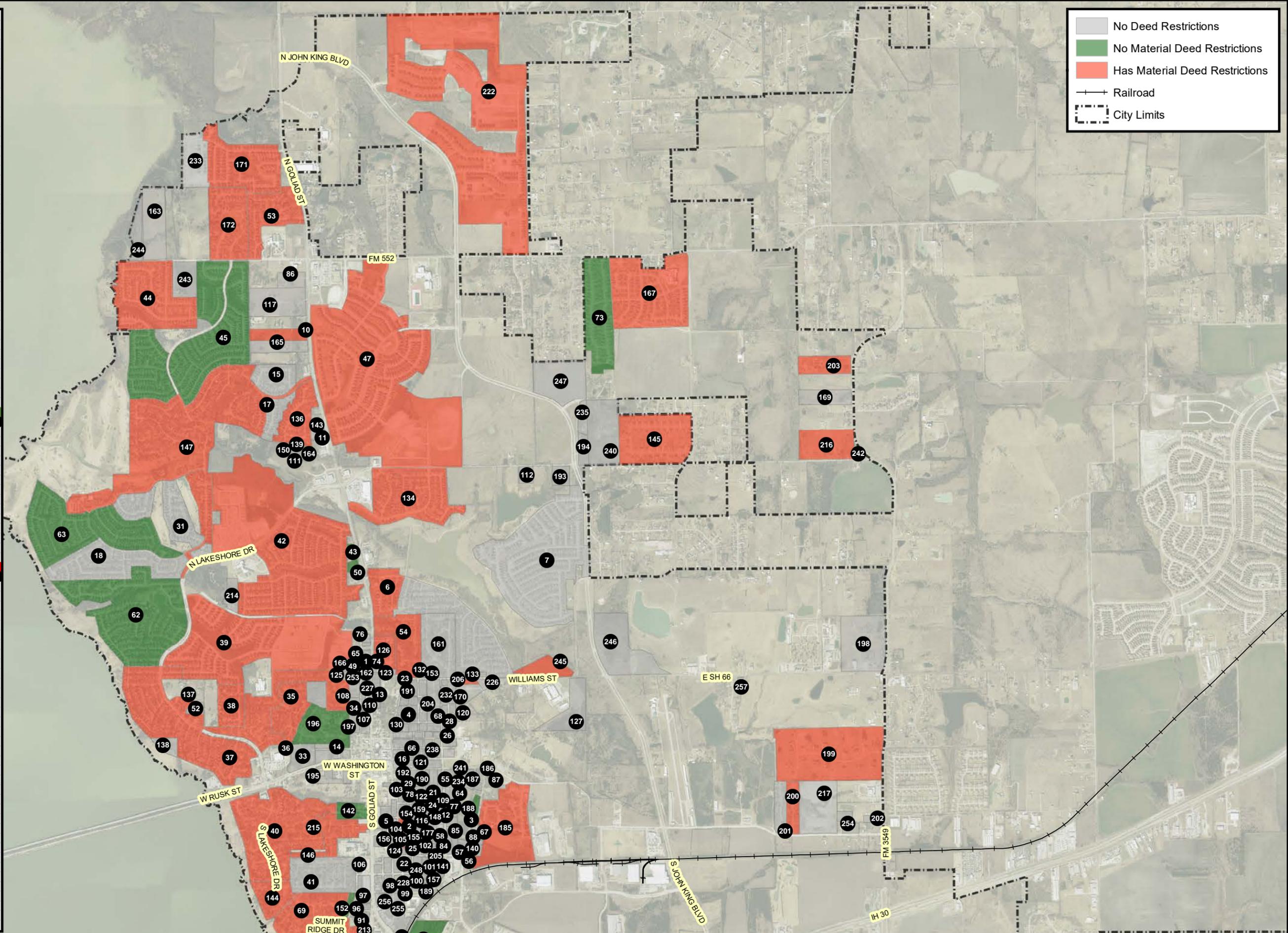
Secretary of the Senate

APPROVED:

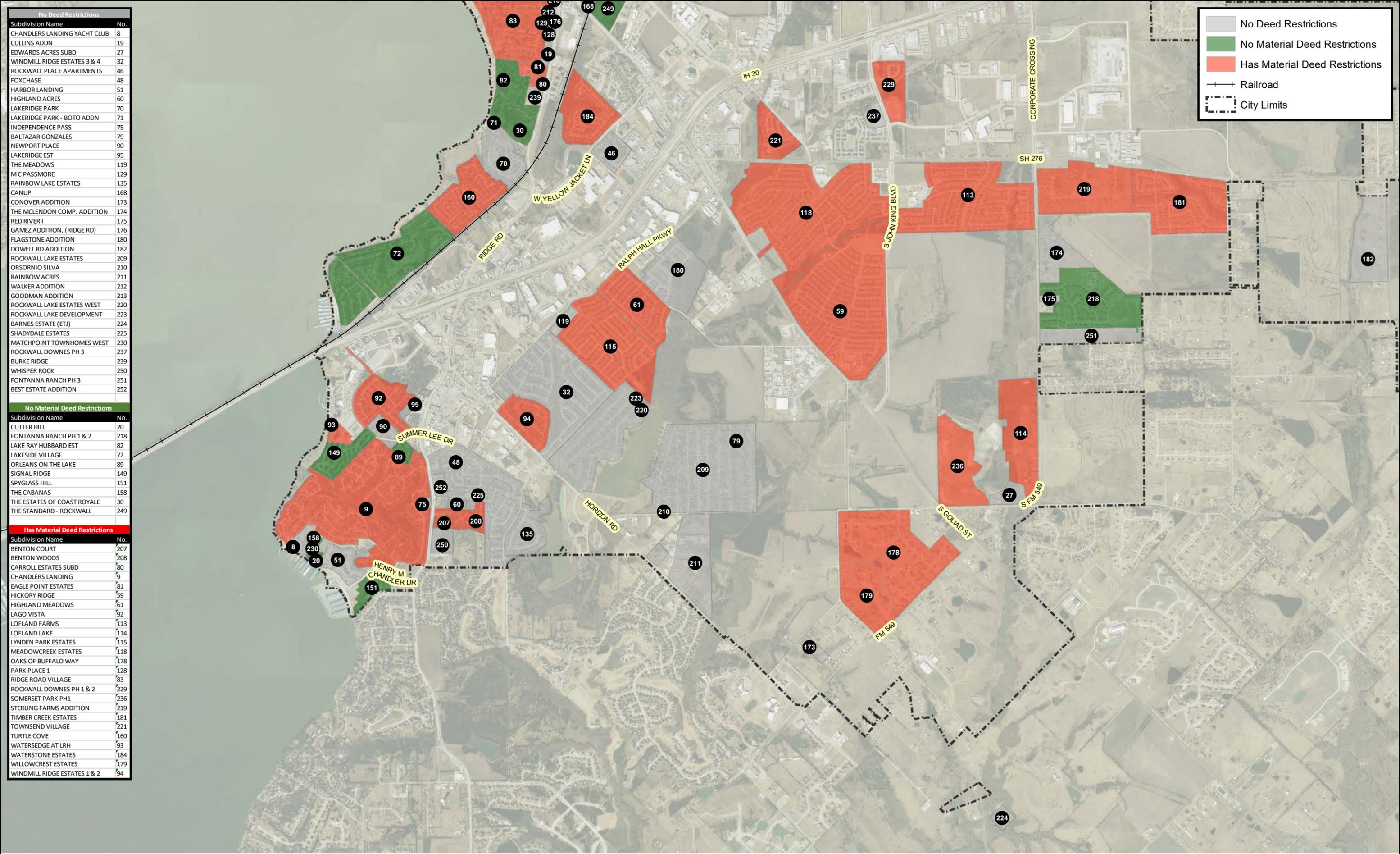
Date

Governor

No Deed Restrictions		OAK CREEK	127
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AUTUMN ADDITION	238	RENFRO PLACE NORTH	187
B F BOYDSTON	33	RENFRO PLACE SOUTH	140
BARKER ADDN	108	RIDGECREST ADDITION	217
BARNES	110	RIDGELL	141
BARZ ACRE	111	RIOS BUFFINGTON ADDITION	99
BISHOP (UNRECORDED)	2	ROBBINS ADDITION	101
BLASE	214	ROSS ADDITION	143
BLUE SKY SUBD	3	RUFF AND SARTAIN ADDITION	87
BLUEBERRY HILL ESTATE ADDITION	242	S SPARKS ADDITION	36
BRIONES ADDITION	253	SANGER	98
BUFFINGTON	189	SHAW	77
BUTTGEN ADDITION	4	SHIELDS	148
CANUP	168	SIX O SUBD	150
CARUTH LAKES	7	SOLAR VILLAGE	226
CASTLE RIDGE PH 3	233	ST MARYS	155
CLARK HOMESTEAD ADDITION	11	ST MARYS PLACE	156
CLARK STREET HOMESITE	12	STARK	153
COUNSELMAN ADDITION	13	STRANGE-DENSON ADDN	157
COX ACRES	240	TOVAR SUBDIVISION	159
COX ADDITION	14	UTLEY ADDITION	235
CRAWFORD ADDN	16	W E CAMPBELL	5
CREEKSIDE (THE SHORES)	17	WADE	161
CREEKSIDE VILLAGE - PH 2	15	WATSON ESTATES	169
CRESTVIEW	18	WIDBOOM ADDITION	257
D R TAYLOR ADDITION	194	WILLIAMS	162
DABNEY ADDITION	100	WILLIS ADDITION	163
DANNY BARKER	109	WILSON	164
DAWSON	21	WIMPEE ACRES	244
DEL BOSQUE SUBD	23	WINKLER	165
DIRKWOOD ESTATES	86	WOOD ESTATES	241
DOUBLE T VENTURES	227	ZION ADDITION	198
DUKE	26		
E.L.B. SUBDIVISION	25	No Material Deed Restrictions	
ELSEY ADDITION	43	Subdivision Name	No.
EPPERSON	28	DODSON-HARDIN	24
EPPSTEIN	78	GREENVALLEY	50
EPPSTEIN / STARK ADDITION	29	HIGHWOOD	196
EPTON ADDITION	254	HILLCREST SHORES	62
F & M	191	HILLSIDE (THE SHORES)	63
FAIRWAY POINTE (THE SHORES)	31	RICHARD HARRIS 2	188
FONDREN	232	RICHARD HARRIS 3	55
FORRE	204	RICHARD HARRIS 5	56
GAMEZ ADDITION	205	RICHARD HARRIS 6	57
GARNER	49	ROCCA VILLA	142
GIDEON GROVE	247	SHORES NORTH	45
GOODMAN ADDITION	213	SPONG	152
GRADY RASH SUBD	138	STONEY HOLLOW	73
GRIFFITH	192		
HAIRSTON ADDN	52	Has Material Deed Restrictions	
HAL PHELPS	133	Subdivision Name	No.
HARRIS	85	ALEXANDER	105
HARTMAN ADDITION	58	AMACHRIS PLACE	106
HIGHRIDGE EST	41	BREEZY HILL	222
HODGDON ADDITION	243	CARUTH LAKE PH 1 & 2	6
HUDSON-SOTO	103	CASTLE RIDGE PH 1 & 2	171
HURST ADDITION	64	CHAPMAN	10
INTEGRITY ADDITION	102	DALTON RANCH	167
ISAAC PENNA	76	GREEN MEADOWS	206
J W DAY	22	GREENLEE	200
JACK CANUP	97	HARLAN PARK	53
JAMESON ADDITION	166	HARRIS HEIGHTS	54
JAYROE ADDN	65	HERITAGE HEIGHTS	172
JERRI LAMROCK ADDN	186	HIGHLAND HILLS	35
KATHLEEN'S ADDITION	66	LAKE MEADOWS	69
KAYCE LYNN ADDITION NO	256	LAKEVIEW SUMMIT	42
KAYCE LYNN ADDITION NO 1	255	LOFLAND	104
L & W	96	MUSTANG ACRES	216
L L LEONARD	112	NORTH TOWNE ADDITION	126
LADERA ROCKWALL	246	NORTHCREST EST 2	203
LAKES ASSEMBLY ADDITION	170	NORTHSHORE	37
LAMAR STREET HABITAT NO. 1	248	PARK PLACE WEST	185
LAS PRIMERAS	67	PROMENADE HARBOR	44
LEE RHOADES SUBDIVISION	91	QUAIL RUN VALLEY	134
LEONARD & ADAMS	68	RANDOM OAKS AT THE SHORES	136
LOWE & ALLEN	195	RIDGEVIEW	215
M&M JOHNSON	228	ROLLING MEADOWS ESTATES	199
MAC NO 1 SUBD	116	ROYAL PARK PLACE	144
MASON-STEED ADDITION	117	SADDLEBROOK ESTATES 2	145
MAYNARD PLACE	202	SHOREVIEW EST	146
MCLEAN / MOORE ADDITION	123	STARK SUBDIVISION	154
MELTON	120	STONE CREEK	47
MICK	121	STONEBRIDGE MEADOWS	40
MILL CO	177	THE HIGHLANDS	245
MONNIE RODGERS SUBDIVISION	122	THE PINNACLE	38
NANCY D	124	THE PRESERVE	39
NORTH WEST SUBD	125	THE SHORES	147



No Deed Restrictions
 No Material Deed Restrictions
 Has Material Deed Restrictions
 Railroad
 City Limits



Legend

- No Deed Restrictions
- No Material Deed Restrictions
- Has Material Deed Restrictions
- Railroad
- City Limits

No Deed Restrictions	
Subdivision Name	No.
CHANDLERS LANDING YACHT CLUB	8
CULLINS ADDN	19
EDWARDS ACRES SUBD	27
WINDMILL RIDGE ESTATES 3 & 4	32
ROCKWALL PLACE APARTMENTS	46
FOXCHASE	48
HARBOR LANDING	51
HIGHLAND ACRES	60
LAKERIDGE PARK	70
LAKERIDGE PARK - BOTO ADDN	71
INDEPENDENCE PASS	75
BALTAZAR GONZALES	79
NEWPORT PLACE	90
LAKERIDGE EST	95
THE MEADOWS	119
M C PASSMORE	129
RAINBOW LAKE ESTATES	135
CANUP	168
CONOVER ADDITION	173
THE MCLENDON COMP. ADDITION	174
RED RIVER I	175
GAMEZ ADDITION, (RIDGE RD)	176
FLAGSTONE ADDITION	180
DOWELL RD ADDITION	182
ROCKWALL LAKE ESTATES	209
ORSORNIO SILVA	210
RAINBOW ACRES	211
WALKER ADDITION	212
GOODMAN ADDITION	213
ROCKWALL LAKE ESTATES WEST	220
ROCKWALL LAKE DEVELOPMENT	223
BARNES ESTATE (ETJ)	224
SHADYDALE ESTATES	225
MATCHPOINT TOWNHOMES WEST	230
ROCKWALL DOWNES PH 3	237
BURKE RIDGE	239
WHISPER ROCK	250
FONTANNA RANCH PH 3	251
BEST ESTATE ADDITION	252

No Material Deed Restrictions	
Subdivision Name	No.
CUTTER HILL	20
FONTANNA RANCH PH 1 & 2	218
LAKE RAY HUBBARD EST	82
LAKESIDE VILLAGE	72
ORLEANS ON THE LAKE	89
SIGNAL RIDGE	149
SPYGLASS HILL	151
THE CABANAS	158
THE ESTATES OF COAST ROYALE	30
THE STANDARD - ROCKWALL	249

Has Material Deed Restrictions	
Subdivision Name	No.
BENTON COURT	207
BENTON WOODS	208
CARROLL ESTATES SUBD	80
CHANDLERS LANDING	9
EAGLE POINT ESTATES	81
HICKORY RIDGE	59
HIGHLAND MEADOWS	61
LAGO VISTA	92
LOFLAND FARMS	113
LOFLAND LAKE	114
LYNDEN PARK ESTATES	115
MEADOWCREEK ESTATES	118
OAKS OF BUFFALO WAY	178
PARK PLACE 1	128
RIDGE ROAD VILLAGE	83
ROCKWALL DOWNES PH 1 & 2	229
SOMERSET PARK PH1	236
STERLING FARMS ADDITION	219
TIMBER CREEK ESTATES	181
TOWNSEND VILLAGE	221
TURTLE COVE	160
WATERSEEDGE AT LRH	93
WATERSTONE ESTATES	184
WILLOWCREST ESTATES	179
WINDMILL RIDGE ESTATES 1 & 2	94

ARTICLE II, DEVELOPMENT REVIEW AUTHORITY, UDC

SECTION 1: BOARDS, COMMISSIONS, AND ADMISTRATIVE STAFF

All meetings of any Board or Commission shall be open to the public. Each Board or Commission shall keep accurate minutes of each meeting, which shall be forwarded to the City Secretary within ten (10) days following each meeting. Such Board or Commission shall keep an accurate record of the names of the members who are present and absent from their meetings. When public hearings are necessary or required, notice of the public hearings and the conduct of the public hearing will be in compliance with the requirements of all federal, state and local laws.

Each Board or Commission may establish its own attendance rules, regulations, and method of enforcement unless in conflict with state law, or this Article. Each member of a Board or Commission shall be at least 18 years of age.

SECTION 2: CITY COUNCIL

SUBSECTION 2.01: AUTHORITY

The City Council shall hold a meeting, conduct a public hearing -- *if required by this Unified Development Code* -- and make determinations on the following matters:

- (A) Text amendments to this Unified Development Code.
- (B) Zoning changes and map amendments including the reclassification of zoning designations on land, Specific Use Permits (SUP), and Planned Development Districts.
- (C) Appeals related to the Planning and Zoning Commission's decision on special exceptions, variances, or waivers related to site plans for development.
- (D) Amendments to the Comprehensive Plan.
- (E) Amendments to the Master Thoroughfare Plan.
- (F) Amendments to the Master Open Space Plan Master Plans.

(Ord. No. 06-14, 4-17-2006; Ord. No. 18-24, § 1, 5-7-2018; Ord. No. 18-47, § 1, 11-19-2018)

SECTION 3: PLANNING AND ZONING COMMISSION

SUBSECTION 3.01: CREATION AND MEMBERSHIP

- (A) *Membership.* The members of the Planning and Zoning Commission shall be appointed for a term of three (3) years on a rotating basis and removable for cause by the City Council. The terms of office shall expire on the last day of July or until their successor has been appointed. Any member of the Planning and Zoning Commission may be reappointed by the City Council upon completion of a full term.
- (B) *Residency.* Each member of the Planning and Zoning Commission shall be a resident of the City of Rockwall at the time of his appointment. A member of the Planning and Zoning Commission ceasing to reside in the City during his term of office shall immediately forfeit the office.
- (C) *Removal.* Any member of the Planning and Zoning Commission may be removed from office for any cause deemed by the City Council to be sufficient for removal of the member. If a vacancy should exist in the Planning and Zoning Commission membership due to removal from office, resignation, death, refusal or inability to serve, the City Council shall appoint a new member to fill the vacancy for the unexpired term.

(Ord. No. 10-04, § 1, 2-1-2010; Ord. No. 10-14, § 2, 7-6-2010)

SUBSECTION 3.02: POWERS AND DUTIES

The Planning and Zoning Commission shall have the following powers and duties:

- (A) To advise the City Council and make recommendations concerning adoption of, or amendments to, zoning regulations and the zoning map;
- (B) To advise the council and make recommendations concerning adoption of, or amendments to the City's Comprehensive Plan, Master Thoroughfare Plan, and Parks and Recreation Master Plan and implementation thereof;
- (C) To oversee the City's regulations governing the platting and recording of subdivisions, including matters pertaining to the dedication of public facilities, and to advise the council on matters pertaining to public improvements, traffic, utility extensions and the provision of public facilities and services, in order to implement the City's Comprehensive Plan;
- (D) To undertake such actions as are necessary to exercise its delegated powers, as indicated by adopted ordinance;
- (E) To approve certain matters relating to platting and recording of subdivisions as dictated by the City's ordinances and the Unified Development Code (UDC);
- (F) To select a Planning and Zoning Commission Chair;
- (G) To call public hearings to initiate zoning changes; and
- (H) Other duties as may be prescribed by ordinance or state law.

SUBSECTION 3.03: PROCEDURES

- (A) *Attendance.* If a Planning and Zoning Commissioner has three (3) consecutive absences that are not excused by the Planning and Zoning Commission, or is absent from more than 25% of the meetings, he or she may be removed from the Planning and Zoning Commission; however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Planning and Zoning Commission.
- (B) *Officers.* Pursuant to the Charter § 9.01, the Planning and Zoning Commission shall elect a chair and vice-chair at the first meeting in August for a term of one (1) year. The vice-chair is to preside in the absence of the chair. Both the chair and the vice-chair shall vote on every item unless prohibited by law. The Director of Planning and Zoning shall be secretary of the Planning and Zoning Commission.
- (C) *Meetings.*
 - (1) *Open to the Public.* All meetings of the Planning and Zoning Commission shall be open to the public. The Planning and Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be filed in the office of the commission and shall be a public record. The Director of Planning and Zoning of the City of Rockwall shall be the custodian and possessor of the records and minutes of the Planning and Zoning Commission.
 - (2) *Calling of Meetings.* Meetings of the Planning and Zoning Commission may be held as often as necessary to conduct the business coming before the Planning and Zoning Commission at the call of the chair and at such other times as the commission may determine.
 - (3) *Quorum.* Any four (4) members shall constitute a quorum for the transaction of the business. The affirmative vote of a majority of those attending any meeting at which there is a quorum present shall be necessary to pass any motion, recommendation or resolution of the Planning and Zoning Commission.

(Ord. No. 10-14, § 3, 7-6-2010)

SUBSECTION 3.04: APPROVAL AUTHORITY

The Planning and Zoning Commission shall make decisions, or make recommendations to the City Council, on the following matters:

- (A) Decisions on Site Plans, Building Elevations, Photometric Plans, Landscape Plans, Tree Preservation Plans (*i.e. Tree Mitigation Plans and Tree Removal Plans*), and Open Space Master Plans as may be required.
- (B) Recommendations to City Council on all plats (*e.g. master plats, preliminary plats, replats, finals plats, etc.*) as required by [Chapter 38, Subdivisions, of the Municipal Code of Ordinances](#).
- (C) Recommendations to City Council regarding text amendments to the Unified Development Code.
- (D) Recommendations to City Council regarding zoning changes and map amendments, including reclassification of the zoning designations on land, Specific Use Permits (SUP), and Planned Development Districts.
- (E) Decisions regarding variances and special exceptions to this Unified Development Code.
- (F) Recommendations to City Council regarding amendments to the Comprehensive Plan.
- (G) Recommendations to City Council regarding amendments to the Master Thoroughfare Plan.
- (H) Recommendations to City Council regarding amendments to the Parks and Recreation Master Plan.

(Ord. No. 18-24, § 1, 5-7-2018; Ord. No. 18-47, § 1, 11-19-2018)

SECTION 4: BOARD OF ADJUSTMENTS (BOA)

SUBSECTION 4.01: ORGANIZATION

- (A) *Membership.* The Board of Adjustments (BOA) is created in accordance with the provisions of article 1011g of the Revised Civil Statutes of Texas [*V.T.C.A., Local Government Code § 211.008*]. The Board of Adjustments (BOA) shall consist of five (5) members who are residents and taxpayers of the City, each to be appointed by the City Council for two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made.
- (B) *Alternate Members.* The City Council shall provide for the appointment of four (4) alternate members of the Board of Adjustments (BOA) who shall serve in the absence of one (1) or more of the regular members. Alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members.
- (C) *Chief Building Official.* The Chief Building Official, or his authorized representative, shall be an ex-officio member of the zoning Board of Adjustments (BOA) without power of vote and as an ex-officio member of such board shall act as secretary of the Board of Adjustments (BOA) and shall set up and maintain a separate file for each application for appeal, special exception and variance received and shall record therein the names and addresses of all persons, firms and corporations to whom notices are mailed, including the date of mailing and further keep a record of all notices published as required herein. All records and files herein provided for shall be permanent and official files and records of the City.

Charter reference— Board of Adjustments (BOA), § 9.06.

State Law reference— Board of Adjustments (BOA), V.T.C.A., Local Government Code § 211.008.

SUBSECTION 4.02: PROCEDURES

- (A) *Adopting Procedural Rules.* The Board of Adjustments (BOA), by majority vote, shall adopt such procedural rules as are necessary to execute its duties.

- (B) *Election of Officers.* The Board of Adjustments (BOA) shall annually select one (1) of its members to be the chair, and the vice chair to act in the absence of the chair.
- (C) *Quorum.* All cases before the Board of Adjustments (BOA) must be heard by at least four (4) members.
- (D) *Calling Meetings.* Meetings of the Board of Adjustments (BOA) shall be held at the call of the chair, and at such other times as the Board of Adjustments (BOA) may determine. Such chair, or in his absence the acting chair, shall administer oaths and compel attendance of witnesses.
- (E) *Meetings Open to the Public.* All meetings of the Board of Adjustments (BOA) shall be open to the public.
- (F) *Keeping of Minutes.* The Board of Adjustments (BOA) shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its other official actions, all of which shall be filed in the office of the Board of Adjustments (BOA) and shall be a public record.

The secretary of the Board of Adjustments (BOA) shall forthwith notify in writing the City Council, the Planning and Zoning Commission and the City's Chief Building Official of each decision, interpretation, special exception and variance granted under the provisions of the Unified Development Code.

- (G) *Attendance.* If a member has three consecutive absences that are not excused by the Board of Adjustments (BOA), or is absent from more than 25% of the meetings, he may be removed from the Board of Adjustments (BOA); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the Board of Adjustments (BOA).

(Ord. No. 10-14, § 4, 7-6-2010)

SUBSECTION 4.03: JURISDICTION

- (A) When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustments (BOA) may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following special exceptions to the regulations herein established:

- (1) *Appeal of an Administrative Decision.* Consider an appeal from any person aggrieved by a decision of any administrative officer with authority over any matter regulated by the Unified Development Code or by any officer, department, board or division of the City affected by any decision of the administrative officer. Such appeal shall be received within 15 calendar days after the decision has been rendered by the administrative officer, by filing with the officer whose decision is being appealed and with the Board of Adjustments (BOA), a notice of appeal specifying the grounds of the appeal and the City's required fee.
- (2) *Appeal of a Code Decision.* Consider an appeal from any person aggrieved by orders, decisions or determinations made by the building official, fire official or city engineer relative to the application and interpretation of the International Residential Code, International Building Code, International Plumbing Code, International Mechanical Code, International Energy Conservation Code, International Fuel Gas Code, International Fire Code, International Existing Building Code, and National Electrical Code.

The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustments (BOA), all papers constituting the record from which the action appealed was taken. An appeal shall stay all proceedings of the action which has been appealed, unless the officer from whom the appeal is taken, certifies to the Board of Adjustments (BOA) that a stay would, in the officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed unless there is a restraining order granted by the Board of Adjustments (BOA) or by a court of competent jurisdiction on application, and notice is given to the officer whose decision is the subject of appeal.

- (B) *Odd Shaped Parcels*. Permit such modifications of the height, yard, area, coverage and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification.
- (C) *Non-Conforming Use*. Permit the expansion or enlargement of a building occupied by a non-conforming use on the lot or tract occupied by such building, provided such reconstruction does not prevent the return of such property to a conforming use. Upon review of the facts, the Board of Adjustments (BOA) may establish a specific period of time for the occupancy to revert to a conforming use.
- (D) *Change of Non-Conforming Use*. To authorize a change of use from one non-conforming use to another nonconforming use, provided that such change is to a use of the same or more restricted classification. In the event that a non-conforming use is changed to a nonconforming use of a higher or more restrictive classification, the building or structure containing such nonconforming use shall not later be reverted to the former lower or less restricted classification. The Board of Adjustments (BOA) may establish a specific period of time for the conversion of the occupancy to a conforming use.
- (E) *Discontinuance of a Non-Conforming Use*. Require the discontinuance of nonconforming areas of land or structures under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of the Unified Development Code.
- (1) All actions to discontinue a nonconforming use of land or structure shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of property.
 - (2) The Board of Adjustments (BOA) shall from time to time on its own motion or upon cause presented by interested property owners inquire into the existence, continuance or maintenance of any nonconforming use within the City.
- (F) *Structure for a Legal Non-Conforming Use*. Permit the construction, reconstruction, enlargement or addition of a structure occupied by or for a use, normally ancillary to a single-family residential use, when such single-family residential use or structure, is legally nonconforming; provided, however, such construction, reconstruction, enlargement or addition does not prevent the return of such property to a conforming use.
- (G) *Non-Conforming Structure*. To authorize the reconstruction and occupancy of a nonconforming structure, or a structure containing a nonconforming use, where such structure has been damaged by fire or other causes to the extent of more than 50%, but less than the total, of the replacement cost of the structure on the date of the damage. Such action by the Board of Adjustments (BOA) shall have due regard for the property rights of the person or person affected, and shall be considered in regard to the public welfare, character of the area surrounding such structure, and the conservation, preservation and protection of property.
- (H) *Expansion of a Non-Conforming Structure*. To authorize the enlargement, expansion or repair of a nonconforming structure in excess of 50% of its current value. In such instance, the current value shall be established at the time of application for a hearing before the Board of Adjustments (BOA). If such expansion or enlargement is approved by the Board of Adjustments (BOA), all provisions of the district in which such structure is located shall apply to the new construction on the lot or parcel.
- (I) *Occupation of an Abandoned Non-Conforming Structure*. To authorize the occupancy of an abandoned nonconforming structure. Such action by the Board of Adjustments (BOA) shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare and safety, character or the area surrounding such structure, and the conservation, preservation and protection of property.

(J) *Violation of Other Ordinances.* The Board of Adjustments (BOA) is not authorized to permit or approve any request that would be in violation of any other ordinances or city regulations that would prohibit such improvement or construction to be made.

(Ord. No. 18-13, § 2, 3-5-2018)

SUBSECTION 4.04: CRITERIA FOR GRANTING VARIANCES

The City's Board of Adjustments (BOA), pursuant to the powers conferred upon it by state law, the ordinances of the City, and this article may grant variances to the provisions of the Unified Development Code upon finding that:

- (A) Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district;
- (B) Such variance will not adversely affect the health, safety or general welfare of the public;
- (C) Such variance will not be contrary to the public interest;
- (D) Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located;
- (E) Such variance will be in harmony with the spirit and purpose of the Unified Development Code;
- (F) Such variance will not alter the essential character of the district in which is located the property for which the variance is sought;
- (G) Such variance will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located;
- (K) Due to special conditions, a literal enforcement of the Unified Development Code would result in unnecessary hardship;
- (H) The plight of the owner of the property for which the variance or exception is sought is due to unique circumstances existing on the property, including, but not limited to, the area, shape or slope, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located;
- (I) The variance or exception is not a self-created hardship; and
- (J) The variance is clearly identified as a variance to the City's standards on the concept plan, site plan or text of the Unified Development Code.

(Ord. No. 10-14, § 5, 7-6-2010)

SUBSECTION 4.05: ACTIONS OF THE BOARD

- (A) In exercising its powers, the Board of Adjustments (BOA), may, in conformity with the provisions of the Local Government Code, revise or reform, wholly or partly, or may modify the order, requirement, decisions, or determination appealed from, and shall have all the powers of the officer from whom the appeal is taken including the power to impose reasonable conditions to be complied with by the applicant.
- (B) The concurring vote of four (4) members of the Board of Adjustments (BOA) shall be necessary to revise any order, requirements, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under the Unified Development Code or to affect any variance in the Unified Development Code.
- (C) Any special exceptions authorized by the Board of Adjustments (BOA), either under the provisions of the Unified Development Code or under the authority granted to the Board of Adjustments (BOA) under the statutes of the state, shall authorize the issuance of a building permit or a Certificate of Occupancy (CO) or other relief as the case may be for a period of 90-days from the date of the favorable action on the part of the Board of Adjustments (BOA), unless the Board of Adjustments (BOA) in its minutes shall, at the same time, grant a longer period.

(D) If a building permit or Certificate of Occupancy (CO) has not been applied for or issued within a 90-day period or as the Board of Adjustments (BOA) may specifically grant, the special exceptions shall be deemed waived; and all rights hereunder terminated. The Board of Adjustments (BOA) may grant one or more extensions to this time period upon the applicant's request and if due cause is shown.

(E) Such termination and waiver shall be without prejudice to a subsequent appeal to the Board of Adjustments (BOA) in accordance with the rules, and regulations regarding appeals.

SUBSECTION 444.06: APPEALS ON SAME MATTER

No appeal to the Board of Adjustments (BOA) shall be allowed concerning the same matter prior to the expiration of six months from a ruling of the Board of Adjustments (BOA) on any appeal to such body unless other rulings on the same or similar subject matter have, within such six-month period, been altered or changed by ruling of the Board of Adjustments (BOA), in which case such change of circumstances shall permit the allowance of an appeal, but shall in no way have force in law to compel the Board of Adjustments (BOA), after a hearing, to grant such subsequent appeal, but such appeal shall be considered on its merits as in all other cases.

SUBSECTION 444.07: EFFECTIVE DATE

A decision on a variance shall be effective upon approval by the Board of Adjustments (BOA).

SUBSECTION 4.08: APPEAL FROM BOARD

Any person aggrieved by any decision of the Board of Adjustments (BOA) or any officer, department, or board of the municipality pursuant to this section, may present to a court of competent jurisdiction, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of such illegality.

Such petition shall be presented to the court within ten days after the filing of the decision complained of in the office of the City secretary and not thereafter.

No appeal from a Board of Adjustments (BOA) decision under its jurisdiction, as set out in the Unified Development Code, shall be heard by the City Council.

(Ord. No. 10-14, § 6, 7-6-2010)

SECTION 5: HISTORIC PRESERVATION ADVISORY BOARD

SUBSECTION 5.01: ORGANIZATION

(A) *Membership.* There is hereby created a Historic Preservation Advisory Board (HPAB) which shall serve as an advisory body to the City Council. Such board shall consist of seven members to be appointed by the City Council.

(B) *Term of Office; Qualifications.* The members shall be appointed for a term of two (2) years with staggered terms and shall be removable by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term, the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed. The membership shall include:

- (1) An architect, planner or representative of a design profession;
- (2) A member of the Rockwall County Historical Foundation;

- (3) A general contractor;
- (4) An owner of property within a historic district;
- (5) Three citizens of Rockwall interested in historic preservation.

All board members, regardless of background, shall have a known and demonstrated interest, competence of knowledge of historic preservation within the City. All members must be residents of Rockwall County.

(C) *Duties.* The duties of the Historic Preservation Advisory Board (HPAB) are as follows:

- (1) Provide professional recommendations to the City Council and Planning and Zoning Commission as required, regarding site plans, building alternatives, and building plans proposed within the City Historic Overlay (HOV) District. The Historic Preservation Advisory Board (HPAB) shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission or City Council. The Historic Preservation Advisory Board (HPAB) shall prepare a written assessment of the proposed project regarding compliance with approved guidelines for development within the district, and its applicability in preserving and enhancing the history and culture of the district.
- (2) Research, document and maintain in the official files of the City detailed information regarding the original construction and architecture of the district.
- (3) Develop and maintain guidelines regarding development and redevelopment within the district including architectural design, materials selections, building styles and other pertinent design considerations. The proposed guidelines shall be submitted to the Planning and Zoning Commission and City Council for approval.
- (4) Adopt rules and procedures as necessary to provide for the orderly conduct of board meetings.
- (5) Recommend the boundaries of historic districts.
- (6) Increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs developed by the historic preservation office.
- (7) Provide recommendations to the Planning and Zoning Commission and City Council concerning the historic preservation impact of proposed, announced or commenced actions by federal, state or local authorities that affect streets, alleys, publicly-maintained utilities and any other public spaces, areas, improvements, other features or zoning within, around or through any district.
- (8) Make recommendations to the City for the employment of staff and professional consultants as necessary to carry out the duties of the HPAB.
- (9) Review and take action on the designation of landmarks and the delineation of districts, which shall be ratified by the City Council.
- (10) Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.
- (11) Review and recommend to City Council and other applicable city boards and commissions all proposed changes to the Unified Development Code (UDC), building code, general plan or other adopted policies of the City than may affect the purpose of the article.
- (12) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
- (13) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the City. Such information shall be maintained securely, made accessible to the public and should be updated at least every ten years.
- (14) Monitor and report to the Texas Historical Commission all actions affecting any recorded Texas historic landmark, state archaeological landmark, national register property and any locally designated landmark, as deemed necessary.
- (15) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this article.

- (16) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPAB and the reasons for taking such actions.
- (17) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
- (18) Review and take action on all certificates of appropriateness applications for compliance with adopted design guidelines pursuant to this article.
- (19) Review and take action on all appeals on action taken by the HPO regarding the administrative review of certificates of appropriateness applications for compliance with adopted design guidelines pursuant to this article.
- (20) Develop, prepare and adopt specific design guidelines which shall be ratified by the City Council, for use in the review of all certificates of appropriateness applications.
- (21) Prepare and submit annually to the City Council a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.
- (22) Provide recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and districts within the City.
- (23) Recommend to City Council the acquisition of endangered landmarks by demolition where its preservation is essential to the purpose of this article and where private preservation is not feasible.
- (24) Propose incentive program(s) to City Council for local property owners of historic landmarks or within local districts.
- (25) Review and take action on all city preservation-related incentive program applications involving work on landmarks and districts for compliance with adopted design guidelines pursuant to this article.
- (26) Accept on behalf of the City government donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of City Council.

(D) *Officers.* The Historic Preservation Advisory Board (HPAB) shall elect a chair and vice chair at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Historic Preservation Officer shall be secretary of the Historic Preservation Advisory Board (HPAB) and an ex-officio member.

(E) *Voting; meetings.* Each member in attendance shall have a vote on plans submitted to the Historic Preservation Advisory Board (HPAB) with that vote reported to the Planning and Zoning Commission. Any member professionally or financially involved in matters pending before the Historic Preservation Advisory Board (HPAB) shall abstain from any discussion, consideration or vote on that item and shall leave the room during such discussion and consideration. Meetings of the Historic Preservation Advisory Board (HPAB) shall be called as needed by the historic preservation officer.

(F) *Attendance.* If a member has three consecutive absences that are not excused by the Historic Preservation Advisory Board (HPAB), or is absent from more than 25% of the meetings, he or she may be removed from the Historic Preservation Advisory Board (HPAB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the historic preservation board.

(Ord. No. 10-14, § 7, 7-6-2010; Ord. No. 12-25, § 1, 10-1-2012)

SUBSECTION 5.02: DESIGNATION OF LANDMARKS IN THE CITY

(A) The Historic Preservation Advisory Board (HPAB) may recommend to the Planning and Zoning Commission and the City Council that certain properties be “landmark districts” and that specific areas be designated as “historic districts” as provided for in [Subsection 6.2 of Article V, District Development Standards](#).

(Ord. No. 12-25, § 1, 10-1-2012)

SUBSECTION 5.03: CERTIFICATES OF APPROPRIATENESS (COA)

For requirements concerning Certificates of Appropriateness (COA) see [Section 6, Certificates of Appropriateness \(COA\), of Article XI, Development Applications and Review Procedures.](#)

SECTION 6: ARCHITECTURAL REVIEW BOARD

SUBSECTION 6.01: CREATED

There is hereby created an Architectural Review Board (ARB) of review which shall serve as an advisory body to the Planning and Zoning Commission. Such board shall consist of seven members to be appointed by the City Council after recommendation of the Planning and Zoning Commission.

SUBSECTION 6.02: TERM OF OFFICE; QUALIFICATIONS

- (A) Term. The members shall be appointed for a term of two years with staggered terms and shall be removable for cause by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed.
- (B) Qualifications. At least one member shall be a registered architect in the State of Texas. Other members are chosen for qualifications and training in related fields such as landscape architecture, interior or exterior design, municipal planning, municipal government and other professions with related disciplines or civic interest.
- (C) Attendance. If a member has three consecutive absences that are not excused by the architectural review board, or is absent from more than 25% of the meetings, he may be removed from the Architectural Review Board (ARB); however, if absent from 50% of the meetings in any calendar year, the member will automatically be removed from the architectural review board.

(Ord. No. 14-52, § 1, 12-1-2014)

SUBSECTION 6.03: DUTIES

The purpose of the Architectural Review Board (ARB) is to provide professional recommendations to the Planning and Zoning Commission and the director of planning regarding site plans and building elevations submitted within any zoning district as may be required. Meetings of the Architectural Review Board (ARB) shall be called as needed. The Architectural Review Board (ARB) shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission. The review shall evaluate compatibility with existing topography, scenic corridors and landscaping, and with the goals and objectives established in the applicable Overlay District and/or Planned Development District, the comprehensive plan and applicable provisions of the urban design guidelines. The Architectural Review Board (ARB) shall make recommendations on design changes based on its professional experience and knowledge. The Planning and Zoning Commission shall consider the Architectural Review Board's (ARB's) recommendations in its deliberation of the proposed development. The commission may include recommended changes in the proposed building elevations and site plan based upon the recommendations of the Architectural Review Board (ARB) in its recommendation to the City Council, if applicable.

(Ord. No. 06-14, 4-17-2006)

SUBSECTION 6.04: OFFICERS

The Architectural Review Board (ARB) shall elect a chair and vice chair at the first meeting in August or at the first meeting thereafter for a term of one year. The Director of Planning and Zoning shall be secretary of the Architectural Review Board (ARB) and an ex officio member.

SUBSECTION 643.05: VOTING

Each member in attendance shall have a vote on plans submitted to the Architectural Review Board (ARB) with that vote being reported to the Planning and Zoning Commission. Any member professionally or financially involved in matters pending before the Architectural Review Board (ARB) shall abstain from any discussion, consideration or vote on that item and shall leave the room during such discussion and consideration.

SECTION 7: DIRECTOR OF PLANNING

SUBSECTION 7.01: QUALIFICATIONS

- (A) The Director of Planning and Zoning must be a member in good standing of AICP, AIA or PE.
- (B) The Director of Planning and Zoning or his/her designee shall serve as the *Zoning Administrator*.

SUBSECTION 7.02: POWERS AND DUTIES

- (A) The Director of Planning and Zoning shall have the following powers and duties:
 - (1) To make recommendations and provide assistance to the City Council and Planning and Zoning Commission concerning exercise of their responsibilities under the Unified Development Code;
 - (2) To develop and recommend to the Planning and Zoning Commission, and the City Council, a Comprehensive Plan for the City or any amendments to the plan and to propose actions to implement the plan;
 - (3) To coordinate all planning relating to the City's Comprehensive Plan;
 - (4) To submit recommendations to the Planning and Zoning Commission and City Council on request for zoning changes, variances and exceptions;
 - (5) To render such administrative decisions as are required of the Director of Planning and Zoning by the Unified Development Code;
 - (6) To perform such other duties as may be prescribed by ordinance or directed by the City Council or Planning and Zoning Commission.

SECTION 8: HISTORIC PRESERVATION OFFICER

SUBSECTION 8.01: APPOINTMENT

The City Manager shall appoint a qualified staff person, to serve as Historic Preservation Officer (HPO). This officer shall administer the historic preservation provisions of the Unified Development Code and advise the Historic Preservation Advisory Board (HPAB) on matters submitted to it.

SUBSECTION 8.02: POWERS AND DUTIES

In addition to serving as a representative to the Historic Preservation Advisory Board (HPAB), the Historic Preservation Officer (HPO) shall:

- (A) Coordinate the City's preservation activities with those of state and federal agencies and with local, state, and national non-profit preservation organizations.
- (B) Administer the Unified Development Code (UDC) and advise the HPAB on matters submitted to it.

- (C) To maintain and hold open for public inspection all documents and records pertaining to the provisions of this article.
- (D) Receive and review all applications pursuant to this article to ensure their completeness.
- (E) Review and take action on all Certificates of Appropriateness (COA) applications subject to administrative review pursuant to this Article.
- (F) Review and forward with any recommendations all applications for certificates of appropriateness subject to review by the HPAB pursuant to this article.
- (G) Ensure proper posting and noticing of all HPAB meetings, schedule applications for HPAB review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all HPAB meetings.
- (H) Review and help coordinate the City's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.

(Ord. No. 12-25, § 1, 10-1-2012)

SECTION 9: CHIEF BUILDING OFFICIAL

SUBSECTION 9.01: QUALIFICATIONS

The Chief Building Official must:

- (A) Be a licensed architect or engineer in good standing; or
- (B) Have a bachelor's degree in urban planning, or related field; supplemented by a minimum six (6) years in a supervisory/management capacity in the field with a municipal or other governmental organization, to include development and implementation of budgetary functions; or an equivalent combination of education, training, and experience which includes the following knowledge, skills, and abilities:
 - (1) Comprehensive knowledge of modern principles and practices of community development administration.
 - (2) Thorough knowledge of the federal, state, and local ordinances, laws and regulations relating to departmental activities.
 - (3) Thorough knowledge of principles of effective administration, to include planning, directing, evaluating, and coordinating.

SUBSECTION 9.02: POWERS AND DUTIES

The Chief Building Official shall have the following powers and duties:

- (1) To issue permits in accordance with the Unified Development Code;
- (2) To issue Certificates of Occupancy (CO) in accordance with the Unified Development Code;
- (3) To enforce the provisions of the Unified Development Code;
- (4) Such other powers and duties as may be lawfully delegated.

The City Council may designate the City Engineer or Director of Planning and Zoning to perform the duties of the Chief Building Official.

ARTICLE IV, PERMISSIBLE USES, UDC

SECTION 1: LAND USE SCHEDULE

SUBSECTION 1.01: USE OF LAND AND BUILDINGS

Buildings, structures, and land uses shall be in conformance with the permitted uses depicted in [Subsection 1.02, Land Use Schedule](#), and in compliance with [Subsection 2.03, Conditional Land Use Standards](#). The following is the legend for the *Land Use Schedule* contained in [Subsection 1.02](#):

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

SUBSECTION 1.02: LAND USE SCHEDULE

LAND USE SCHEDULE

LEGEND:

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

LAND USES	LAND USE DEFINITION REFERENCE [Reference Article XIII, Definitions]	CONDITIONAL USE REFERENCE Reference Article IV, Permissible Uses]	RESIDENTIAL DISTRICTS											MIXED USE DISTRICTS		NON-RESIDENTIAL DISTRICTS COMMERCIAL/INDUSTRIAL						OVERLAY DISTRICTS				
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District	
AGRICULTURAL-RURAL AND ANIMAL RELATED LAND USES	2.02(A)	2.03(A)																								
Agricultural Uses on Unplatted Land	(1)		P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P					
Animal Boarding/Kennel with Outside Pens	(2)	(1)	S	S	S	S																				
Animal Boarding/Kennel without Outside Pens	(2)	(2)	P	S	S	S											S	S	P	P	P	P				
Animal Clinic for Small Animals without Outdoor Pens	(3)	(3)	S														S	P	P	P	P	S				
Animal Hospital or Clinic	(4)		S														S	S	P	P	P					
Animal Production or Husbandry	(5)		S																							
Animal Shelter or Loafing Shed	(6)		S																		P	P				
Barn or Agricultural Accessory Building	(7)	(4)	S																							
Crop Production	(8)		P																							
Commercial Horse Corral or Stable	(9)	(5)	P	S	S	S																				
Private Horse Corral or Stable	(10)	(6)	P	P	P	P	S																			
Community Garden	(11)	(7)	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				
Urban Farm	(12)	(8)	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				
Wholesale Nursery (i.e. without Retail Sale On-Site)	(13)		S	S	S	S																				
RESIDENTIAL AND LODGING LAND USES	2.02(B)	2.03(B)																								
Residential Accessory Building or Structure	(1)	(1)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Bed and Breakfast	(2)	(2)	S	S	S	S					S					S	P	S								
Caretakers Quarters/Domestic or Security Unit	(3)														P			P	P	P	P	P				
Convent, Monastery, or Temple	(4)		P											P		P		P	P							
Duplex	(5)	(3)											P	P												
Commercial Parking Garage	(6)														A		A	A	A	A	A	A				
Residential Garage	(7)	(4) & (5)	A	A	A	A	A	A	A	A	A	A	A	A	A	A										
Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit	(8)	(6)	A	A	A	A	A	A	A	S	S	S	S	P												

LAND USE SCHEDULE

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LAND USES	LAND USE DEFINITION REFERENCE [Reference Article XIII, Definitions]	CONDITIONAL USE REFERENCE Reference Article IV, Permissible Uses	RESIDENTIAL DISTRICTS											MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS COMMERCIAL/INDUSTRIAL					OVERLAY DISTRICTS				
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District
Emergency Ground Ambulance Services	(10)																P	P	P	P	P			
Group or Community Home	(11)	(5)	P	P	P	P	P	P	P	P	P	P	P		P	P								
Government Facility	(12)													S			P	P	P	P	P			
Halfway House	(13)	(6)													S									
Hospice	(14)												S			P	P	P	P	S	S			
Hospital	(15)																P	P	P	P	S			
Public Library, Art Gallery or Museum	(16)													P	P	P	P	P	P	P	P			
Mortuary or Funeral Chapel	(17)																P	P	P	P				
Local Post Office	(18)													P		P	P	P	P	P	P			
Regional Post Office	(19)																		P	P	P			
Prison/Custodial Institution	(20)																		P	P	P			
Public or Private Primary School	(21)	(7)	S	S	S	S	S	S	S	S	S	S	S	S		P	P	P	P	P				
Public or Private Secondary School	(22)	(8)	S	S	S	S	S	S	S	S	S	S	S	S		P	P	P	P	P				
Temporary Education Building for a Public or Private School	(23)	(9)	S	S	S	S	S	S	S	S	S	S	S			S	S	S	S					
Rescue Mission or Shelter for the Homeless	(24)																		S	P	P			
Social Service Provider (Except Rescue Mission or Homeless Shelter)	(25)															S			P	P	P			
OFFICE AND PROFESSIONAL LAND USES	2.02(D)	2.03(D)																						
Financial Institution with Drive-Through	(1)	(1)														S	P	P	P	P	P			
Financial Institution without Drive-Through	(1)													P		P	P	P	P	P	P			
Office Building less than 5,000 SF	(2)													P	P	P	P	P	P	P	P			
Office Building 5,000 SF or Greater	(2)													P	S	S	P	P	P	P	P			
RECREATION, ENTERTAINMENT AND AMUSEMENT LAND USES	2.02(E)	2.03(E)																						
Temporary Carnival, Circus, or Amusement Ride	(1)	(1)												S		S	P	P	P	P	P			
Indoor Commercial Amusement/Recreation (inside)	(2)	(2)												S		S	P	P	P	P				

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LAND USES

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			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
Outdoor Commercial Amusement/Recreation (outside)	(3)	(3)															S	S	P	S	P				
Public or Private Community or Recreation Club as an Accessory Use	(4)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P			
Private Country Club, private	(5)		S	S	S	S	S	S	S	S	S	S	S				S	S	S	P	P	P			
Golf Driving Range	(6)																S	S	S	P	P	P			
Temporary Fundraising Events by Non-Profit	(7)	(4)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Indoor Gun Club with Skeet or Target Range	(8)	(5)															S	P	P	P	P				
Outdoor Gun Club with Skeet or Target Range	(8)		S																			S			
Health Club or Gym	(9)												A	P		S	P	P	P	P	P				
Private Club, Lodge or Fraternal Organization	(10)	(6)												S		S	S	P	P	P	S				
Private Sports Arena, Stadium, and/or Track	(11)																S	P	P	P					
Public Park or Playground	(12)		P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P				
Sexually Oriented Businesses [Art. XI; CH. 12; Municipal Code]	(13)	(7)																		S	S				
Tennis Courts (i.e. Not Accessory to a Public or Private Country Club)	(14)		S	S	S	S	S	S	S	S	S	S	S			S	S	S	P	P	P				
Theater	(15)													P			S	P	P	P	P				
RETAIL AND PERSONAL SERVICES LAND USES	2.02(F)	2.03(F)																							
Antique/Collectible Store	(1)													S		S	P	P	P						
Astrologer, Hypnotist, or Psychic	(2)													S	P	P	P	P	P						
Banquet Facility/Event Hall	(3)													S			P	P	P						
Portable Beverage Service Facility	(4)	(1)												S	S		S	S	S	S	P				
Brew Pub	(5)													P		P	P	P	P	P	P				
Business School	(6)													P			P	P	P	P					
Catering Service	(7)													A		S	P	P	P	P					
Temporary Christmas Tree Sales Lot and/or Similar Uses	(8)	(2)												S		S	P	P	P	P	P				
Copy Center	(9)													P		P	P	P	P	P	P				

LAND USE SCHEDULE

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LAND USES

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Craft/Micro Brewery, Distillery and/or Winery	(10)	(3)												S			S	S		P	P				
Incidental Display	(11)	(4)												P		P	P	P	P	P					
Food Trucks/Trailers	(12)	(5)												P	S	S	P	P	P	P	P				
Garden Supply/Plant Nursery	(13)															S	P	P	P	P					
General Personal Service	(14)	(6)												P		P	P	P	P	S					
General Retail Store	(15)													P	S	P	P	P	P	S	S				
Hair Salon and/or Manicurist	(16)													P	S	P	P	P	P	S					
Laundromat with Dropoff/Pickup Services	(17)													P		P	P	P	P	P	P				
Self Service Laundromat	(18)													P		P	P	P	P	P	P				
Massage Therapist	(19)													P	P	P	P	P	P						
Private Museum or Art Gallery	(20)													P	P	S	P	P		P					
Night Club, Discotheque, or Dance Hall	(21)													S			S	P	P	S	S				
Pawn Shop	(22)																S	S	P	P					
Permanent Cosmetics	(23)	(7)												A	A	A	A	A	A	A					
Pet Shop	(24)															P	P	P	P						
Temporary Real Estate Sales Office	(25)		P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P				
Rental Store without Outside Storage and/or Display	(26)	(8)															S	P	P	P	P				
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	(27)	(9)														S	S	S	S	S	S				
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	(28)													P	S	P	P	P	P	P	P				
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	(27)	(10)														S	S	P	P	P	P				
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	(28)													P		S	P	P	P	P	P				
Retail Store with Gasoline Sales that has Two (2) or less Dispensers (i.e. a Maximum of Four [4] Vehicles)	(29)															S	P	P	P	P	P	S	S		

LAND USE SCHEDULE

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X	Land Use Prohibited by Overlay District
A	Land Use Permitted as an Accessory Use

LAND USES	LAND USE DEFINITION REFERENCE [Reference Article XIII, Definitions]	CONDITIONAL USE REFERENCE Reference Article IV, Permissible Uses	RESIDENTIAL DISTRICTS											MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS COMMERCIAL/INDUSTRIAL				OVERLAY DISTRICTS					
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	(29)															S	P	P	P	P		S	S	
Secondhand Dealer	(30)													S			P	P	P	P	P			
Art, Photography, or Music Studio	(31)													P	P	P	P	P	P	P				
Tailor, Clothing, and/or Apparel Shop	(32)													P		P	P	P	P					
Tattoo and/or Body Piercing	(33)																	P						
Taxidermist Shop	(34)																	P	P					
COMMERCIAL AND BUSINESS SERVICES LAND USES	2.02(G)	2.03(G)																						
Bail Bond Service	(1)																S	P	P	P				
Building and Landscape Material with Outside Storage	(2)	(1)																	P	P				
Building and Landscape Material with Limited Outside Storage	(2)	(2)															P	P	P	P				
Building Maintenance, Service, and Sales with Outside Storage	(3)	(3)																	P	P				
Building Maintenance, Service, and Sales without Outside Storage	(3)																P	P	P	P				
Commercial Cleaners	(4)																	S	P	P				
Custom and Craft Work	(5)																	P	P	P				
Electrical, Watch, Clock, Jewelry and/or Similar Repair	(6)													P		S	P	P	P	P				
Feed Store or Ranch Supply	(7)																	P	S	P				
Furniture Upholstery/Refinishing and Resale	(8)	(4)															S	P	P					
Gunsmith Repair and Sales	(9)																	P	P					
Rental, Sales and Service of Heavy Machinery and Equipment	(10)																	P	S	P				
Locksmith	(11)													P			P	P	P	P				
Machine Shop	(12)																	P	P	P				
Medical or Scientific Research Lab	(13)																	P	P	P				
Manufactured Home Sales	(14)																	S		P				
Research and Technology or Light Assembly	(15)																S	P	P	P				

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Shoe and Boot Repair and Sales	(16)													P	S	P	P	P	P						
Trade School	(17)													S			S	P	P	P	P				
Temporary On-Site Construction Office	(18)		P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P				
AUTO AND MARINE RELATED LAND USES	2.02(H)	2.03(H)																							
Major Auto Repair Garage	(1)	(1)																	P	S	P				
Minor Auto repair garage	(2)	(2)												S			S	S	P	S	P				
Automobile Rental	(3)																S	P	S	P					
New or Used Boat and Trailer Dealership	(4)	(3)															S	P	S	P	X	X			
Full Service Car Wash and Auto Detail	(5)	(4)														S	S	P	P	P	P	S	S		
Self Service Car Wash	(5)	(4)															S	P	P	P	P	S	S		
New and/or Used Indoor Motor Vehicle Dealership/Showroom	(6)	(5)															S	S	S	S					
New Motor Vehicle Dealership-for Cars and Light Trucks	(7)	(6)															S	P	S	P					
Used Motor Vehicle Dealership for Cars and Light Trucks)	(7)	(7)																A	A	A	A				
Commercial Parking	(8)													S				P	P	P	P				
Non-Commercial Parking Lot	(9)													A		S	P	P	P	P	P				
Recreational Vehicle (RV) Sales and Service	(10)																S	P	S	P					
Service Station	(11)	(8)														S	P	P	P	P	P				
Towing and Impound Yard	(12)	(9)																	S	S	P				
Towing Service without Storage	(13)	(10)																	P	P	P				
Truck Rental	(14)																		P	S	P				
Truck Stop with Gasoline Sales and Accessory Services	(15)	(11)																	S	S	P				
INDUSTRIAL AND MANUFACTURING LAND USES	2.02(I)	2.03(I)																							
Asphalt or Concrete Batch Plant	(1)	(1)	S																	S	S				
Temporary Asphalt or Concrete Batch Plant	(2)	(2)	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P				

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Bottle Works for Milk or Soft Drinks	(3)																			P	P					
Brewery or Distillery	(4)	(3)																			P	P				
Carpet and Rug Cleaning	(5)																	S	P	P						
Environmentally Hazardous Materials	(6)	(4)																S	S	P						
Food Processing with No Animal Slaughtering	(7)																	S	P	P						
Light Assembly and Fabrication	(8)																	P	P	P						
Heavy Manufacturing	(9)																	S	S	P						
Light Manufacturing	(10)																	P	P	P						
Metal Plating or Electroplating	(11)																			S	P					
Mining and Extraction of (Sand, Gravel, Oil and/or Other Materials)	(12)	(5)	S	S	S	S	S	S	S	S	S	S	S	S			S	S	S	S	S	S				
Printing and Publishing	(13)																			P	P	P				
Salvage or Reclamation of Products Indoors	(14)																	S	P	P						
Salvage or Reclamation of Products Outdoors	(15)																			S	P					
Sheet Metal Shop	(16)																	P	P	P						
Tool, Dye, Gauge and/or Machine Shop	(17)																			P						
Welding Repair	(18)																		P	P	P					
Winery	(19)	(6)	S																	P	P					
WHOLESALE, DISTRIBUTION AND STORAGE LAND USES	2.02(J)	2.03(J)																								
Cold Storage Plant	(1)																			P	P	P				
Heavy Construction/Trade Yard	(2)																	S	P	P						
Landfill	(3)		S																							
Mini-Warehouse	(4)	(1)															S	P	P	P						
Outside Storage and/or Outside Display	(5)	(2)																		P	P	P		S		
Recycling Collection Center	(6)																		S	P	P					
Warehouse/Distribution Center	(7)																			P	P	P				

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Wholesale Showroom Facility	(8)																S	P	P	P				
UTILITIES, COMMUNICATIONS AND TRANSPORTATION LAND USES	2.02(K)	2.03(K)																						
Airport, Heliport or Landing Field	(1)																				S	S	S	
Antenna, as an Accessory	(2)	(1)	P	S	S	S	S	S	S	S	S	S	S	P		P	P	P	P	P	P	P	P	
Commercial Antenna	(3)	(2)												S	S		S	S	S	S	P			
Antenna, for an Amateur Radio	(4)	(3)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Antenna Dish	(5)	(4)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Commercial Freestanding Antenna	(6)	(5)	S														S	S	S	P	P			
Mounted Commercial Antenna	(7)	(6)												S			S	S	S	P	P			
Bus Charter Service and Service Facility	(8)																		P	P	P			
Helipad	(9)																S	S	S	S	S			
Utilities (Non-Municipally Owned or Controlled), Including Sanitary Landfill, Water Treatment, and Supply, and Wastewater Treatment	(10)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			
Municipally Owned or Controlled Facilities, Utilities and Uses	(11)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Private Streets	(12)			S	S	S	S	S	S	S	S	S	S			S	S	S	S	S	S			
Radio Broadcasting	(13)													S			P	P	P	P	P			
Railroad Yard or Shop	(14)		S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S				
Recording Studio	(15)													S			S	P	P	P	P			
Satellite Dish	(16)		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Solar Energy Collector Panels and Systems	(17)	(7)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Transit Passenger Facility	(18)													S	S	S	S	S	S	S				
Trucking Company	(19)																		P	P	P			
TV Broadcasting and Other Communication Service	(20)													S			S	S	P	P	P			
Utilities Holding a Franchise from the City of Rockwall	(21)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P			
Utility Installation Other than Listed	(22)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				

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LAND USES

Utility/Transmission Lines	(23)
Wireless Communication Tower	(24)

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		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			
		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			

SECTION 2: CONDITIONAL LAND USE STANDARDS AND DEFINITIONS

SUBSECTION 2.01: DETERMINATION OF LAND USES

Land uses shall be permitted in a zoning district as indicated in [Section 1, Land Use Schedule](#), provided the land use meets the below conditional land use standards and the land use definitions established for such use. Should a new land use -- *not listed in [Section 1, Land Use Schedule](#)* -- request to be established in the City, the Director of Planning and Zoning or his/her designee shall determine the closest or most appropriate land use based on the following land use definitions and conditional land use standards. If the Director of Planning and Zoning is unable to classify a land use based on the land uses listed in [Section 1, Land Use Schedule](#), then the Director of Planning and Zoning shall defer the decision to the City Council to either [1] direct staff to amend the code to incorporate the new land use, or [2] deny the request to establish the unlisted land use.

SUBSECTION 2.02: LAND USE DEFINITIONS

For land use definitions see [Section 2.02, Land Use Definitions, of Article XIII, Definitions](#).

SUBSECTION 2.03: CONDITIONAL LAND USE STANDARDS

(A) *Agricultural and Animal Related Land Uses*

(1) *Animal Boarding/Kennel with Outside Pens.*

- (a) Animals shall be permitted to be in outside pens or kennels.
- (b) The outside pens or kennels shall be behind the primary structure and shall be screened from view of adjacent properties, public right-of-way, and parks and open space.

(2) *Animal Boarding/Kennel without Outside Pens.*

- (a) Animals shall not be permitted to be in outside pens or kennels.

(3) *Animal Clinic for Small Animals without Outdoor Pens.*

- (a) All *Animal Clinics for Small Animals* that incorporate a kennel shall be limited to short-term boarding.
- (b) Boarding/kennel land uses should be accessory or incidental to the primary land uses (*i.e. animal clinic*).

(4) *Barn or Agricultural Accessory Building.*

- (a) A *Barn or Agricultural Accessory Building* shall be a minimum of 2,000 SF and a maximum of 4,999 SF in total size (*i.e. under roof*).
- (b) The *Barn or Agricultural Accessory Building* shall be located behind the front façade of the primary structure, and be subject to the same building setbacks as the primary structure.

(5) *Commercial Horse Corral or Stable.*

- (a) This use requires a minimum of ten (10) acres to be established.
- (b) The ground accumulation of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans and animals.
- (c) Fences or pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the animal.

(6) *Private Horse Corral or Stable.*

(a) All *Private Horse Corrals or Stables* shall comply with the standards specified in [Subsection 3.01, Farm Animals and Horses](#).

(7) *Community Garden*.

(a) *Community Gardens* are permitted in the Agricultural (AG) District *by-right*; however, a Specific Use Permit (SUP) shall be required for any on-site retail sales.

(b) *Community Gardens* are permitted in all other zoning districts by Specific Use Permit (SUP) only, and are subject to the additional following conditions:

- (1) The *Community Garden* must comply with the lot and building standards for the zoning district in which the subject property is located.
- (2) Any structure(s) for a *Community Garden* shall be reviewed as part of the Specific Use Permit (SUP), including the size and intended use.
- (3) All chemicals and fuels shall be stored in an enclosed, locked structure when the site is unattended.
- (4) Sales and donation of ~~only~~ whole, uncut, fresh food and/or horticultural products grown in the *Community Garden* may occur on-site, but may not occur on residentially zoned or used property.
- (5) Retail sales and all other public use of the *Community Garden* shall begin no earlier than 7:00 AM and must end by 7:00 PM every day of the week.
- (6) One temporary sign advertising only food or horticultural products grown on-site may be displayed during sales hours. The sign must be on-site, non-illuminated, and must not exceed six (6) square feet in area or three (3) feet in height.
- (7) The applicant shall provide a *Community Garden Management Plan* that addresses any probable impacts to the subject property or surrounding properties and which includes any proposed mitigation measures. The plan shall include: [1] a site plan, [2] a description of the type of equipment necessary for all operations of the *Community Garden*, [3] the anticipated frequency and duration of use of any equipment used on-site, [4] a disclosure statement of any intent to spray or otherwise apply chemicals or pesticides, [5] the anticipated frequency and duration of the application of chemicals or pesticides, and [6] a disclosure statement of any land-disturbing activity that could otherwise require drainage improvements per the *Engineering Standards of Design and Construction* manual.

(8) *Urban Farm*.

(a) *Urban Farms* are permitted in the Agricultural (AG) District *by-right*; however, a Specific Use Permit (SUP) shall be required for any on-site retail sales.

(b) *Urban Farms* are permitted in all other zoning districts by Specific Use Permit (SUP) only, and are subject to the additional following conditions:

- (1) A site area of not less than one (1) acre and not more than five (5) acres is required, unless otherwise approved by City Council.
- (2) Only mechanical equipment designed for residential use may be used.
- (3) Retail sales and all other public use of the *Urban Farm* shall begin no earlier than 7:00 AM and must end by 7:00 PM every day of the week.
- (4) Commercial deliveries and pickups are limited to one (1) per day. On-site sales are not considered commercial pickups.
- (5) One identification sign not exceeding 144 square inches in area is permitted.
- (6) Any structure(s) for urban farms in residential districts shall be reviewed as part of the SUP, including size, building materials and intended use.
- (7) The applicant shall provide a *Urban Farm Management Plan* that addresses any probable impacts to the subject property or surrounding properties and which includes any proposed mitigation measures. The plan shall include: [1] a site plan, [2] a description of the type of

equipment necessary for all operations of the *Community Garden*, [3] the anticipated frequency and duration of use of any equipment used on-site, [4] a disclosure statement of any intent to spray or otherwise apply chemicals or pesticides, [5] the anticipated frequency and duration of the application of chemicals or pesticides, and [6] a disclosure statement of any land-disturbing activity that could otherwise require drainage improvements per the *Engineering Standards of Design and Construction* manual.

(c) *Urban Farms* are permitted in non-residential zoning districts by Specific Use Permit (SUP) only and are subject to the additional following conditions:

- (1) A minimum site area of one (1) acre is required.
- (2) Retail sales and all other public use of the *Urban Farm* shall begin no earlier than 7:00 AM and must end by 7:00 PM every day of the week.
- (3) Any structure(s) for a *Community Garden* shall be reviewed as part of the Specific Use Permit (SUP), including the size and intended use.
- (4) The applicant shall provide a *Urban Farm Management Plan* that addresses any probable impacts to the subject property or surrounding properties and which includes any proposed mitigation measures. The plan shall include: [1] a site plan, [2] a description of the type of equipment necessary for all operations of the *Community Garden*, [3] the anticipated frequency and duration of use of any equipment used on-site, [4] a disclosure statement of any intent to spray or otherwise apply chemicals or pesticides, [5] the anticipated frequency and duration of the application of chemicals or pesticides, and [6] a disclosure statement of any land-disturbing activity that could otherwise require drainage improvements per the *Engineering Standards of Design and Construction* manual.

(B) *Residential and Lodging Land Uses*

(1) *Residential Accessory Building or Structure.*

(a) See [Subsection 7.04, Accessory Structure Development Standards, of Article V, District Development Standards.](#)

(2) *Bed and Breakfast.*

- (a) The *Bed and Breakfast* land use is permitted in the Old Town Rockwall (OTR) Historic District *by-right*.
- (b) A *Bed and Breakfast* may only be established on an owner-occupied, single-family lot.
- (c) In addition to the single-family parking requirements, one (1) parking space per bedroom shall be provided.
- (d) No signage and/or outside advertising shall be permitted for a *Bed and Breakfast* unless located in a non-residential zoning district or as permitted by a Specific Use Permit (SUP).
- (e) *Bed and Breakfast* shall be required to meet all applicable City Fire Codes, including providing a smoke alarm system.
- (f) A *Bed and Breakfast* shall be subject to an annual inspection by the Fire Department.
- (g) All applicable hotel/motel taxes shall be paid.
- (h) The maximum length of a guests stay is shall be limited to 14 consecutive days in any 30-day period.
- (i) A Specific Use Permit (SUP) for a *Bed and Breakfast* shall be reviewed six (6) months after the adoption of the Specific Use Permit (SUP) and annually thereafter unless otherwise stipulated by the Specific Use Permit (SUP) ordinance.

(3) *Duplex.*

- (a) Duplexes shall be limited to two (2) dwelling units (*i.e. two [2] families*) per lot or parcel of land.
- (b) See the standards for the Two-Family (2F) District [Subsection 7.01, Residential District Development Standards, of Article V, District Development Standards.](#)

- (4) *Attached Garage.*
- (a) See [Section 7.04, Accessory Structure Development Standards, of Article V, District Development Standards.](#)
- (5) *Detached Garage.*
- (a) See [Section 7.04, Accessory Structure Development Standards, of Article V, District Development Standards.](#)
- (6) *Guest Quarters/Secondary Living Unit.*
- (a) *Guest Quarters* or *Secondary Living Units* may be allowed on a property in a residential zoning district provided that it is ancillary to a single-family home.
- (b) The area of such quarters shall not exceed 30 percent of the area of the main structure.
- (c) No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the subdivision ordinance.
- (d) *Guest Quarters* or *Secondary Living Units* not meeting the requirements stated above shall require a Specific Use Permit (SUP).
- (7) *Home Occupation.*
- (a) The *Home Occupation* use must clearly be incidental and secondary to the primary use of the property as a residence.
- (b) No person outside the family may be employed in the *Home Occupation* use.
- (c) There shall be no exterior display, signage, exterior storage of materials, and/or other exterior indication of the *Home Occupation* use or variation from the residential character of the principal building.
- (d) No traffic shall be generated by such *Home Occupation* than would normally be expected in the neighborhood.
- (e) No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated.
- (f) A *Home Occupation* may not be interpreted to include facilities for the repair of motor vehicles, repair of small motors, or a daycare center.
- (8) *Full-Service Hotel.*
- (a) The minimum room count for a *Full-Service Hotel* shall be 250-rooms.
- (b) Each guestroom shall have a minimum square footage of 380 SF.
- (c) A *Full-Service Hotel* shall have a full-service restaurant and kitchen that provides service to the general public.
- (d) A *Full-Service Hotel* shall have staff that is present 24-hours a day, seven (7) days a week.
- (e) A *Full-Service Hotel* shall have the following minimum amenities: [1] a minimum 10,000 SF meeting or conference room, and [2] a swimming pool with a minimum area of 1,000 SF.
- (9) *Multi-Family Structure or Development.*
- (a) See [Subsection 7.02, Multi-Family District Development Standards, of Article V, District Development Standards.](#)
- (10) *Portable Building.*
- (a) See [Subsection 7.04, Accessory Structure Development Standards, of Article V, District Development Standards.](#)

(11) Residential Infill in or Adjacent to an Established Subdivision.

- (a) For the purposes of this Article, an Established Subdivision shall be defined as a subdivision that consists of five (5) or more lots, that is 90% or more developed, and that has been in existence for more than ten (10) years.
- (b) All proposed residential infill housing that is located within an Established Subdivision or a lot or tract of land that is located with 500-feet of an Established Subdivision shall be required to apply for a Specific Use Permit (SUP).
- (c) As part of the Specific Use Permit (SUP) request the applicant shall be required to submit a residential plot plan or site plan, landscape plans, and building elevations of the proposed home.
- (d) In reviewing the proposed Specific Use Permit (SUP), the Planning and Zoning Commission and City Council shall consider the proposed size, location, and architecture of the home compared to the existing housing in the Established Subdivision.
- (e) All housing proposed under this section shall be constructed to be architecturally and visually similar or complimentary to the existing housing in the Established Subdivision.

(12) Single-Family Attached Structure.

- (a) See [Section 3, Residential Districts, of Article V, District Development Standards.](#)
- (b) See [Subsection 7.01, Residential District Development Standards, of Article V, District Development Standards.](#)

(13) Single-Family Detached Structure.

- (a) See [Section 3, Residential Districts, of Article V, District Development Standards.](#)
- (b) See [Subsection 7.01, Residential District Development Standards, of Article V, District Development Standards.](#)

(14) Single-Family Zero Lot Line Structure.

- (a) A five (5) foot maintenance easement is required on the non-zero-lot-line side of the structure.
- (b) See [Section 3, Residential Districts, of Article V, District Development Standards.](#)
- (c) See [Subsection 7.01, Residential District Development Standards, of Article V, District Development Standards.](#)

(15) Townhouse.

- (a) See [Section 3, Residential Districts, of Article V, District Development Standards.](#)
- (b) See the standards for the Two-Family (2F) District [Subsection 7.01, Residential District Development Standards, of Article V, District Development Standards.](#)

(16) Urban Residential.

- (a) Urban Residential includes residential development that at least partly face streets, public sidewalks, or common open space, and/or which are located above retail, office or service uses.
- (b) Ground floor urban residential should have direct access to a sidewalk via a stoop or landing, and a majority of parking should be located in a structure.

(C) Institutional and Community Service Land Uses

(1) Assisted Living Facility.

- (a) These facilities shall include establishments that accommodate seven (7) or more residents. For facilities with six (6) or fewer residents see Group or Community Home in [Subsection 2.04\(11\)](#).

(2) Church/House of Worship.

- (a) Significant accessory uses such as schools, coffee houses, daycare centers, bingo parlors and halls may only be allowed in a zoning district that allows such uses.

(3) Congregate Care Facility/Elderly Housing.

- (a) A *Congregate Care Facility/Elderly Housing* facility may have up to two (2) units for on-site managers, which contain full kitchen facilities.
- (b) Full-time medical or nursing care shall not be provided by the facility; however, medical and nursing care may be privately arranged for individual residents on a part-time or temporary basis (*e.g. visiting nurse or home health care*).
- (c) These facilities shall incorporate special safety, accessibility and convenience features that may include but are not limited to emergency call systems, grab bars and handrails, and/or special door hardware, cabinets, appliances, passageways and doorways designed to accommodate wheelchairs.

(4) Daycare with Seven (7) or More Children.

- (a) An adequate pickup and drop-off area providing a minimum cuing space for four (4) standard sized vehicles shall be provided.

(5) Group or Community Home.

- (a) The facility must be operated by:

- (1) The Texas Department of Mental Health and Mental Retardation (MHMR);
- (2) A Community Center organized under Subchapter A, *Community Centers*, of Chapter 534, *Community Services*, of the Health and Safety Code, that provides services to persons with disabilities;
- (3) An entity subject to the Texas Non-Profit Corporation Act; or
- (4) An entity certified by the Texas Department of Human Services as a provider under the medical assistance program service persons in intermediate care facilities for persons with mental retardation; or
- (5) An entity operating an Assisted Living Facility licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code, and with six (6) or fewer residents. For an assisted living facility with more than six (6) residents see *Assisted Living Facility* in [Subsection 2.04\(1\)](#).

- (b) When the facility is located within a residential zoning district:

- (1) The exterior structure must retain compatibility with the surrounding residential dwellings, and
- (2) Not more than six (6) persons with disabilities and two supervisors may reside in the facility at the same time. The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.

- (c) A *Group or Community Home* may not be established within one-half (½) mile of an existing *Group or Community Home* unless a Specific Use Permit (SUP) is approved by the City Council.

- (d) The residents of a *Group or Community Home* may not keep for the use of the residents of the home, either on the premises or on a public right-of-way adjacent to the home, motor vehicles in numbers that exceed the number of bedrooms in the home.

(6) Halfway House.

- (a) These facilities shall not be located within a 1,000-foot radius of another *Halfway House* (as measured from parcel to parcel). A Specific Use Permit (SUP) shall be required for any facility located closer than 1,000-feet.
- (b) Such facilities shall be licensed as a Community Residential Facility under Chapter 508, Parole and Mandatory Supervision, of the Texas Health and Safety Code.

(7) *Public or Private Primary School.*

- (a) Adequate pick-up and drop-off areas shall be provided to ensure that street traffic/neighborhood traffic is not impeded. This shall be determined by the Director of Planning and Zoning or his/her designee at the time of site plan.

(8) *Public or Private Secondary School.*

- (a) The school shall be located on a *Minor Collector* or larger roadway.
- (b) Adequate pick-up and drop-off areas shall be provided to ensure that street traffic/neighborhood traffic is not impeded. This shall be determined by the Director of Planning and Zoning or his/her designee at the time of site plan.

(9) *Temporary Education Buildings for a Public or Private School.*

- (a) The City Manager or his/her designee may approve temporary educational buildings for a public school pending the submission of a letter from the independent school district indicating the duration the buildings will remain on-site. The City Manager or his/her designee may also require the temporary buildings to adhere to the procedures and requirements of [Subsection 2.04\(23\)\(A\)\(b\)](#) below.
- (b) All other applications of temporary educational buildings will require a Specific Use Permit (SUP) that shall be approved by the Planning and Zoning Commission and City Council, and that shall include the following operational conditions:
 - (1) The buildings shall be screened from the view of adjacent properties, public right-of-way, and parks and open space by the primary structure or landscape screening that incorporates three (3) tiered screening (*i.e. small to mid-sized shrubs, large shrubs or accent trees, and canopy trees*).
 - (2) The applicant shall provide a plan indicating the expected phasing-out of all temporary structures.
 - (3) The Specific Use Permit (SUP) shall be valid for a period not to exceed five (5) years.

(D) *Office and Professional Land Uses.*

(1) *Financial Institution with Drive-Through.*

- (a) Drive-throughs shall not be located on a property adjacent to a residentially zoned or used property. Drive-throughs shall be separated from residentially zoned or used properties by an intervening building or parcel of land.
- (b) Drive-throughs shall not have access to local residential streets.
- (c) Stacking lanes for drive-through service windows shall accommodate at least six (6) standard sized motor vehicles per lane, unless specifically approved by the Planning and Zoning Commission.

(E) *Recreation, Entertainment and Amusement Land Uses.*

(1) *Temporary Carnival, Circus, or Amusement Ride.*

- (a) The duration of these temporary uses shall not exceed 14-days.

- (b) Carnival, circus and amusement ride uses shall be no closer than 300-feet to a residentially zoned or used property unless otherwise approved by the Planning and Zoning Commission and City Council.
- (c) Such events must obtain a permit from the City of Rockwall.

(2) Indoor Commercial Amusement/Recreation.

(a) Exemptions to this use include:

- (1) Skill or coin-operated machines kept in private residences or apartments and used without charge by members of the family or bona fide guests.
- (2) Skill or coin-operated machines on the premises of religious, charitable, educational or fraternal organizations for the use of members or their guests, and not for private profit, although a charge is made for playing.
- (3) Billiard or pool tables on the premises of publicly owned facilities.

(Ord. No. 10-14, § 17, 7-6-2010)

(3) Outdoor Commercial Amusement/Recreation.

- (a) *Outdoor Commercial Amusement/Recreation* includes uses that provide outdoor entertainment (e.g. amusement parks, golf courses, outdoor music venues, batting cages, miniature golf etc.), but excludes drive-in movie theaters.
- (b) *Outdoor Commercial Amusement/Recreation* includes temporary structures (e.g. tents, canopies, etc.) for events; however, temporary in this case does not include structures intended to serve uses for longer than 14-days.
- (c) *Outdoor Commercial Amusement/Recreation* shall be a minimum of 300-feet from all residentially zoned or used property unless otherwise approved by the Planning and Zoning Commission and City Council.

(4) Temporary Fundraising Events by Non-profit.

(a) Such events must obtain a *Special Event Permit* from the City of Rockwall.

(5) Indoor Gun Club with Skeet or Target Range.

(a) All activities shall be done inside an enclosed building.

(6) Private Club, Lodge or Fraternal Organization.

(A) Private Club.

- (a) *Setbacks from Other Uses.* The club must be located not less than 300-feet from a church, public school, or public hospital. For a church or public hospital, the 300-feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools, the measurement of distance shall be in direct line from the property line of the public school to the property line of the private club and in a direct line across intersections.
- (b) *Exterior Signs.* There shall be no exterior signs advertising the sale of alcoholic beverages, provided this does not prohibit using established trademark names (e.g. *Steak and Ale*).
- (c) *Alcoholic Sales Revenue.* Revenues from the sale of alcoholic beverages shall not exceed 40 percent of the gross revenues derived from the sale of food and beverages. In the hotels and motels, the gross receipts shall include all restaurants and club operations in the facility as well as room rental charges. The City shall be provided with copies of the reports submitted by the establishment to the Texas Comptroller of Public Accounts and the Texas Alcoholic Beverage

Commission within 30-days of the end of each quarter. Combined sales as reflected on the reports for the last two (2) reported quarters shall be used to determine if the sales of alcohol exceeds the maximum allowed percentage.

- (d) *Club Boundaries*. The boundaries of a private club are hereby defined to be the building in which the private club is located, or in the case of a multi-tenant building such as a shopping center, only that portion of the building in which the private club is located which is separately leased or owned, or with contiguous internal access should such floor area be leased to more than one party.
- (e) *Certificate of Occupancy*. A copy of the permit approved by the state shall be submitted to the city prior to issuance of a Certificate of Occupancy (CO) to ensure that the permit complies with the provisions of the zoning.
- (f) *Allowed uses*. No uses meeting the terms and definitions of *Sexually Oriented Business* as defined in [Article XI, Sexually Oriented Businesses, of Chapter 12, Businesses and Sales, of the Municipal Code of Ordinances](#), as it is currently adopted or as it may hereafter be amended, shall be located in a private club unless such uses are approved as a part of the Specific Use Permit (SUP) authorizing the *Private Club*. Any such approved use shall be in compliance with all requirements of this permit, all applicable requirements of the Unified Development Code (UDC), and any other applicable ordinances.

(7) *Sexually Oriented Businesses*.

- (a) *Sexually Oriented Businesses* shall not be permitted within any Overlay District in the City of Rockwall.

(F) *Retail and Personal Service Land Uses Conditions*.

(1) *Portable Beverage Service Facility*.

- (a) The service shall be limited to snow cone stands, beverage stands serving non-alcoholic beverages such as coffee, juices or sodas.
- (b) The maximum time limit of such temporary use shall not exceed 150-days annually or a time limit otherwise approved by the City Council. At the end of the time period, the structure shall be removed from the property.
- (c) Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
- (d) No additional freestanding signage shall be permitted.
- (e) The temporary portable structure or trailer shall meet all health and electrical codes of the City.
- (f) Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
- (g) Any such temporary facility shall have permanent restrooms for employees available within 300-feet of the door of the portable beverage facility. Written permission from the permanent building owner for restroom use must be submitted to the building official; no portable restroom facility is allowed.
- (h) Any such temporary facility shall be located on an all-weather (*i.e. asphalt or concrete*) parking surface with adequate space for parking and circulation, unless alternatively approved by the City Council.

(2) *Temporary Christmas Tree Sales Lot and Similar Uses*. A building or land area that provides seasonal uses such as the sale of Christmas trees, pumpkins, and other temporary uses which occur at certain times of the year.

- (a) Any such temporary facility of lot shall be limited to the seasonal sales of Christmas trees.
- (b) The maximum time limit of such use shall not exceed 45-days annually. At the end of the 45-day period, the structure and other facilities related to the use shall be removed from the property.
- (c) Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.

- (d) No additional freestanding signage shall be permitted.
- (e) Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
- (f) Any such temporary facility shall have permanent restrooms for employees available within 300-feet for which written permission from the permanent building owner for restroom use must be submitted to the Chief Building Official; no portable restroom facility is allowed.

(3) Craft/Micro Brewery, Distillery and/or Winery.

- (a) A *Craft/Micro Brewery* areas shall be less than 12,000 SF in total building area.
- (b) A maximum of 40 percent of the total floor areas can be dedicated to the direct sale of on-site manufactured product.
- (c) A craft or micro-brewery, distillery and/or winery may include the following accessory uses (*in accordance with any applicable land use standards and requirements*): [1] a tasting room to dispense beer, wine, and/or spirits for on premise consumption, [2] meeting/banquet facilities, [3] restaurants, and/or [4] retail package sales of on-site manufactured product for off-premise consumption shall be allowed as permitted by the Texas Alcohol Beverage Commission's (TABC) Alcoholic Beverage Code.
- (d) A facility that does not have a manufacturing component (*i.e. only provides tasting or retail sales of alcoholic beverages*) shall not be considered a craft or micro-brewery, distillery and/or winery and shall be prohibited.

(4) Incidental Display.

- (a) Outdoor sales and displays are permitted only in areas designated on the Site Plan filed with the City.
- (b) Outdoor sales and display may not exceed five (5) percent of the adjacent building floor area (*building area is defined as the entirely enclosed portion of the primary building*).
- (c) Outdoor sales and display may occupy up to 30 percent of a covered sidewalk that is located within 20-feet of the building. Such display shall not impede pedestrian use of the sidewalk and at least a five (5) foot passable distance shall be maintained.
- (d) Any outside sales and display not located on a covered sidewalk must be screened from view of adjacent roadways, public areas and adjacent properties. Such screening must:
 - (1) Be a minimum of eight feet high or one foot taller than the materials being displayed, whichever is greater.
 - (2) Include a minimum of 20 percent solid screening matching the material of the primary building. The remainder may be solid evergreen planting, or wrought iron or decorative metal fence.
- (e) Any outside sales and display not located on a covered sidewalk must be located immediately adjacent to or connected to the primary structure.
- (f) No outdoor sales and display may be located in any portion of a parking lot.
- (g) Christmas tree sales are exempted from these standards, and such trees may be stored outdoors for sale beginning one week before Thanksgiving and ending December 31st (see *Temporary Christmas Tree Sales and Similar Uses*).
- (h) The accessory seasonal display of plants and related landscape materials such as fertilizer, peat moss, and ornamental landscape items by a permitted retail use may be displayed upon approval by the building inspector only under the following conditions:
 - (1) The plants and related materials shall be located on an all-weather surface.
 - (2) All of the plants and related materials shall be located behind the building line.
 - (3) The storage area for display of plants and related materials shall not occupy any required parking spaces. Excess, parking spaces may be used if all other requirements are met.
 - (4) The storage area for display of plants shall not occupy more than five percent of the total lot area.

- (i) The restrictions above shall be construed to prohibit the storage and display of rental trailers and trucks except in districts where such uses are indicated as permitted uses.

(5) Food Truck/Trailer.

- (a) The *Food Truck/Trailer* shall be located on an improved surface (*i.e. concrete or asphalt*) on private property where an existing business is currently operating with a valid certificate of occupancy (CO). Operation within the public right-of-way is prohibited.
- (b) *Food Trucks/Trailers* shall only operate between the hours of 7:00 AM and 10:00 PM, and the *Food Truck/Trailer* shall be required to be removed from the property during non-operation hours (*i.e. overnight storage on the site is prohibited*).
- (c) The *Food Truck/Trailer* shall be equipped with trash receptacles approved by the city health inspector and that comply with all other applicable city codes. The outside storage of trash shall be prohibited.
- (d) The *Food Truck/Trailer* shall have permanent restrooms (*i.e. public or private*) for employees available within 300-feet of the facility. Portable restrooms facilities are not permitted to meet this requirement.
- (e) The *Food Truck/Trailer* shall have access to a minimum of two (2) dedicated parking spaces and shall not reduce the required parking for the existing building/land use.
- (f) All noise and lighting shall be subject to the requirements of the Municipal Code of Ordinances and the Unified Development Code. In addition, no lights associated with the operation of a *Food Truck/Trailer* may be directed towards an adjacent property or onto a public right-of-way.
- (g) All signage must be attached to the *Food Truck/Trailer* with the exception of one freestanding menu board no greater than eight SF placed adjacent to the *Food Truck/Trailer*.
- (h) *Food Truck/Trailer* shall be prohibited from locating within the Downtown Square (*i.e. the properties bounded by N. Alamo Street, E. Interurban Street, S. Fannin Street, and E. Washington Street*); however, the city council may consider allowing a food truck/trailer to locate within the Downtown Square on a *case-by-case* basis through the approval of a Specific Use Permit (SUP).

(6) General Personal Service.

- (a) Outside storage shall be prohibited with this land use.

(7) Permanent Cosmetics.

- (a) It includes electrolysis, but does not include ornamental tattoos.

(8) Rental Store without Outside Storage and/or Display.

- (a) Outside storage and/or display is prohibited for this land use.

(9) Restaurant with Less Than 2,000 SF with Drive-Through or Drive-In.

- (a) Drive-through lanes shall not have access to a local residential street.
- (b) Additional landscape screening shall be installed adjacent to drive-through lanes to impair the visibility and impact of head-lights from motor vehicles in the drive-through lane on adjacent properties, rights-of-way, parks and open space.
- (c) Unless otherwise approved by the Planning and Zoning Commission, stacking lanes for a drive-through service window shall accommodate a minimum of six (6) standard sized motor vehicles per lane.

(10) Restaurant with 2,000 SF or More with Drive-Through or Drive-In.

- (a) Drive-through lanes shall not have access to a local residential street.
- (b) Additional landscape screening shall be installed adjacent to drive-through lanes to impair the visibility and impact of head-lights from motor vehicles in the drive-through lane on adjacent properties, rights-of-way, parks and open space.
- (c) Unless otherwise approved by the Planning and Zoning Commission, stacking lanes for a drive-through service window shall accommodate a minimum of six (6) standard sized motor vehicles per lane.

(Ord. No. 07-31, 8-20-2007; Ord. No. 10-14, § 19, 7-6-2010; Ord. No. 10-32, § 2, 12-6-2010; Ord. No. 15-23, § 1, 8-3-2015; Ord. No. 18-04, § 1, 1-2-2018; Ord. No. 18-27, § 1, 6-4-2018; Ord. No. 18-37, § 1, 9-4-2018)

(G) Commercial and Business Services Land Uses.

(1) Building and Landscape Material with Outside Storage.

- (a) Outside storage shall be permitted in accordance with the requirements for outside storage contained in [Article IV, Permissible Uses](#), and [Article VIII, Landscape and Fence Standards](#).
- (b) All outside storage must be screened from adjacent properties, public right-of-way, and parks and open space.

(2) Building and Landscape Material with Limited Outside Storage.

- (a) Outdoor sales and displays are permitted only in areas designated on the site plan filed with the City.
- (b) Outdoor sales and display may not exceed five (5) percent of the adjacent building floor area (*Building area is defined as the entirely enclosed air-conditioned portion of the primary building*).
- (c) Outdoor sales and display may occupy up to 30 percent of a covered sidewalk that is located within 20-feet of the building. Such display shall not impede pedestrian use of the sidewalk and at least a six (6) foot passable distance shall be maintained.
- (d) Any outside sales and display not located on a covered sidewalk must be screened from view of adjacent roadways, public areas and adjacent properties. Such screening must:
 - (1) Be a minimum of eight (8) feet high or one (1) foot taller than the materials being displayed, whichever is greater.
 - (2) Include minimum of 20 percent solid screening matching the material of the primary building. The remainder may be solid evergreen planting, or wrought iron or decorative metal fence.
- (e) Any outside sales and display not located on a covered sidewalk must be located immediately adjacent to or connected to the primary structure.
- (f) No outdoor sales and display may be located in any portion of a parking lot.

(3) Building Maintenance, Service, and Sales with Outside Storage.

- (a) Outside storage shall be permitted in accordance with the requirements for outside storage contained in [Article IV, Permissible Uses](#), and [Article VIII, Landscape and Fence Standards](#).
- (b) All outside storage must be screened from adjacent properties, public right-of-way, and parks and open space.

(4) Furniture Upholstery/Refinishing and Resale.

- (a) In the Commercial (C) District, the furniture upholstery refinishing or resale land use is only permitted as an ancillary use to a general retail store (*i.e. a business whose primary purpose is to sell finished goods*) by Specific Use Permit (SUP).

(5) Temporary On-site Construction Office.

- (a) Only one (1) construction or field office shall be allowed per construction site, unless specifically approved by the Chief Building Official.
- (b) Temporary construction offices shall be limited to the period of construction with a two (2) year initial period and one (1) year extensions being authorized by the Chief Building Official.

(Ord. No. 18-26, § 1, 6-14-2018)

(H) *Auto and Marine-Related Land Uses.*

(1) *Major Auto Repair Garage.*

- (a) Garage doors shall not face a public right-of-way, park or open space, or residentially zoned or used property.
- (b) Vehicles, equipment, parts or inventory shall not be stored outside overnight unless granted by the Planning and Zoning Commission and City Council through a Specific Use Permit (SUP). If permitted all stored items shall be screened from public right-of-way, sidewalks and open space, and any residentially zoned or used property in accordance with the requirements of [Article IV, Permissible Uses](#), and [Article VIII, Landscape and Fence Standards](#).

(2) *Minor Auto Repair Garage.*

- (a) The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service. It also includes *quick lube* type businesses. This applies to only to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.
- (b) In a General Retail (GR) District, a *Minor Auto Repair Garage* is permitted as an accessory to a retail use, when the gross floor area of the auto repair and related storage does not exceed 30 percent of the retail sales floor area. If it is a stand-alone use, it shall require a Specific Use Permit (SUP).
- (c) In a Commercial (C) District, a *Minor Auto Repair Garage* is permitted as an accessory to a retail use, provided all work is conducted wholly within a completely enclosed building. If it is a stand-alone use, it shall require a Specific Use Permit (SUP).
- (d) Garage doors or bays shall not face the street or a residential lot.
- (e) Vehicles, equipment, parts or inventory shall not be stored outside overnight unless granted by the Planning and Zoning Commission and City Council through a Specific Use Permit (SUP). If permitted all stored items shall be screened from public right-of-way, sidewalks and open space, and any residentially zoned or used property in accordance with the requirements of [Article IV, Permissible Uses](#), and [Article VIII, Landscape and Fence Standards](#).
- (f) A site plan must be approved prior to issuance of any building permit.
- (g) In the Downtown (DT) District a *Minor Auto Repair Garage* shall not be located within 500-feet of the Historic Courthouse property.

(3) *Boat and Trailer Dealerships (New and Used).*

- (a) The area to be used for outside storage and display shall not exceed 50 percent of the total lot area within 100-feet of any adjacent street.
- (b) All such outside storage and display areas must be permanently paved to City standards.
- (c) All such outside storage and display areas must be screened along all road frontages with a solid evergreen landscape screen a minimum of three (3) feet in height.
- (d) All such outside storage and display areas may be lighted with directed exterior lighting that does not glare onto any adjacent roadways.
- (e) A site plan and landscape plan shall be approved prior to issuance of any building permit.
- (f) Such uses shall only be permitted along IH-30 and other arterials, as identified on the City's Master Thoroughfare Plan, but shall be excluded within the Scenic Overlay (SOV) District and along FM-740 and SH-66.

(4) Car Wash (Full-Service or Self-Service).

- (a) Entrances and exits to the car wash shall not directly face any public right-of-way. On corner sites, car wash entrances or exits shall not open toward the street with the highest traffic volume, or as determined by the Director of Planning and Zoning.
- (b) The carwash shall be set back a minimum of 50-feet from any street frontage.

(5) New and/or Used Indoor Motor Vehicle Dealership/Showroom.

- (a) The sales/storage facility must be a completely enclosed building.
- (b) Outside display or storage of vehicles shall be prohibited. This includes storing vehicles under canopies/awnings or similar covered structures.
- (c) All activities shall remain inside the building (*i.e. no detailing, sales activities, et cetera shall be performed outside the building*).
- (d) Accessory uses may be allowed in compliance with [Section 1, Land Use Schedule](#).

(6) New Motor Vehicle Dealership for Cars and Light Trucks.

- (a) All outside display of vehicles must be on an approved concrete, or enhanced concrete surface.
- (b) All vehicle display areas must meet the landscape standards for parking areas.

(7) Used Motor Vehicle Dealership for Cars and Light Trucks.

- (a) Used vehicles may only be sold as an ancillary use to new vehicle sales.

(8) Service Station.

- (a) Service station does not include any premises where retail sales space exceeds 25 percent of the total building area or 500 SF of gross floor area, whichever is less.

(9) Towing and Impound Yard.

- (a) A towing and impound yard must comply with all requirements, including definitions and permitting procedures for wrecking and towing services, that are specified in [Article VI, Wrecker and Towing Services, of Chapter 12, Businesses and Sales, of the Municipal Code of Ordinances](#), unless otherwise approved by the Planning and Zoning Commission and City council as part of the Specific Use Permit (SUP) approved for the use.

(10) Towing Service without ~~no~~ Storage.

- (a) A towing storage with no outside storage must comply with all requirements, including definitions and permitting procedures for wrecking and towing services, that are specified in [Article VI, Wrecker and Towing Services, of Chapter 12, Businesses and Sales, of the Municipal Code of Ordinances](#),

(11) Truck Stop with Gasoline Sales and Accessory Services.

- (a) Entrances and exits to the service bays shall not directly face any public street. On corner sites, service bay entrances or exits shall not open toward the street with the highest traffic volume, or as determined by the Director of Planning and Zoning.
- (b) The location of access drives from adjacent streets shall be determined by the Director of Planning and Zoning.

(Ord. No. 06-14, 4-17-2006; Ord. No. 10-14, § 20, 7-6-2010; Ord. No. 11-13, § 2, 4-13-2011; Ord. No. 14-52, § 1, 12-1-2014)

(I) *Industrial and Manufacturing Land Uses.*

(1) *Asphalt or Concrete Batch Plant.*

(a) Any *Asphalt or Concrete Batch Plant* shall meet environmental standards established by Unified Development Code (UDC) and state and federal agencies.

(2) *Temporary Asphalt or Concrete Batch Plant.*

(a) A permit from the Chief Building Official stating any special conditions relating to its siting and reduction of potential impacts on adjacent uses, shall be required for this use.

(b) *Temporary Asphalt or Concrete Batch Plants* are limited to the period of construction if was constructed to serve.

(c) Any *Asphalt or Concrete Batch Plant* shall meet environmental standards established by Unified Development Code (UDC) and state and federal agencies.

(3) *Brewery or Distillery.*

(a) A brewery or distillery may include a tasting room to dispense beer for on premise consumption as an accessory use (in accordance with any applicable land use standards and requirements).

(4) *Environmentally Hazardous Materials.*

(a) Any land use which involves environmentally hazardous materials shall meet environmental standards established by Unified Development Code (UDC) and state and federal agencies.

(b) A permit from the Chief Building Official stating any special conditions relating to its siting and reduction of potential impacts on adjacent uses, shall be required for this use.

(5) *Mining and Extraction (Sand, Gravel, Oil and Other).*

(a) Any mining and extraction activity shall meet environmental standards established by Unified Development Code (UDC) and state and federal agencies.

(b) A permit from the Chief Building Official stating any special conditions relating to its siting and reduction of potential impacts on adjacent uses, shall be required for this use.

(6) *Winery.*

(a) A winery may include the following accessory uses (in accordance with any applicable land use standards and requirements): [1] a tasting room to dispense wine for on premise consumption, [2] meeting/banquet facilities, [3] restaurants, and/or [4] retail sales of wine for off-premise consumption.

(Ord. No. 18-27, § 1, 6-4-2018)

(J) *Wholesale, Distribution and Storage Land Uses.*

(1) *Mini-Warehouse.*

(a) The number of storage units per acre shall not exceed 125, the minimum number of storage units shall be ten (10), and the maximum site area shall be five (5) acres.

(b) Only single-story units are allowed; however, no multistory buildings will be permitted unless an exception is approved by the Planning and Zoning Commission and City Council. If necessary, the office/caretaker residence-unit may exceed one (1) story, but shall not be greater than 36-feet in height.

(c) A minimum of two (2) parking spaces shall be required for the on-site manager (*i.e., caretaker, resident or otherwise*).

- (d) No direct access from FM-740, SH-205, SH-66, SH-276, FM-3097, FM-552, FM-549 and John King Boulevard. The City Council may consider granting direct access from the above-mentioned roadways after review and determination of the availability of access to the specific property.
- (e) Perimeter walls shall be provided which face the front, rear and side property lines. Overhead doors shall not face adjacent streets. Perimeter walls facing the front yard shall incorporate architectural features to break up the long repetitive nature of self-storage buildings (e.g. offsets in buildings, variation of materials, and/or variation of heights, etc.). No gutters and downspouts shall be incorporated in the perimeter walls facing the front property line.
- (f) The front, side and rear building set back areas shall be landscaped. Landscaping should be clustered, creating interesting relief from the long repetitive nature of self-storage buildings.
- (g) The facilities shall incorporate the use of perimeter gates that limit access to the storage areas to customers only. Special access for fire and police personnel shall be provided as required.
- (h) All screening fences shall be wrought iron with landscaping/living screen or masonry walls in accordance with the screening requirements contained in [Subsection 5.02, Landscape Screening, of Article VIII, Landscape and Fence Standards](#). See-through fencing should be wrought iron, or similar. Chainlink fencing of any kind shall be prohibited.
- (i) Buildings and see-through fencing should be oriented in a manner to restrict the visibility of interior overhead doors and drives from public right-of-way. The color(s) of the garage doors, as well as other doors within the facility, shall compliment the exterior colors of the main building(s).
- (j) The commercial operation of rental trucks and trailers shall be prohibited.
- (k) Businesses shall not be allowed to operate in the individual storage units.
- (l) No outside storage of any kind shall be allowed (*including the outside storage of boats, recreational vehicles, and motor or self-propelled vehicles*).
- (m) Concrete shall be used for all paving.
- (n) Roofs shall have a minimum pitch of 1:3 and be constructed with a metal standing seam. Mechanical equipment shall be screened with the roof structure or parapet walls.
- (o) Lighting standards shall be limited to a maximum of 20-feet in height.
- (p) The residential unit as an accessory to the permitted use shall not exceed 1,600 SF.

(2) Outside Storage and/or Outside Display.

- (a) *Outside Storage and/or Outside Display* shall adhere to the requirements of [Subsection 1.05, Screening Standards, of Article V, District Development Standards](#).
- (b) No outside storage shall be allowed in any zoning district adjacent to IH-30. However, on property that is zoned Light Industrial (LI) District and adjacent to IH-30, a Specific Use Permit (SUP) may be considered on a *case-by-case* basis to allow for *Outside Storage and/or Outside Display* in conjunction with a use that is permitted under [Section 1, Land Use Schedule](#). A Specific Use Permit (SUP) approved for this use may be subject to time limitations, site/landscaping or building enhancements, or other restrictions deemed appropriate by the Planning and Zoning Commission and City Council.
- (c) *Incidental Display*, as defined in [Subsection 2.07\(11\)](#), shall not be considered *Outside Storage and/or Outside Display*, and shall be subject to the requirements of [Subsection 2.07\(11\)](#).

(Ord. No. 11-47, § 2, 12-5-2011)

SUBSECTION 2.12: UTILITIES, COMMUNICATIONS AND TRANSPORTATION LAND USES

(1) Antenna as an Accessory.

- (a) The antenna installation shall comply with the height and area regulations of the applicable zoning district.
- (b) Administrative approval of the antenna installation shall be required.
- (c) The antenna will meet all applicable requirements of [Subsection 3.06, Antennas](#).

(2) Commercial Antenna.

- (a) Located entirely within a non-residential structure as allowed under the applicable zoning district regulations:
 - (1) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within the principal building on the property or in an underground vault.
 - (2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height, compatible in color with the principal building and the equipment building.
 - (3) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one of the spaces provided for the principal use on the property.
 - (4) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
 - (5) No more than three (3) separate equipment buildings shall be located on a single lot.
 - (6) The antenna will meet all applicable requirements of [Subsection 3.06, Antennas](#).

(3) Antenna for an Amateur Radio.

- (a) Amateur antenna support structures, antenna, or support wires must be located behind the front facade of the main building, and no amateur antenna support structure, antenna, or support wires may be located in the required rear or side yard setback.
- (b) No amateur antenna support structure or antenna may be greater than the maximum height of the underlying zoning district. However, the height of such antenna support structure or antenna may be increased up to 70-feet provided the setback from side and rear setback lines is increased by one (1) foot for every foot the height exceeds the limit specified in the underlying zoning district. In addition, the City Council may consider approval of a Specific Use Permit (SUP) for any amateur antenna support structure or antenna that is proposed to exceed these height limits.
- (c) Only one (1) amateur radio support structure may be erected on a residential lot. Additional antenna support structures may be allowed with the approval of a Specific Use Permit (SUP).
- (d) The antenna will meet all applicable requirements of [Subsection 3.06, Antennas](#).

(4) Antenna Dish.

- (a) Dish antennas shall not be located within front or side yards, and shall be fully screened from view from streets and public or common open areas. In all cases, they must be screened to minimize the visual impact from adjacent properties.
- (b) In residential districts, they shall be located only in rear yards. However, dish antennas 20-inches or smaller may be roof mounted provided that they are located behind a transverse roof ridge line and screened from adjacent properties.
- (c) In commercial districts, if located on ground level, dish antennas shall be screened to the full height of the structure with landscaping. They may also be allowed on roof tops provided that they are located and screened so as to minimize visual impact from other properties in the area.
- (d) In industrial districts, dish antennas may be ground or roof mounted but must be screened to minimize the visual impact from adjacent properties.
- (e) If the standards above are not reasonably achievable, a Specific Use Permit (SUP) shall be obtained prior to installation of a dish antenna.
- (f) The antenna will meet all applicable requirements of [Subsection 3.06, Antennas](#).

(5) Commercial Freestanding Antenna.

- (a) Commercial Freestanding Antenna attached to a utility installation or a light pole in a public park or on public school property:

- (1) The height of the utility installation or light pole upon which the antenna is attached shall be greater than 75-feet but no more than 150-feet.
 - (2) The antenna shall extend no more than ten feet above the maximum height of the utility structure.
 - (3) A minimum clearance of 15-feet shall be maintained from the ground to the lowest element of the antenna.
 - (4) A minimum setback of 20-feet shall be maintained from the utility installation, light pole or any equipment building to the lot line of the nearest property developed for residential occupancy.
 - (5) Any necessary equipment building may be constructed of metal with a baked-on or pre-painted surface and shall not exceed seven feet in height and 75 SF in area. The exterior surfaces shall be covered in paint or a similar coating; or the building may be built of a material allowed by the applicable zoning district for the principal building; or the necessary equipment may be contained entirely within a principal building on the property or in an underground vault. All equipment buildings shall be maintained free from graffiti.
 - (6) At least one (1) paved parking space with paved access may be required at the antenna location; this parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one of the spaces provided for the principal use on the property, if any.
 - (7) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
 - (8) No more than three separate antennas and three (3) equipment buildings shall be located on a single lot or structure.
 - (9) The antenna will meet all applicable requirements of [Subsection 3.06, Antennas](#).
- (b) Commercial Freestanding Antenna that is not attached to a utility installation or a light pole in a public park or on public school property:
- (1) The antenna installation shall comply with the height and area regulations of the applicable zoning district and the support structure shall not exceed 125-feet in height.
 - (2) The antenna shall not extend more than ten (10) feet above the maximum height of the support structure.
 - (3) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within a principal building on the property or in an underground vault.
 - (4) The antenna and any equipment buildings shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six feet at maturity or by a masonry screening wall at least eight (8) feet in height, compatible in color and character with the principal building and the equipment building.
 - (5) At least one (1) paved parking space with paved access may be required at the antenna location; this space need not be reserved exclusively for use in conjunction with the antenna facility and may be one (1) of the spaces required for the principal use on the property.
 - (6) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
 - (7) No more than three (3) separate antennas and three equipment buildings shall be located on a single lot or structure.
 - (8) The antenna will meet all applicable requirements of [Subsection 3.06, Antennas](#).
- (c) Replacement of an Existing Freestanding Antenna that is not been permitted this Article -- *but that is considered to be a legally recognized, non-conforming structure or facility* --, the replacement of the antenna installation may be approved by the City Council on a *case-by-case basis* through a Specific Use Permit (SUP) pending the request conforms to the following criteria:
- (1) The replacement of any legally recognized, non-conforming antenna installation shall only be permitted within the Heavy Commercial (HC) District, Light Industrial (LI) District, and Heavy Industrial (HI) District.

- (2) The replacement antenna installation shall be set back a minimum distance equal to the height of the proposed structure from any residential property or residentially zoned property.
- (3) The existing antenna installation shall be removed from the property within 14-days of the completion of the proposed replacement antenna installation.
- (4) The height of the replacement installation shall be equal to or less than the existing antenna installation, and any additional antennas added to the structure shall not exceed the height of the replacement installation.
- (5) Any necessary equipment buildings associated with the replacement installation shall be of a material allowed by the applicable zoning district and be similar in color and character to the principal building on the site. As an alternative, the necessary equipment can be contained entirely within the principal building on the property or in an underground vault.
- (6) The antenna and any equipment buildings shall be enclosed by a decorative iron fence surrounded by a landscape screening that will achieve a height of at least six (6) feet at maturity. As an alternative a masonry screening wall at least eight (8) feet in height, compatible in color and character with the principal building may be used.
- (7) At least one (1) paved parking space with paved access may be required at the antenna location. This parking space does not need to be reserved exclusively for the replacement tower use and may be one of the spaces required for the principal use on the property.
- (8) The antenna will meet all applicable requirements of [Subsection 3.06, Antennas](#).

(6) Mounted Commercial Antenna.

- (a) Mounted Commercial Antenna that 12-feet or less in height, on non-residential structures allowed under the applicable zoning district regulations:

- (1) The total height of the structure, including the antenna, shall not exceed the maximum height of the zoning district by more than 12-feet.
- (2) A minimum clearance of 15-feet shall be maintained from the ground to the lowest element of the antenna.
- (3) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building; or the necessary equipment shall be contained entirely within a principal building on the property or in an underground vault.
- (4) The antenna and any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge, which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height, compatible in color and character with the principal building and the equipment building.
- (5) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said space need not be reserved exclusively for use in conjunction with the antenna facility and may be one of the spaces required for the principal use on the property.
- (6) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
- (7) The antenna will meet all applicable requirements of [Subsection 3.06, Antennas](#).

(7) Solar Energy Collector Panels and System.

- (a) Solar energy collector panels installed on a pitched roof shall be of a flat configuration and shall be subject to the following requirements:

- (1) Configuration of pitched roof solar energy collector panels shall be a regular quadrangular shape, flat to the roof or integrated with the roof, and aligned with the natural roof edges.
- (2) The surface of the solar energy collector panel shall not be more than six inches above the surface of the pitched roof.

- (b) Solar energy collector panels installed on a flat roof, whether rack-mounted or flat-mounted, shall be screened from public view.

- (1) The height of such screening, at the minimum, shall be the height of the solar energy collector panel.
- (2) The screening may be by a parapet or screening wall replicating the materials of the building.
- (c) Reflective flare of solar energy collector panels shall be minimized by the positioning of the solar collector panels or by the use of nonglare glazing.
- (d) Piping, wiring and other mechanical accessories shall be concealed within a roof mounted solar energy collector panel. If some portion of the piping, wiring or other mechanical accessories cannot be practically concealed then those portions shall be painted so as to blend with the roofing material.
- (e) Ground mounted or pole mounted solar energy collector panels shall be located behind the primary building, and shall be fully screened from public view by a solid screening fence or wall that meets all code requirements of the city.
- (f) The maximum overall height of ground mounted or pole mounted solar energy collector panels shall not exceed 12-feet.
- (g) In residential zoning districts, the total coverage area of solar energy collector panels shall not exceed 1,000 SF on a single lot.
- (h) Any solar energy collector panels or systems not meeting these requirements, or any installation of solar energy systems as the principal use on any property, shall require approval of a Specific Use Permit (SUP).

SECTION 3. - OTHER SPECIAL USE STANDARDS

SUBSECTION 3.01: FARM ANIMALS AND HORSES

- (A) Grazing animals. In the SF-E and SF-1 Districts, grazing animals 500 pounds or greater, including horses and cattle must have a minimum fenced or enclosed area of 40,000 square feet per animal. Grazing animals of less than 500 pounds, including sheep and goats, must have a minimum fenced or enclosed area of 15,000 square feet per animal.
- (B) Other animals. An SUP is required for other farm animals, including chickens and swine (except for “potbellied pigs” as defined in section 6-1 of the Code of Ordinances), and for a reduction in the land area required for grazing farm animals. The city shall not grant an SUP for any farm animal unless it is convinced that the presence of such animals will not injure the use and enjoyment of neighboring properties, including the impact of dust, flies and odor.
- (C) General conditions. Notwithstanding the conditions above,
 - (1) Ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans and animals;
 - (2) Fences or pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the animal; and
 - (3) In SF-E and SF-1 [Districts], no swine or fowl are permitted, except for “potbellied pigs” as defined in section 6-1 of the Code of Ordinances.
 - (4) In the Agricultural District or on unplatted tracts of land of five acres or more, standards for animals are found in section 6-162 of the Code of Ordinances.

(Ord. No. 06-14, 4-17-2006; Ord. No. 07-18, 6-4-2007; Ord. No. 10-14, § 26, 7-6-2010)

SUBSECTION 3.02: TEMPORARY ACCOMMODATION FOR EMPLOYEES, CUSTOMERS AND VISITORS

- (A) Temporary accommodations. Temporary accommodation for employees, customers and visitors may be provided as an ancillary use in commercial zoning districts provided that:
 - (1) Such accommodation is clearly in support of the business operation;

- (2) No rental of such facilities to the general transient public occurs;
- (3) Accommodation is for temporary stays, not to exceed 30 days; and
- (4) No more than five percent of the building area is utilized for this ancillary use.

SUBSECTION 3.03: UTILITY DISTRIBUTION LINES

All utility distribution lines shall be placed underground. Utility distribution lines placed above-ground shall require special approval of the city council based upon a recommendation of the planning and zoning commission.

SUBSECTION 3.04: FLAG POLES

Flag poles are permitted in all districts, but must meet the building height and setback requirements for each district. (See article V [of this Unified Development Code], District Standards.)

SUBSECTION 3.05: ALCOHOLIC BEVERAGE SALES

(A) Restaurants with alcoholic beverage sales.

- (1) Restaurants may serve alcoholic beverages for on-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. For restaurants located on property that was annexed after November 14, 2007, a private club permit must be obtained for the ability to serve alcohol and must be located in an appropriate zoning district that allows such use.
- (2) Restaurants that sell alcoholic beverages for on-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and must be located not less than 300 feet from a church, public school, private school (as defined by the Texas Alcoholic Beverage Code) or public hospital. For a church or public hospital, the 300 feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools or private schools, the measurement of distance shall be in direct line from the property line of the public school or private school to the property line of the restaurant and in a direct line across intersections. If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

(Ord. No. 10-14, § 27, 7-6-2010)

The city council may grant a variance to the distance regulations if the city council determines that enforcement of those regulations in a particular instance is not in the best interest of the public, constitutes waste of inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

- (3) Restaurants that sell alcoholic beverages for on-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and shall not be permitted to have exterior signs advertising the sale of alcoholic beverages other than those authorized under the Texas Alcoholic Beverage Code and chapter 32 of the Code of Ordinances, pertaining to signs.

(B) Retail establishments with alcoholic beverage sales.

- (1) Retail establishments may sell beer and wine for off-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. Retail establishments located on property that was annexed after November 14, 2007, may not engage in the selling of beer and wine for off-premises consumption.

- (2) Retail establishments engaged in the selling of beer and wine to the general public for off-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and must be located not less than 300 feet from a church, public school, private school (as defined by the Texas Alcoholic Beverage Code) or public hospital. For a church or public hospital, the 300 feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools or private schools, the measurement of distance shall be in direct line from the property line of the public school to the property line of the retail establishment and in a direct line across intersections. If the permit or license holder is located on or above the fifth story of a multistory building, the measurement shall be in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

(Ord. No. 10-14, § 27, 7-6-2010)

The city council may grant a variance to the distance regulations if the city council determines that enforcement of those regulations in a particular instance is not in the best interest of the public, constitutes waste of inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

- (3) Retail establishments engaged in the selling of beer and wine for off-premise consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and shall not be permitted to have exterior signs advertising the sale of alcoholic beverages other than those authorized under the Texas Alcoholic Beverage Code and chapter 32 of the Code of Ordinances, pertaining to signs.

(Ord. No. 08-05, 1-22-2008)

(C) Drive-through sales of pre-packaged beverages, convenience stores, retail sales with gasoline.

- (1) An establishment may not offer drive-in, drive-up, drive through, or walk-up sales or service of pre-packaged, sealed, unopened beverages.
- (2) A convenience store may not contain less than 1,000 square feet of retail space.
- (3) For purposes of this section, the terms “drive-in,” “drive-up,” “drive-through,” and “walk-up” do not prohibit the service of food or beverages to customers:
- (a) Who must physically leave their vehicles and enter a building in order to make a purchase; or
- (b) As part of a drive-through restaurant in connection with the sale or service of food to the customer.

(Ord. No. 10-14, § 27, 7-6-2010)

State Law reference— Location restrictions, V.T.C.A., Alcoholic Beverage Code § 109.33.

SUBSECTION 3.06: ANTENNAS

(A) Construction and Maintenance Requirements. All antenna masts, towers and antenna supports used for television and radio reception or transmission shall be constructed and maintained in accordance with the current National Electrical Code and the Building Code of the City.

(B) Permit Required. Any person desiring to erect or have erected an antenna more than 25-feet in height above ground level, or an antenna mast 25-feet or less in height but not erected as required by this section, shall make written application to the building inspection department for a permit to erect same. Sufficient plans and specifications, as determined by the Chief Building Official, must accompany each application. It shall

be unlawful and a violation of this division to erect, or cause to be erected, or to maintain, or cause to maintain, such antenna mast without first having obtained a permit. It shall be the duty of the permittee to request a final inspection upon completion of the antenna system. Domestic TV antennas are exempt from this section.

(C) *Restrictions and Limitations.* All antenna systems constructed and maintained under the provisions of this section shall be subject to the following restrictions and limitations:

- (1) No such antenna system shall be more than 99-feet in height.
- (2) The location on the lot of such antenna system shall comply with the requirements of this Unified Development Code insofar as the front building line and side yard building line and requirements are concerned. No portion of an antenna system shall extend beyond the front building line on any lot, and on corner lots the side yard setback requirements shall be adhered to on the side adjacent to a public street, and where the front and side yard requirements are applicable, all portions of such structures shall be within the limits fixed by such requirements.
- (3) All antenna systems constructed under the provisions of this section shall be maintained so as to at all times comply with the requirements of this section.
- (4) The regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.

(D) *Roof-Mounted Equipment.* All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, should be screened to eliminate the view from the ground level of adjacent properties. The screen shall be constructed of materials approved by the director of planning. Roof-mounted equipment should be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.

- (1) The overall screening height will be the height of the tallest element of roof-mounted equipment.
- (2) The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof surface to minimize the visibility of the equipment and screen the view from ground level.
- (3) Roof-mounted equipment and the inside of the screening device should be painted similar to the color of the roof surface in order to minimize the visibility of the equipment and screening device from overhead views.

SECTION 4. - FLOODPLAIN AREAS

SUBSECTION 4.01: PERMITTED USES

The following uses shall be permitted within that portion of a district which is designated as being within a floodplain by the city engineer, provided they are allowed in the underlying zoning, and that they meet any additional requirements established in the city's floodplain regulations in chapter 20 of the Code of Ordinances:

(Ord. No. 10-14, § 28, 7-6-2010)

- (A) *Agriculture.* Agricultural activities including the ordinary cultivation of land or legal forms of animal husbandry.
- (B) *Utilities.* Local utilities.
- (C) *Parks and recreation.* Public or private parks, community centers, playgrounds, public golf courses.
- (D) *Private recreation.* Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by a specific use permit.
- (E) *Private open space.* Private open spaces as part of a Planned Development (PD) District, provided such use does not interfere with the continuity of the city's open space system.

SUBSECTION 4.02: DUMPING, EXCAVATING OR FILLING FLOODPLAIN

Any dump, excavation, storage or filling operation within that portion of a district having a floodplain designation shall require a permit, which must be approved by the city council, before such operation is begun. However, if those operations in the floodplain were specifically approved as part of a site plan approval by the city council, then a permit may be issued by the city engineer.

SUBSECTION 4.03: LOCAL FLOODING MAY OCCUR IN OTHER AREAS

The fact that land or property is or is not within a district having a floodplain designation shall not constitute assurance that such land or property is not subject to local flooding and the designation of floodplain in this [Unified Development Code] shall not be so interpreted.

SECTION 5. - TEMPORARY USES AND STRUCTURES

SUBSECTION 5.01: TEMPORARY USES

- (A) This subsection includes by reference all temporary uses listed in the land use chart.
- (B) The temporary use shall not be intrusive or inconsistent with existing land uses in area, or with anticipated land uses that may be constructed during the life of the temporary use.

SUBSECTION 5.02: TEMPORARY STRUCTURES

All buildings or other structures which are erected or located on the property in connection with the temporary use shall be removed not later than ten days after the expiration of the time period for which the use was approved or as set forth in the conditions of approval.

SECTION 6. - NONCONFORMING USES, STRUCTURES AND SITES

SUBSECTION 6.01: INTENT

Within the zoning districts established by this [Unified Development Code], there may exist lots, structures and uses of land which were lawful before the effective date of the ordinance from which this Unified Development Code is derived, or amendment thereto, and which would be prohibited, regulated, or restricted under this [Unified Development Code]. It is generally the intent to permit these nonconformities to continue until they are removed or abandoned, or until such earlier time as they are ordered to be removed, but not to encourage their survival. It is further the intent that such nonconforming lots, buildings, or uses shall not be enlarged upon, expanded or extended, except as otherwise specifically provided, and that such nonconforming lots, buildings or uses may not be used as justification for adding other lots, buildings or uses prohibited elsewhere in the same zoning district. Except as otherwise provided, nonconforming uses are declared to be incompatible with permitted uses in the same zoning districts.

SUBSECTION 6.02: APPLICABILITY

The provisions of this section shall apply to lots, uses and buildings which become nonconforming by reason of the adoption of, or an amendment to, the ordinance from which this Unified Development Code is derived, as of the effective date of such amendment.

SUBSECTION 6.03: NONCONFORMING USES

(A) Exceptions.

- (1) Except as specified below, any use, building, or structure lawfully existing at the time of the enactment of this [Unified Development Code] or at the time of annexation into the city may be continued, even though

the use, building or structure may not conform to the provisions of this [Unified Development Code] for the district in which it is located.

- (2) The right to continue nonconforming uses shall be subject to regulations prohibiting the creation of a nuisance and regulations reasonably protecting adjacent property.

(B) *Cessation of nonconforming use.* For the purposes of this subsection, a use shall be deemed to have ceased or been abandoned when it has been discontinued for 180 days during any three-year period whether with the intent to abandon the use or not.

(C) *Expansion of nonconforming use.* No existing building or premises devoted to a use that is not permitted by this [Unified Development Code] in the district in which such building or premises is located shall be enlarged or altered in a way which increases its nonconformity, except when required to do so by law or order, unless the use is changed to a use that is permitted in the district in which the building or premises is located, and except as follows:

- (1) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification when authorized by the board of adjustment; or it may be changed to a conforming use.
- (2) Whenever a nonconforming use has been changed to a conforming use, the use shall not thereafter be changed to a nonconforming use.
- (3) When authorized by the board of adjustment, enlargement or completion of a building devoted to a nonconforming use may be made upon the lot occupied by the building, where the extension is necessary and incidental to the existing use of the building and does not exceed 25 percent of its original area of nonconformity.
- (4) When authorized by the board of adjustment, a nonconforming use may be extended throughout those parts of a building which were manifestly designed or arranged for such use prior to the date on which the use of the building became nonconforming, if no structural alterations except those required by law, are made.

SUBSECTION 6.4: NONCONFORMING BUILDING OR SITES

(A) *City-created nonconformity of structures.* In the event that the city takes an act or action which transforms a previously conforming structure for purposes of front, side and rear yard setback requirements into a nonconforming structure for the purposes of front, side and rear yard setbacks, then such structure shall be deemed to be in conformance with the required setback prescribed in this [Unified Development Code]. (For land use nonconformity, see article IV, Permissible Uses, section 7.)

(B) *Use of nonconforming buildings, structures or land.*

- (1) No building or structure which was originally designed for or used as a nonconforming use shall again be put to a nonconforming use, where such use has ceased for 180 days or more during any three-year period.
- (2) The use of land, structures, and/or buildings involving individual structures with a replacement cost of \$1,000.00 or less, which does not conform to the provisions of this [Unified Development Code] shall be discontinued within six months from the enactment of this [Unified Development Code]. The nonconforming use of land and/or buildings involving individual structures with a replacement cost of \$1,000.00 or less, which becomes nonconforming by reason of subsequent amendments to this [Unified Development Code] shall be discontinued within six months from the date of such amendment.

(C) *Construction approved prior to [Unified Development Code].* Nothing in this [Unified Development Code] shall be construed to require any change in the overall plans, construction, or designated use of any development, structure, or part thereof, where official approval and the required building permits were granted before the enactment of this [Unified Development Code], or any amendment thereto, where construction, conforming with the plans, shall have been started prior to the effective date of the ordinance from which this Unified Development Code is derived or such amendment, and where such construction shall have been completed

in a normal manner within the subsequent 12-month period, with no interruption, except for reasons beyond the builder's control.

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

ARTICLE V, DISTRICT DEVELOPMENT STANDARDS, UDC

SECTION 1: GENERAL STANDARDS

SUBSECTION 1.01: OPEN SPACE

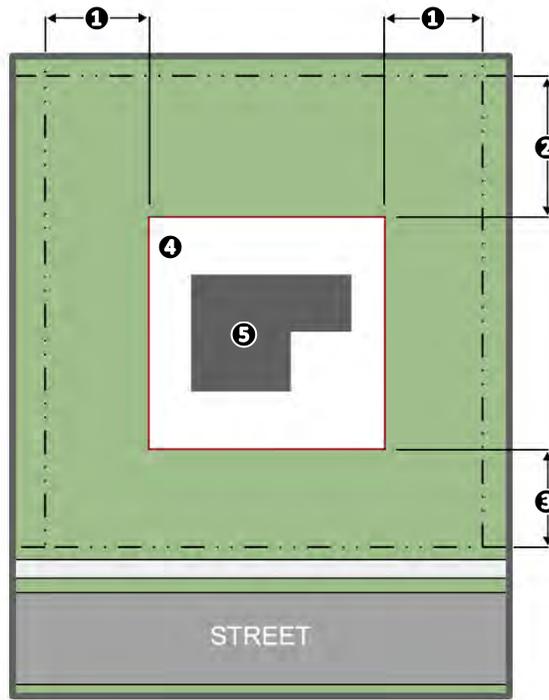
- (A) *Purpose.* The City of Rockwall is a rural and recreation-oriented community with open space that ties into a regional framework of open space, trails, and corridors. Open space corridors link all major areas of the city using primarily floodplain and drainage areas. Since open space and recreational amenities are vital to the City's commercial and residential developments, all projects must provide open space in accordance with the City's *Comprehensive Plan* and the *Parks, Recreation, and Open Space Master Plan*.
- (B) *Requirements.* All projects in the city must reserve, dedicate and/or develop public and private open spaces consistent with the requirements of the following sections:
- (a) *Residential.* [Subsection C, Open Space, of Section 3.01, General Residential District Standards](#)
 - (b) *Commercial.* [Subsection D, Open Space Guidelines, of Section 4.01, General Commercial District Standards](#)
 - (c) *Industrial.* [Subsection D, Open Space Guidelines, of Section 5.01, General Industrial District Standards](#)

SUBSECTION 1.02: SITE PLANS

All development in the City of Rockwall -- *with the exception of single lot single-family and duplex developments* -- shall require the approval of a site plan in accordance with the requirements of [Article XI, Development Applications and Review Procedures](#).

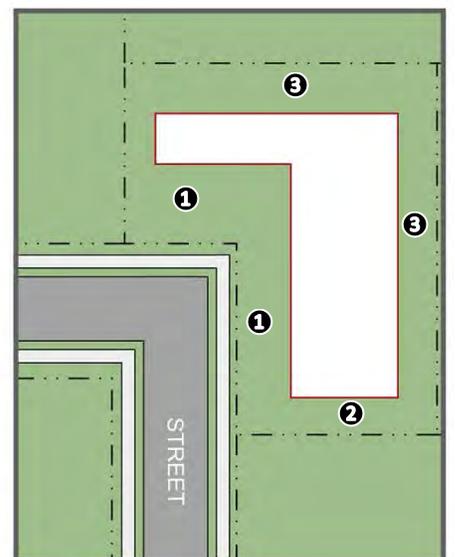
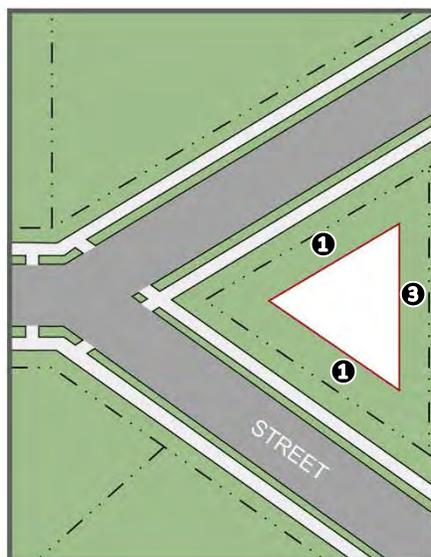
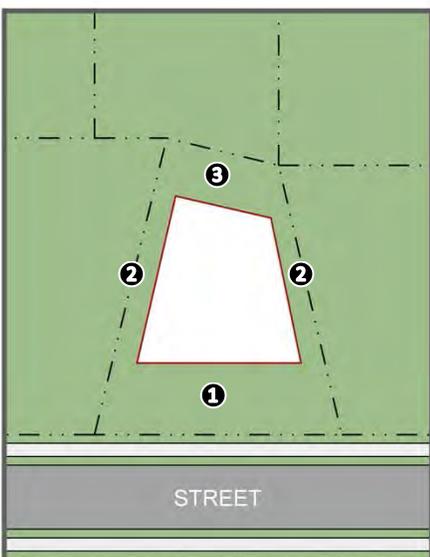
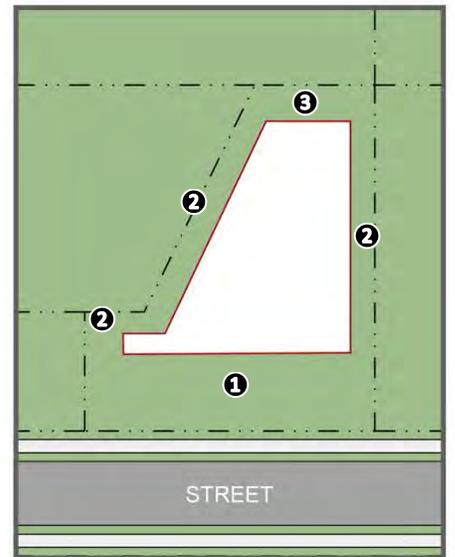
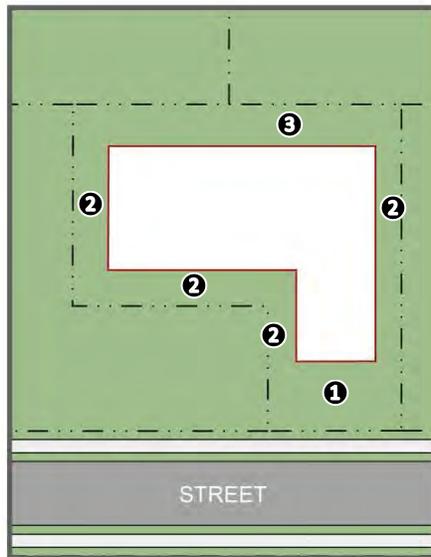
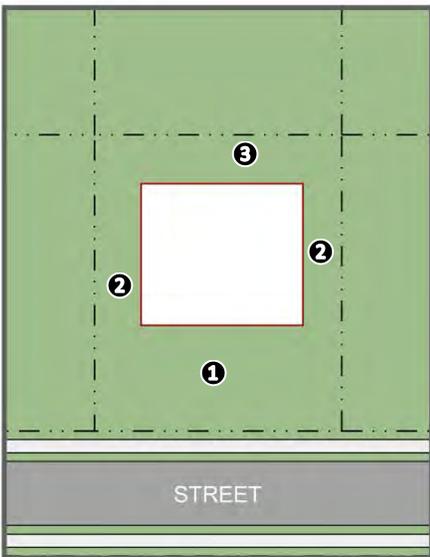
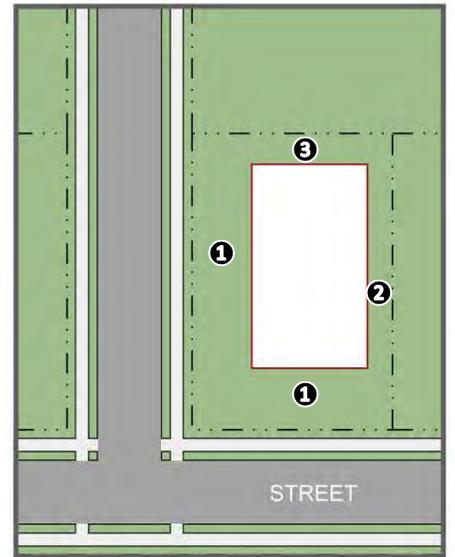
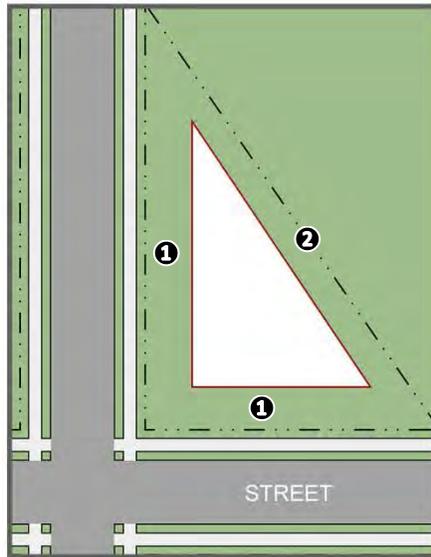
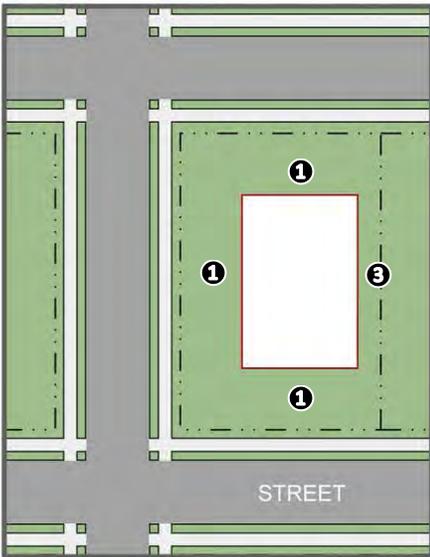
SUBSECTION 1.03: LOT CONFIGURATIONS

- (A) *Lots with a Single Street Frontage.* Where lots have a single street frontage, the required setbacks should generally adhere to the following diagram:



- ❶: Required Side Yard Setback
- ❷: Required Rear Yard Setback
- ❸: Required Front Yard Setback
- ❹: Buildable Area
- ❺: Building Coverage

(B) *Lots with Multiple Street Frontages.* Where lots have multiple street frontages on one (1) or more streets, the required setbacks should generally adhere to the following diagram:



①: Front Yard; ②: Side Yard; ③: Rear Yard

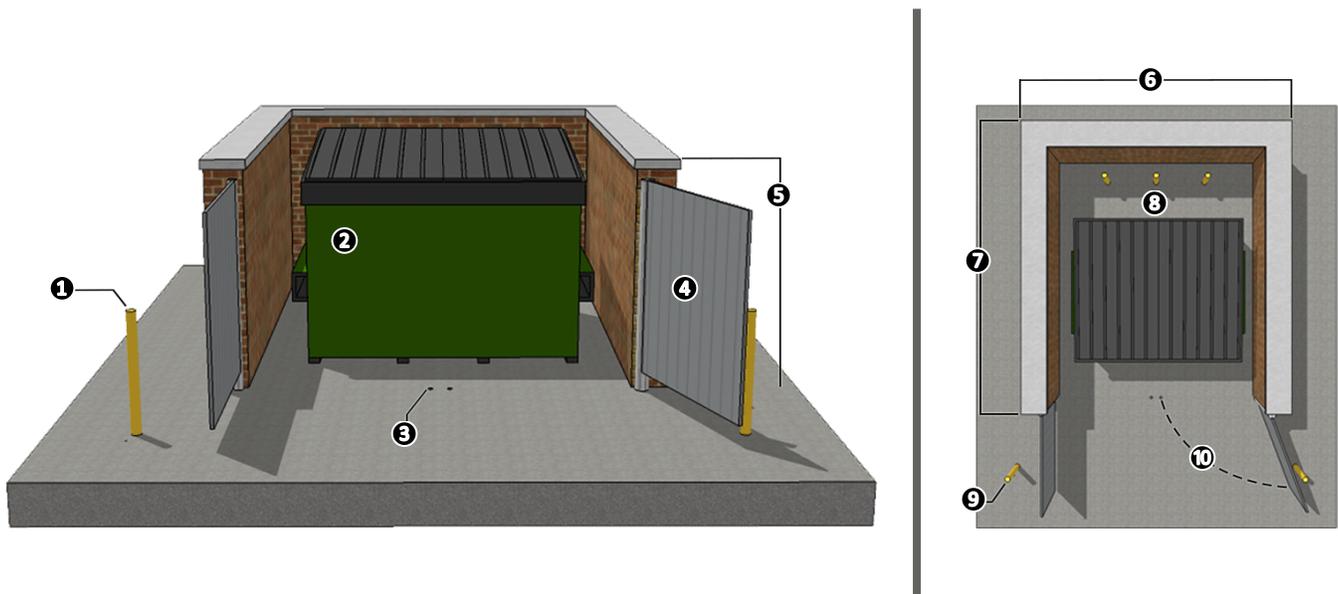
SUBSECTION 1.04: CALCULATION OF DENSITY

The calculation of the allowable density for residential developments shall be based on the gross site area including right-of-way, floodplain, open space and public/private parks that will be dedicated to the city or preserved and maintained by some other mechanism. Despite this calculation requirement, other provisions of this Unified Development Code may limit the actual density allowed on any given property.

SUBSECTION 1.05: SCREENING STANDARDS

All development shall adhere to the following screening standards:

- (1) **Loading Docks.** Off-street loading docks must be screened from all public streets, any residential zoning district or residentially used property, and any parks and open space that abuts or is directly across a public street or alley from the subject property. The screening must be at least six (6) feet in height and shall be provided by using a masonry wall (*excluding tilt wall or concrete masonry units [CMU] unless integral to the buildings design and otherwise approved by the Planning and Zoning Commission*) and *Canopy Trees* on 20-foot centers. As an alternative, the Planning and Zoning Commission may approve a screening method in accordance with [Subsection 5.02, Landscape Screening Standards, of Article VIII, Landscape Standards.](#)
- (2) **Trash/Recycling Enclosures.** Trash/Recycling enclosures shall be four (4) sided. These receptacles shall be screened by a minimum six (6) foot, solid masonry dumpster enclosure that utilizes the same masonry materials as the primary building and incorporates an opaque, self-latching gate. The opaque, self-latching gate shall not be constructed utilizing wood fencing materials. If the primary building does not use masonry materials, a masonry material that is complimentary in color and scale shall be utilized. These enclosures shall be located to the side or rear of the primary building, and shall not front on to a public right-of-way. Every effort shall be made to reduce the visibility of these structures utilizing landscaping and/or the building. All trash/recycling enclosures shall be constructed in conformance to the diagram below, unless otherwise approved/required by the City and/or its contractor for trash services.



- ❶: Concrete Filled Steel Protected Pole
- ❷: Standard End Loading Container
- ❸: Deep Recesses for Gate Cane Bolts [If Necessary]
- ❹: Opaque Screening Gate
- ❺: Six (6) Feet in Height [Eight (8) Feet in Overlay Districts]

- ❻: Ten (10) Feet in Width
- ❼: 12-Feet in Length
- ❸: Three (3) Concrete Filled Steel Protected Poles
- ❹: Concrete Filled Steel Protected Pole
- ❿: 120 Degree Swing on Opaque Screening Gate

- (3) *Utility Equipment and Air Condition Units.* Pad or roof mounted utility equipment and air conditioning units shall be screened from the view from of any adjacent public streets or properties. Roof mounted utility equipment and air conditioning units shall be screened using a parapet wall that completely impairs the visibility of the equipment, and is constructed on all sides of the building. Ground mounted Utility equipment and air conditioning units shall be screened utilizing plantings, berms, walls matching the main structure, or an architectural feature that is integral to the building's design.
- (4) *Aboveground Storage Tanks.* Aboveground storage tanks shall be screened utilizing walls matching the main structure. Screening plans for above ground storage tanks shall generally conform to the diagram below (*i.e. incorporate primary screening -- screening wall -- and secondary screening*) and be approved by the Planning and Zoning Commission in conjunction with a site plan.



- (5) *Outside Storage.* Outside storage of materials or vehicles shall be screened from all public streets, any residential zoning district or residentially used property, and parks and open space that abuts or is directly across a public street or alley from the subject property. The screening must be at least one

(1) foot taller than the material or vehicles being stored and shall be achieved using a masonry wall (*excluding tilt wall or concrete masonry units [CMU] unless otherwise approved by the Planning and Zoning Commission*) and *Canopy Trees* on 20-foot centers. As an alternative, the Planning and Zoning Commission may approve a screening method in accordance with [Subsection 5.02, Landscape Screening Standards, of Article VIII, Landscape Standards.](#)

(Ord. No. 06-14, 4-17-2006)

SUBSECTION 1.06: RESIDENTIAL ADJACENCY STANDARDS

Subsection 1.06, *Residential Adjacency Standards*, is omitted from this ordinance change, but is retained in its entirety.

SUBSECTION 1.07: PROJECTIONS INTO REQUIRED YARD OR COURT

- (A) Every part of a required yard within a building setback shall be unobstructed and open from its lowest point to the sky, except for the ordinary projections of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall extend into a court more than six (6) inches nor into a required yard by more than 30-inches; and provided existing open porches extending into the required yard shall not be enclosed.

An open fire escape may project into a required yard by not more than half the width of the setback, but not more than four (4) feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project into a rear yard by a maximum of four (4) feet.

- (B) Where a lot abuts a right-of-way line has been established for the future widening or opening of a street or highway, then the depth or width of a yard shall be measured from such right-of-way line to the required building setback.

(Ord. No. 06-14, 4-17-2006)

SUBSECTION 1.08: PUBLIC RIGHT-OF-WAY VISIBILITY

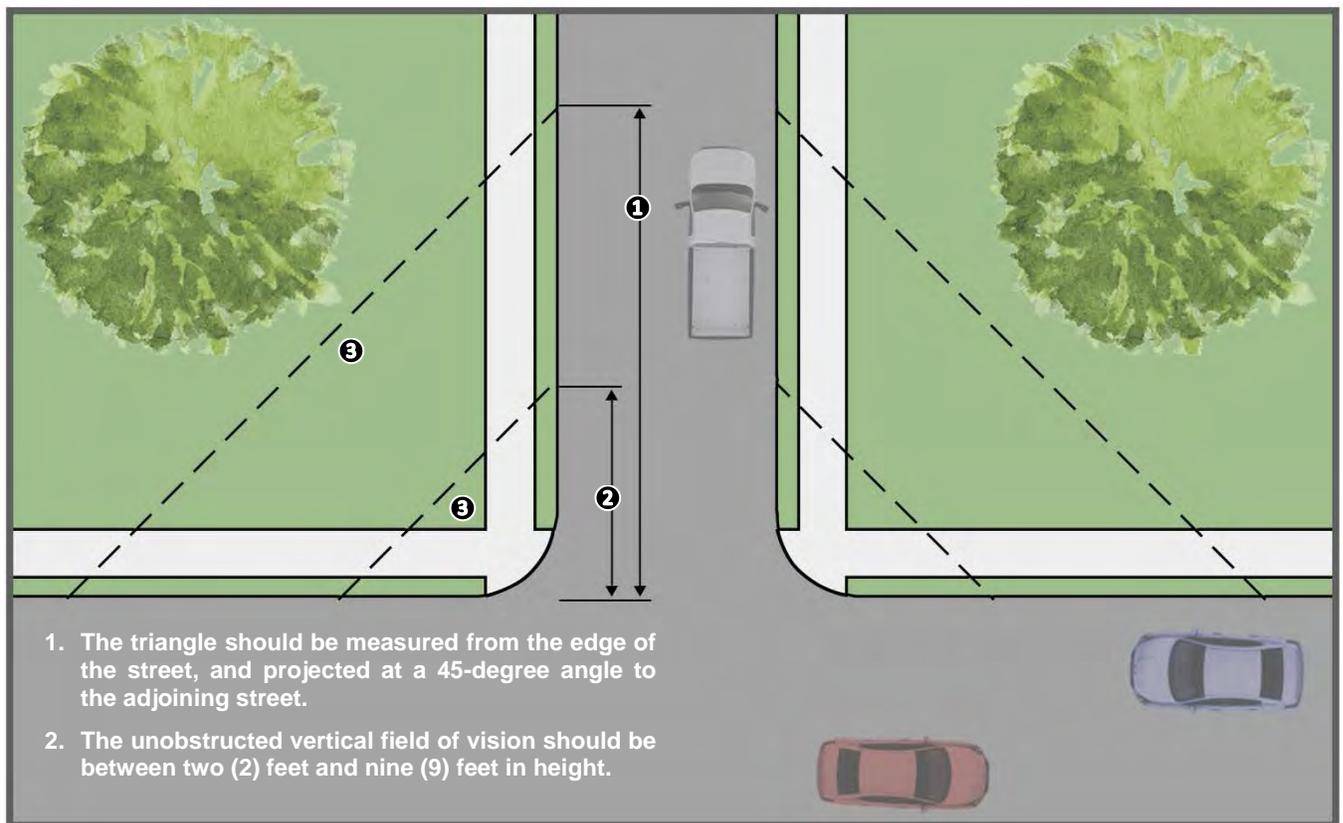
- (A) *Street/drive intersection visibility obstruction triangles.* A landscape plan showing the plan of the street on both sides of each proposed drive/street to the proposed development with the grades, curb elevations, proposed street/drive locations, and all items (both natural and manmade) within the visibility triangles as prescribed below shall be provided with all site plans, if they are not on engineering plans that are submitted at the same time. this plan shall show no horizontal or vertical restrictions (either existing or future) within the areas defined below.

- (B) *Obstruction/interference triangles defined.* No fence, wall screen, billboard, sign face, tree or shrub foliage, berm, or any other item, either manmade or natural, shall be erected, planted, or maintained in such a position or place so as to obstruct or interfere within the following minimum standards; however, on non-residentially zoned lots, a single pole for mounting a sign may be placed within this area provided the pole does not exceed 12-inches in diameter, and provided every portion of the sign has a minimum height clearance of nine (9) feet:

- (1) *Visibility Triangles.* Vision at all intersections which intersect at or near right angles shall be clear at elevations between 24-inches and nine (9) feet above the top of the curb elevation, within a triangular area formed by extending the two (2) curblines from their point of intersection, for the following minimum distances for the applicable intersection, and connecting these points with an imaginary line, thereby making a triangle. If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection for a distance as prescribed below, and connecting these points with an imaginary line, thereby making a triangle as shown below.

- (2) *Intersection of two (2) public streets.* The minimum required distance from the curb shall be 30-feet and the minimum distance from the property line on streets without a curb shall be 20-feet.
- (3) *Intersection of a public street and an alley.* The minimum required distance measured from the property line shall be 15-feet, or 25-feet from street curb.
- (4) *Intersection of private drive and public street.* The minimum required distance from the curb shall be 15-feet and the minimum distance from the property line on streets without a curb shall be ten (10) feet.

(C) *Sight distance requirements.* The city hereby adopts the standards for both vertical and horizontal sight distance requirements set forth in the latest edition of AASHTO green book “a policy on geometric design of highways and streets” for the construction of both public street intersections and private drive intersections, unless otherwise approved by the city engineer. If, in the opinion of the city engineer, a proposed street or drive intersection does not meet these standards, additional engineering information exhibiting how the standards have been addressed may be required for submission and approval by the city’s engineer.



- ❶: 30-Foot for Arterials and Collectors and 20-Foot for Residential Distance from Intersection for Streets
- ❷: 10-Foot Distance from Intersection for Alleyways
- ❸: Visibility Triangles

SECTION 2: AGRICULTURAL DISTRICTS

SUBSECTION 2.01: AGRICULTURAL (AG) DISTRICT

(A) *Purpose.* The Agricultural (AG) District is a zoning designation used for land that is reserved for the anticipated future growth of the city. This district is intended to be used for raw land or land with agricultural land uses, and is intended to be held in these conditions as long as practical and reasonable to promote the orderly growth of the community. This zoning designation is suitable for areas where development is premature due to lack of utilities, capacity, or service. The Agricultural (AG) District is also used to protect areas that are unsuitable for development due to physical

constraints or safety issues (e.g. *topography, floodplain, ecologically sensitive areas, etc.*), or to protect green belts, natural areas and/or open space that might otherwise be developed.

(B) *Permitted Uses*. All land uses permitted within the Agricultural (AG) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements*. All development within an Agricultural (AG) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards](#).

SECTION 3: RESIDENTIAL DISTRICTS

SUBSECTION 3.01: GENERAL RESIDENTIAL DISTRICT STANDARDS

All residential development shall conform to the following standards:

(A) *Construction Standards*.

(1) *Roof Pitch*. All residential structures shall be constructed with a minimum 3:12 roof pitch.

(2) *Concrete Foundation*. All residential structures shall be permanently attached to an engineered concrete foundation.

(B) *Accessory Structures*.

(1) *Accessory Structure Standards*. All accessory structures shall conform to the related standards listed within [Subsection 7.04, Accessory Structure Development Standards](#).

(C) *Open Space*. On all new subdivisions, ten (10) lots or greater, that are not infill projects (*i.e. projects going into an established area as determined by the Director of Planning and Zoning or his/her designee*) the following open space requirements shall be applied:

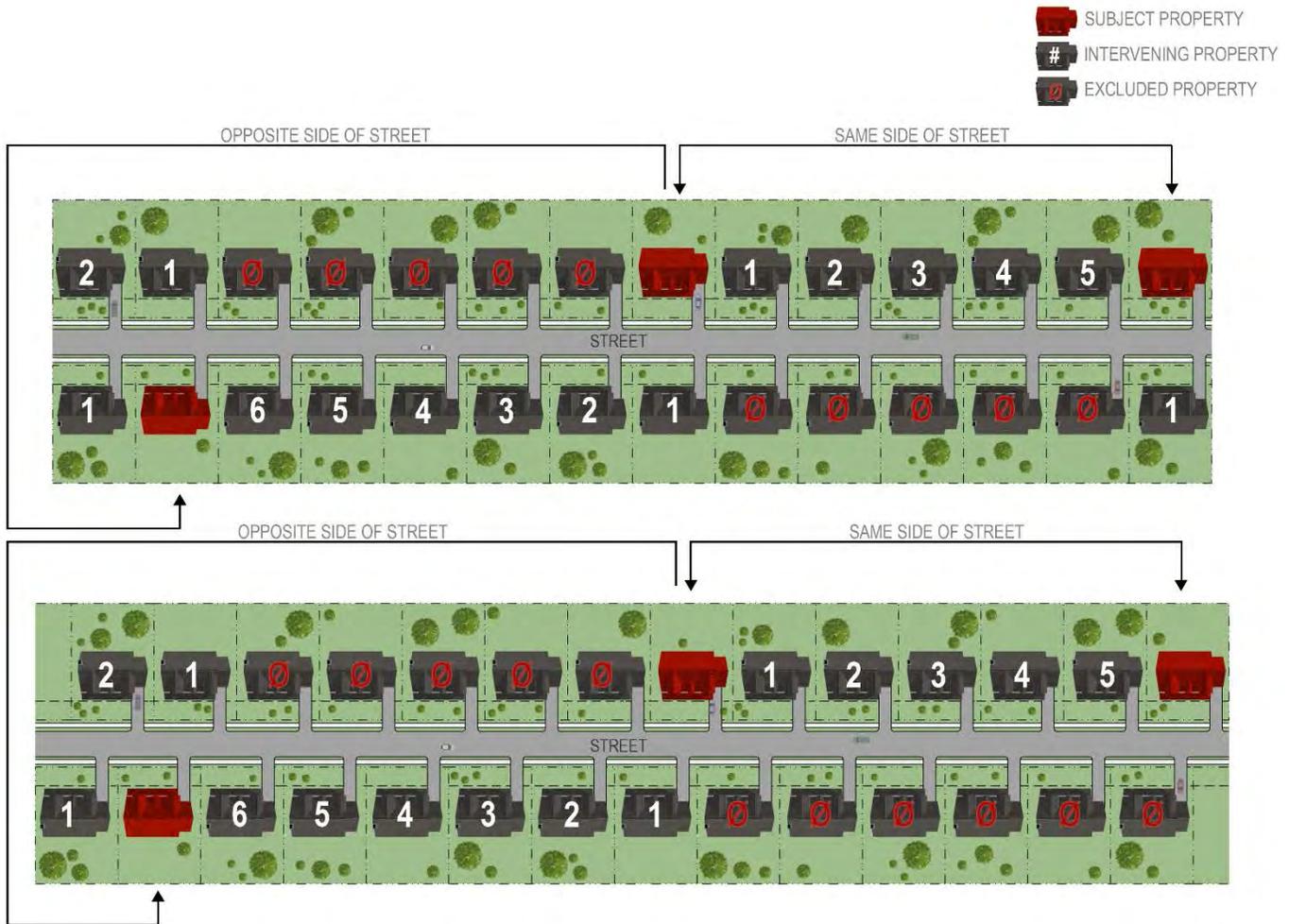
(1) Unless otherwise provided by this Unified Development Code, a minimum of 20% of the gross land area within a residential subdivision that is five (5) acres or greater shall be devoted to open space. Where floodplain exists in a proposed subdivision, the floodplain may be used to meet the 20% requirement at a rate of one-half (½) acre for every one (1) acre of floodplain dedicated to open space. Open space requirements for subdivisions may be satisfied by public open space/parkland, or by a combination of public and private open space. Public open space/parkland shall be dedicated to the city, and shall be approved by the Parks and Recreation Board and the City Council during the platting process. Open space requirements specified in this subsection are in addition to requirements for site landscaping and buffering.

(2) To encourage the provision of open space, the minimum lot sizes in a residential subdivision may be reduced by up to 20% in order to preserve additional public and/or private open space, provided that the lots being reduced face onto a single loaded street (*i.e. a street with open space and/or a public park on one side of the street and lots on the other side of the street*). This requirement shall be approved by the City Council at the time of preliminary plat, final plat, or site plan whichever comes first.

(D) *Anti-Monotony*. The front building elevations of a home shall not repeat along any block face without at least five (5) intervening homes of differing appearance on the same side of the street and six (6) intervening homes of differing appearance on the opposite side of the street (*see Examples 1 & 2 below*). The rear elevation of homes backing to open spaces or thoroughfares shall not repeat without at least five (5) intervening homes of differing appearance. Identical building material blends and colors may not occur on adjacent (*side-by-side*) properties. Homes are considered to differ in appearance if any three (3) elements are different:

(a) The number of stories of the home.

- (b) The garage location/orientation on the home.
- (c) The roof type and layout of the home.
- (d) The articulation of the front façade of the home.



(E) *Fencing*. All residential fencing shall be subject to the requirements stipulated by [Section 8, Fence Standards, of Article VIII, Landscape and Fence Standards](#).

SUBSECTION 3.02: SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT

(A) *Purpose*. The Single-Family Estate 1.5 (SFE-1.5) District is the proper zoning classification for rural, estate lots that are a minimum of 1½-acres in size. These lots are typically in areas that are located in the City’s hinterland, away from higher density residential developments and non-residential development. While these properties are on the City’s periphery, they should still be provided with access to public roadways, water, wastewater, and drainage.

(B) *Permitted Uses*. All land uses permitted within the Single-Family Estate 1.5 (SFE-1.5) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements*. All development within a Single-Family Estate 1.5 (SFE-1.5) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards](#).

SUBSECTION 3.03: SINGLE FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT

(A) *Purpose*. The Single-Family Estate 2.0 (SFE-2.0) District is the proper zoning classification for rural, estate lots that are a minimum of two (2) acres in size. These lots are typically in areas that are located

in the City's hinterland, away from higher density residential developments and non-residential development. While these properties are on the City's periphery, they should still be provided with access to public roadways, water, wastewater, and drainage.

(B) *Permitted Uses.* All land uses permitted within the Single-Family Estate 2.0 (SFE-2.0) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements.* All development within a Single-Family Estate 2.0 (SFE-2.0) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards](#).

SUBSECTION 3.04: SINGLE FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT

(A) *Purpose.* The Single-Family Estate 4.0 (SFE-4.0) District is the proper zoning classification for rural, estate lots that are a minimum of four (4) acres in size. These lots are typically in areas that are located in the City's hinterland, away from higher density residential developments and non-residential development. While these properties are on the City's periphery, they should still be provided with access to public roadways, water, wastewater, and drainage. Developers wishing to restrict their subdivision to a lot size greater than four (4) acres shall be required to use restrictive covenants.

(B) *Permitted Uses.* All land uses permitted within the Single-Family Estate 4.0 (SFE-4.0) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements.* All development within a Single-Family Estate 4.0 (SFE-4.0) District shall conform to the related standards listed within [Subsection 7.01, Residential District Development Standards](#).

SUBSECTION 3.05: SINGLE-FAMILY 1 (SF-1) DISTRICT

(A) *Purpose.* The Single-Family 1 (SF-1) District is the proper zoning classification for larger, single-family lots that are a minimum of one (1) acre in size or clustered developments that have a gross density of one (1) dwelling unit per acre. Cluster developments should conserve open space, floodplains, tree groupings, natural slopes and wildlife habitats to achieve the desired density. The Single-Family 1 (SF-1) District is also intended to be used for developments that incorporate public/private parks, denominational and private schools, and churches that are essential in creating the basic neighborhood unit. These developments are typically in the City's hinterland, away from higher density residential developments and non-residential developments; however, they may be used in areas closer to the periphery of the City's developed areas, where they will serve as a logical transition to an estate or rural area. These developments should provide access to public roadways, water, wastewater, and drainage.

(B) *Permitted Uses.* All land uses permitted within the Single-Family 1 (SF-1) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements.* All development within a Single-Family 1 (SF-1) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards](#).

SUBSECTION 3.06: SINGLE-FAMILY 16 (SF-16) DISTRICT

(A) *Purpose.* The Single-Family 16 (SF-16) District is the proper zoning classification for larger lot, single-family developments. This zoning district also accommodates public land uses, denominational and private schools, churches, and public/private parks essential to creating the basic neighborhood unit. These developments are typically in areas buffered from non-residential land uses, and where they will serve as a logical transition from higher to lower density residential zoning districts. These developments should provide access to public roadways, water, wastewater, and drainage.

(B) *Permitted Uses.* All land uses permitted within the Single-Family 16 (SF-16) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses.](#)

(C) *Area Requirements.* All development within a Single-Family 16 (SF-16) District shall conform to [Subsection 3.01, General Residential District Standards,](#) and the related standards listed within [Subsection 7.01, Residential District Development Standards.](#)

SUBSECTION 3.07: SINGLE-FAMILY 10 (SF-10) DISTRICT

(A) *Purpose.* The Single-Family 10 (SF-10) District is the proper zoning classification for the majority of the City's existing single-family residential development, and is the appropriate zoning classification for single-family developments with medium sized lots. This zoning district also accommodates public land uses, denominational and private schools, churches, and public/private parks essential to creating the basic neighborhood unit. These developments are typically in areas buffered from non-residential land uses, and where they will serve as a logical transition from higher to lower density residential zoning districts. These developments should provide access to public roadways, water, wastewater, and drainage.

(B) *Permitted Uses.* All land uses permitted within the Single-Family 10 (SF-10) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses.](#)

(C) *Area Requirements.* All development within a Single-Family 10 (SF-10) District shall conform to [Subsection 3.01, General Residential District Standards,](#) and the related standards listed within [Subsection 7.01, Residential District Development Standards.](#)

SUBSECTION 3.08: SINGLE-FAMILY 8.4 (SF-8.4) DISTRICT

(A) *Purpose.* The Single-Family 8.4 (SF-8.4) District is the proper zoning classification for areas of undeveloped land remaining in the City deemed appropriate for medium sized, single-family lots. This zoning district also accommodates public land uses, denominational and private schools, churches, and public/private parks essential to creating the basic neighborhood unit. These developments are typically in areas buffered from non-residential land uses, and where they will serve as a logical transition from higher to lower density residential zoning districts. These developments should provide access to public roadways, water, wastewater, and drainage.

(B) *Permitted Uses.* All land uses permitted within the Single-Family 8.4 (SF-8.4) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses.](#)

(C) *Area Requirements.* All development within a Single-Family 8.4 (SF-8.4) District shall conform to [Subsection 3.01, General Residential District Standards,](#) and the related standards listed within [Subsection 7.01, Residential District Development Standards.](#)

SUBSECTION 3.09: SINGLE-FAMILY 7 (SF-7) DISTRICT

(A) *Purpose.* The Single-Family 7 (SF-7) District is the proper zoning classification for single-family developments with smaller lots. This zoning district also accommodates public land uses, denominational and private schools, churches, and public/private parks essential to creating the basic neighborhood unit. These developments are typically in areas adjacent to low intensity non-residential land uses, in and around the Old Town Rockwall (OTR) Historic District, and/or where they will serve as a logical transition from higher to lower density residential zoning districts. These developments should provide access to public roadways, water, wastewater, and drainage.

(B) *Permitted Uses.* All land uses permitted within the Single-Family 7 (SF-7) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses.](#)

- (C) *Area Requirements.* All development within a Single-Family 7 (SF-7) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards](#).

SUBSECTION 3.10: ZERO LOT LINE (ZL-5) DISTRICT

- (A) *Purpose.* The Zero Lot Line (ZL-5) District is the proper zoning classification for medium-density residential developments that are on separate lots (*i.e. single-family*), and are typically owner occupied. This zoning district also accommodates public land uses, denominational and private schools, churches, and public/private parks essential to creating the basic neighborhood unit. These developments are typically in areas buffered from non-residential land uses, adjacent to low intensity non-residential land uses, and/or where they will serve as a logical transition from higher to lower density residential zoning districts. These developments have increased requirements for public roadways, water, wastewater, and drainage due to their density.
- (B) *Permitted Uses.* All land uses permitted within the Zero Lot Line (ZL-5) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).
- (C) *Area Requirements.* All development within a Zero Lot Line (ZL-5) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards](#).

SUBSECTION 3.11: TWO-FAMILY (2F) DISTRICT

- (A) *Purpose.* The Two-Family (2F) District is the proper zoning classification for medium-density, duplex developments (*i.e. two [2] dwelling units per lot*). This zoning district accommodates low to medium-density developments and allows public land uses, denominational and private schools, churches, and public/private parks essential to creating the basic neighborhood unit. These developments are typically in areas buffered from non-residential land uses, but may be located directly adjacent to low intensity non-residential land uses. These areas are also located where they will serve as a logical transition from higher to lower density residential zoning districts. These developments have increased requirements for public roadways, water, wastewater, drainage, open space and fire protection due to their density.
- (B) *Permitted Uses.* All land uses permitted within the Two-Family (2F) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).
- (C) *Area Requirements.* All development within a Two-Family (2F) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards](#).

SUBSECTION 3.12: MULTI-FAMILY 14 (MF-14) DISTRICT

- (A) *Purpose.* The Multi-Family 14 (MF-14) District is the proper zoning classification for higher density developments. This zoning district should be located within 1,200-feet of retail and other services, and should not contain more than 500-units within one (1) mile of another multi-family development. These standards are intended to create a strong market for multi-family units, and provide for the ongoing reinvestment in these types developments while helping to ensure that inappropriate concentrations of higher density residential developments are not created. The downtown area shall be exempted from the spacing requirements.

The Multi-Family 14 (MF-14) District allows high density developments that are extremely amenitized, and that necessitate additional requirements for public roadways, water, wastewater, drainage, open space and fire protection. These types of developments should not run traffic through single-family neighborhoods, and should be located close to an arterial or collector street that is capable of carrying the additional traffic.

(B) *Permitted Uses*. All land uses permitted within the Multi-Family 14 (MF-14) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements*. All development within a Multi-Family 14 (MF-14) District shall conform to [Subsection 4.01, General Commercial District Standards](#), and the related standards listed within [Subsection 7.02, Multi-Family District Development Standards](#).

SECTION 4: COMMERCIAL DISTRICTS

SUBSECTION 4.01: GENERAL COMMERCIAL DISTRICT STANDARDS

All commercial development shall conform to the following standards:

(A) *Construction Standards*.

(1) *Roof Design Standards*. All structures shall have the option of being constructed with either a pitched (*minimum of a 6:12 roof pitch*), parapet, or mansard roof system as long as the roof system is enclosed on all sides. Metal roofs with lapped seam construction, bituminous built-up roofs, and/or flat membrane-type roofs that are visible from adjacent properties or public right-of-way shall be prohibited. Projecting elements and parapets that are visible from adjacent properties or public right-of-way shall be finished on the interior side using the same materials as the exterior facing wall.

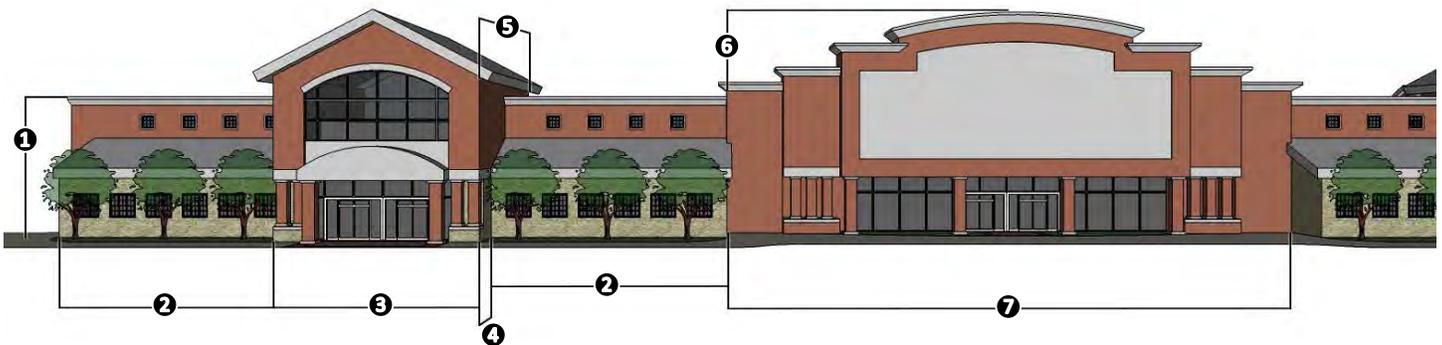
(B) *Maximum Building Height*.

(1) *Setback Exceptions for Building Height in Commercial Districts*. All structures shall conform to the height requirements specified for the zoning district of the subject property as stipulated by [Subsection 7.03, Non-Residential District Development Standards](#); however, the following features may be constructed 12-feet higher than the maximum height requirement if they [1] are not more than 33% of the total roof area, and [2] are setback from the edge of the roof a minimum of two (2) feet for every one (1) foot that the feature extends above the surface of the roof:

- (a) Chimneys, Church Spires, Elevator Shafts, and similar appendages not intended as places of occupancy and/or storage.
- (b) Flag Poles.
- (c) Solar Collectors and/or Similar Equipment, Fixtures, and Devices.

(C) *Building Articulation*.

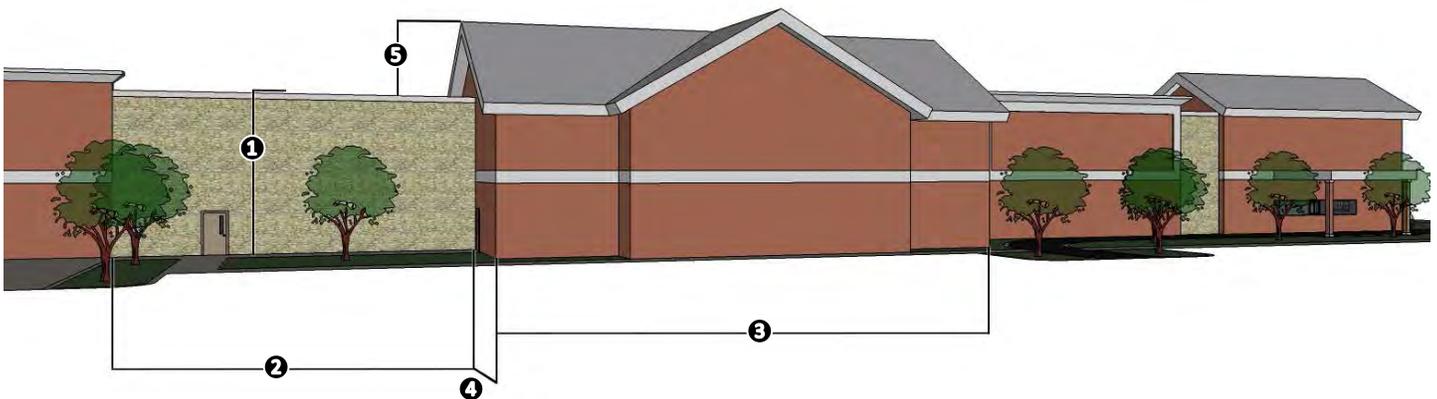
(1) *Primary Building Façades*. A primary building façade is any building façade that has a primary entryway for a business or that has an adjacency to a public right-of-way, open space/green space, public/private park, and/or a residential zoning district or residentially used property. All commercial buildings shall meet the following standards for articulation on primary building façades:



①: *Wall Height*. The wall height shall be measured from grade to the top of the wall.

- ②: Wall Length. The maximum wall length shall not exceed three (3) times the wall height (i.e. $3 \times \text{①} \geq \text{②}$).
- ③: Secondary Entryway/Architectural Element Length. The minimum length of the secondary entryway or projecting architectural element shall be 25% of the wall length (i.e. $25\% \times \text{②} \leq \text{③}$).
- ④: Wall Projection. The minimum wall projection for a primary and/or secondary entryway/architectural element shall be 25% of the wall height (i.e. $25\% \times \text{①} \leq \text{④}$).
- ⑤: Primary and/or Secondary Entryway/Architectural Element Width. The minimum width of the primary and/or secondary entryway/architectural element shall extend for twice the required wall projection (i.e. $2 \times \text{④} \geq \text{⑤}$).
- ⑥: Projection Height. The primary and secondary entryways/architectural element shall extend a minimum of 25% of the wall height above the top of the wall (i.e. $25\% \times \text{①} \leq \text{⑥}$).
- ⑦: Primary Entryway/Architectural Element Length. The primary entryway/architectural element shall meet all of the same projections as the secondary entryway/architectural element, but shall extend for a minimum of twice the length of the secondary element (i.e. $2 \times \text{③} \geq \text{⑦}$).

(2) Secondary Building Façade. A secondary building façade is any building façade that does not have a primary entryway or an adjacency to a public right-of-way, open space/green space, public/private park, and/or a residential zoning district or residentially used property. All commercial buildings shall meet the following standards for articulation on secondary building façades:



- ①: Wall Height. The wall height shall be measured from grade to the top of the wall.
- ②: Wall Length. The maximum wall length shall not exceed three (3) times the wall height (i.e. $3 \times \text{①} \geq \text{②}$).
- ③: Secondary Entryway/Architectural Element Length. The minimum length of the secondary entryway or projecting architectural element shall be 15% of the wall length (i.e. $15\% \times \text{②} \leq \text{③}$).
- ④: Secondary Entryway/Architectural Element Width. The minimum wall projection for a secondary entryway/architectural element shall be 15% of the wall height (i.e. $15\% \times \text{①} \leq \text{④}$).
- ⑤: Projection Height. The secondary entryway/architectural element shall extend a minimum of 15% of the wall height above the top of the wall (i.e. $15\% \times \text{①} \leq \text{⑤}$).

(D) Open Space Guidelines. Commercial land uses should be designed to be integrated with adjacent land uses, as opposed to separating land uses using physical barriers or screening walls (unless necessary). This should be achieved by making commercial developments pedestrian-oriented and easily accessible to adjacent developments through the use of natural buffers, open space and trails. This involves creating trails that connect commercial and residential developments, using landscape buffers that incorporate berms and landscaping to separate residential and non-residential land uses, and utilizing building design to create compatibility with surrounding land uses.

(E) Commercial Buildings 25,000 SF or Greater.

- (1) *Applicability.* These criteria shall apply to new retail/commercial building construction in all commercial zoning districts. This criteria shall not be applied to the use, re-use, modification or consolidation of existing retail and/or commercial space developed on or before April 2, 2001, or to the expansion of retail space in existence on or before April 2, 2001, that is being expanded by less than ten (10%) percent of the existing floor area.
 - (2) *Loading Docks.* Loading docks shall not be oriented towards a residential zoning district or residentially used property. Where loading areas are located parallel to a residential zoning district or residentially used property, they must be screened by an architecturally integrated masonry screening wall that is a minimum 14-foot in height and that runs the entire length of the loading space. As an alternative, the Planning and Zoning Commission may approve the use of a berm in conjunction with landscape screening standards detailed in [Subsection 5.02, Landscape Screening, of Article VIII, Landscape and Fence Standards](#), if it is determined that this screening method will [1] provide a suitable substitute to a masonry wall, and [2] if the screening method will completely screen the proposed loading docks.
 - (3) *On-Site Circulation Guidelines.*
 - (a) On-site circulation standards should try to minimize the conflict between pedestrians and vehicles by placing driveways and service areas in locations that reduce the chance of interrupting on-site vehicle movement.
 - (b) Buildings should be placed in a manner that screens the drive-through lane and creates pedestrian pathways and spaces.
 - (c) In order to maintain on-site circulation, each drive-through lane is to be separate from pump islands and from routes necessary for entering and exiting the property.
 - (4) *Residential Adjacency Standards.* Where the property immediately abuts a residential zoning district or residentially used property -- *unless separated by an M4D (major collector, four [4] lane, divided roadway) or larger thoroughfare* -- a minimum 25-foot wide landscaped buffer must be installed for buildings with a building footprint of 25,000 SF to 49,999 SF in area, a minimum of a 50-foot wide landscaped buffer for buildings with a building footprint of 50,000 SF or greater. This shall be in place of the buffer required by [Subsection 5.02, Landscape Screening Standards, of Article VIII, Landscape and Fence Standards](#). The landscaped buffer must include a combination of berm and evergreen shrubs in addition to the requirements of [Subsection 5.02, Landscape Screening Standards, of Article VIII, Landscape and Fence Standards](#). Planting may be grouped if approved by the Planning and Zoning Commission.
 - (5) *Outside Storage.* Open storage areas shall be connected to the building and screened with a wall that is constructed of the same building materials as the remainder of the primary structure.
 - (6) *Adaptive Reuse Standards.* For those buildings over 80,000 SF in area, the applicant must demonstrate that the building can be subdivided in a reasonable manner by submitting a plan indicating potential entrances and exits and loading areas for multiple tenants. This plan will need to be submitted at the time of site plan.
- (E) *Exceptions.* The Planning and Zoning Commission may consider exceptions to the *General Commercial District Standards* pending a recommendation from the Architectural Review Board (ARB), and in accordance with [Section 9.01, Exceptions to the General Standards, of Article XI, Development Applications and Review Procedures](#).

(Ord. No. 14-52, § 1, 12-1-2014)

SUBSECTION 4.02: RESIDENTIAL-OFFICE (RO) DISTRICT

- (A) *Purpose.* The Residential-Office (RO) District is a zoning district intended to recognize the existence of older residential areas of the city, where larger houses have been or can be converted from single-family and multi-family residences to low-intensity office uses in order to extend the economic life of

these structures, and to allow the owners to justify the expenditures for repairs and modernization. The intent of this district is to allow for low intensity office development providing professional, medical and other office services and limited retail businesses to residents in adjacent neighborhoods. The Residential-Office (RO) District shall have principle access to major or secondary thoroughfares, and may serve as an area of transition between residential and high-intensity, non-residential uses or busy arterial thoroughfares.

- (B) *Permitted Uses.* All land uses permitted within the Residential-Office (RO) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).
- (C) *Area Requirements.* All development within a Residential-Office (RO) District shall conform to [Subsection 4.01, General Commercial District Standards](#), and the related standards listed within [Subsection 7.03, Non-Residential District Development Standards](#).

SUBSECTION 4.03: NEIGHBORHOOD SERVICES (NS) DISTRICT

- (A) *Purpose.* The Neighborhood Services (NS) District is a zoning district intended to provide limited retail land uses near neighborhoods for the purpose of supplying the *day-to-day* retail and personal service needs of residents. The Neighborhood Services (NS) District is typically located at limited corner locations on arterials in existing developments, and is intended to serve small service areas. The average site is from one-half (½) acre to a maximum of two (2) acres. Since these sites are typically small and surrounded by residential development they can appear to be spot zones; however, the Comprehensive Plan acknowledges the need to create neighborhood units, which involve the need for limited retail and service uses in close proximity to neighborhoods. These convenience centers should be constructed to a residential scale, and be visually and dimensionally compatible to adjacent residential developments. The Neighborhood Services (NS) District should not contain uses that create excessive amounts of traffic, noise, litter or that would not be conducive to residential adjacency. Due to the residential adjacency of this zoning district, increased landscaping and buffering requirements are necessary.
- (B) *Permitted Uses.* All land uses permitted within the Neighborhood Services (NS) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).
- (C) *Area Requirements.* All development within a Neighborhood Services (NS) District shall conform to [Subsection 4.01, General Commercial District Standards](#), and the related standards listed within [Subsection 7.03, Non-Residential District Development Standards](#).

SUBSECTION 4.04: GENERAL RETAIL (GR) DISTRICT

- (A) *Purpose.* The General Retail (GR) District is a zoning district intended to provide limited retail and service uses for one (1) or more neighborhoods. The land uses specified in this district include most types of retail and office activity, and are typically located on/at the intersections of major thoroughfares. This district does *not* include strip commercial/retail centers, large shopping centers, wholesaling operations, lumberyards, contractor yards, and/or warehouses with high volumes of commercial truck traffic. The General Retail (GR) District is not a major commercial/retail district, and should try to avoid intensive commercial land uses that carry large volumes of retail traffic. The noise, traffic, litter, late night hours, and other influences that could be harmful to residential areas require adequate buffering and screening from residential areas. Traffic from land uses in this district should not pass through residential areas, except on arterial or major collectors. There are restrictions on access to prevent traffic congestion or an adverse effect on major thoroughfares adjacent to residential areas. Areas should not be zoned General Retail (GR) District unless they are located on or close to an arterial or major collector that is capable of carrying increased traffic. Since the General Retail (GR) District will be located close to residential areas, the development standards are stringent and require high standards of development similar to the Residential-Office (RO) and Neighborhood Services (NS) Districts.

- (B) *Permitted Uses.* All land uses permitted within the General Retail (GR) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).
- (C) *Area Requirements.* All development within a General Retail (GR) District shall conform to [Subsection 4.01, General Commercial District Standards](#), and the related standards listed within [Subsection 7.03, Non-Residential District Development Standards](#).

SUBSECTION 4.05: COMMERCIAL (C) DISTRICT

- (A) *Purpose.* The Commercial (C) District is the proper zoning classification for most types of commercial development (e.g. *larger shopping centers at major intersections, commercial strips along arterial roadways, etc.*). The land uses specified for the Commercial (C) District include most types of office and retail activity with some special provisions for wholesale land uses. This district mostly excludes land uses that are not compatible with retail shopping (e.g. *lumberyards, contractor yards, warehousing, or other land uses with high volumes of truck traffic and low volumes of retail traffic*). The noise, traffic, litter, late night hours, and other influences that could be harmful to neighborhoods require adequate buffering and mitigating factors when locating adjacent to residential areas. Areas should not be zoned to Commercial (C) District unless they are located on or close to an arterial or major collector that is capable of carrying the additional traffic generated by land uses in this district. In addition, these areas may require increased water, fire protection, wastewater and drainage capacity. The Commercial (C) District is a general business zone, and is intended to service most commercial land uses, with the exception of land uses that would fall into the Heavy Commercial (HC) District. Since the Commercial (C) District is general in nature, the development standards are less stringent and do not require as high of standards of development as the Residential-Office (RO), Neighborhood Services (NS) and General Retail (GR) Districts.
- (B) *Permitted Uses.* All land uses permitted within the Commercial (C) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).
- (C) *Area Requirements.* All development within a Commercial (C) District shall conform to [Subsection 4.01, General Commercial District Standards](#), and the related standards listed within [Subsection 7.03, Non-Residential District Development Standards](#).
- (D) *Special District Requirements.*
- (1) *Business Operations and Storage.* All business operations including storage shall be conducted within a completely enclosed building unless specifically authorized for the use as stipulated in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#). This excludes off-street parking and loading, incidental display of retail items for sale, retail outlets where gasoline products are sold and drive-in businesses.

SUBSECTION 4.06: HEAVY COMMERCIAL (HC) DISTRICT

- (A) *Purpose.* The Heavy Commercial (HC) District is the proper zoning classification for commercial establishments that may involve uses that would not be suitable in the other commercial zoning districts. Included in this district are commercial uses that involve large volumes of commercial truck traffic, outside operations, outside storage of materials and equipment, excessive noise from heavy service operations, and/or any other possibly adverse operations. The Heavy Commercial (HC) District is commercial in nature, but has some aspects that are similar to industrial land uses. The zoning district allows noise, traffic, litter, late night hours, outside storage of materials and equipment, and other influences that could be harmful if directly adjacent to residential areas, and will require adequate buffering and other mitigating factors if such an adjacency exists. Areas should not be zoned to Heavy Commercial (HC) District unless they are located on or close to an arterial that is capable of carrying large volumes of commercial truck traffic. Businesses locating in the Heavy Commercial (HC) District should work with the City to ensure that water, wastewater, and drainage capacity is adequate before locating on a particular property, and that streets in and adjacent to this district are of a size and strength to accommodate commercial truck traffic.

- (B) *Permitted Uses*. All land uses permitted within the Heavy Commercial (HC) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).
- (C) *Area Requirements*. All development within a Commercial (C) District shall conform to [Subsection 4.01, General Commercial District Standards](#), and the related standards listed within [Subsection 7.03, Non-Residential District Development Standards](#).
- (D) *Special District Requirements*.
- (1) *Outside Storage*.
- (a) All outside storage shall be placed behind the front facade of the main structure. This does not apply to uses that allow incidental display, in which case only the amount of goods necessary for display purposes shall be exempt from this requirement.
- (b) All outside storage shall be screened from streets and public areas in accordance with the requirements of [Subsection 1.05, Screening Standards](#).

SUBSECTION 4.07: DOWNTOWN (DT) DISTRICT

Subsection 4.07, *Downtown (DT) District*, is omitted from this ordinance change, but is retained in its entirety.

SECTION 5: INDUSTRIAL DISTRICTS

SUBSECTION 5.01: GENERAL INDUSTRIAL DISTRICT STANDARDS

All industrial development shall conform to the following standards:

(A) *Construction Standards*.

- (1) *Materials and Masonry Composition*. Each exterior wall of a building's façade shall consist of a minimum of 90% *Primary Materials* and/or a maximum of 10% *Secondary Materials* -- *excluding doors and windows* -- as defined below.
- (a) *Primary Materials*. *Primary Materials* shall include stone, brick, glass curtain wall, glass block, tile, and custom Concrete Masonry Units (CMU) (*i.e. CMUs that have been sandblasted, burnished or that have a split face -- light weight block or smooth faced CMU shall be prohibited*). Specific requirements for *Primary Materials* are as follows:
- (1) *Stone*. A minimum of 20% stone (*i.e. natural or synthetic/cultured*) is required on all building façades.
 - (2) *Cementitious Materials*. The use of cementitious materials (*e.g. stucco, cementitious lap siding, or similar materials approved by the Director of Planning or his/her designee*) shall be limited to 50% of the building's exterior façade; however, stucco shall not be used within the first four (4) feet from grade on a building's façade. The use of concrete tilt-up walls may be permitted on a case-by-case basis in accordance with the exception requirements outlined below.
 - (3) *Accent Brick and Stone*. Each building shall incorporate accent brick or stone, or brick and stone patterns and materials that create contrast through color, shape, size, and/or texture to the planes of the primary brick or stone materials used on each building elevation.
- (b) *Secondary Materials*. *Secondary Materials* are any material that is not deemed to be a *Primary Material* as defined above. This includes materials like aluminum composite materials, metal panels, acrylic products (*i.e. EIFS products*) cast stone, or other materials identified by the Director of Planning and Zoning or his/her designee.

(2) *Roof Design Standards.* All structures shall have the option of being constructed with either a pitched (*minimum of a 6:12 roof pitch*), parapet, or mansard roof system as long as the roof system is enclosed on all sides. Metal roofs with lapped seam construction, bituminous built-up roofs, and/or flat membrane-type roofs that are visible from adjacent properties or public right-of-way shall be prohibited. Projecting elements and parapets that are visible from adjacent properties or public right-of-way shall be finished on the interior side using the same materials as the exterior facing wall.

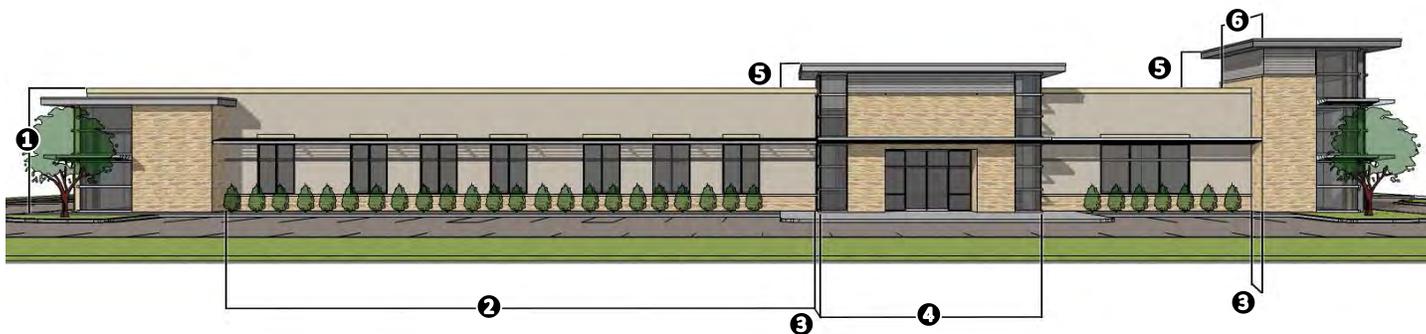
(B) *Maximum Building Height.*

(1) *Setback Exceptions for Building Height in Industrial Districts.* All structures shall conform to the height requirements specified for the zoning district of the subject property as stipulated by [Section 7.03, Non-Residential District Development Standards](#); however, the following features may be constructed 12-feet higher than the maximum height requirement if they [1] are not more than 33% of the total roof area, and [2] are setback from the edge of the roof a minimum of two (2) feet for every one (1) foot that the feature extends above the surface of the roof:

- (a) Chimneys, Church Spires, Elevator Shafts, and similar appendages not intended as places of occupancy and/or storage.
- (b) Flag Poles.
- (c) Solar Collectors and/or Similar Equipment, Fixtures, and Devices.

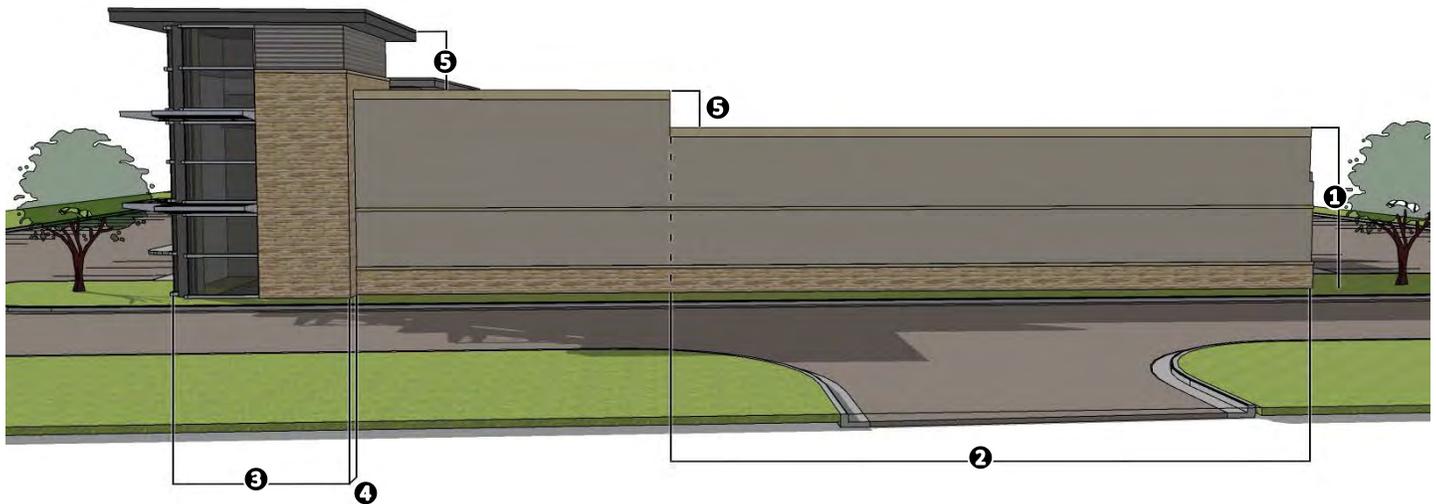
(C) *Building Articulation.*

(1) *Primary Building Façades.* A primary building façade is any building façade that has a primary entryway for a business or that has an adjacency to a public right-of-way, open space/green space, public/private park, and/or a residential zoning district or residentially used property. All industrial buildings shall meet the following standards for articulation on primary building façades:



- 1:** *Wall Height.* The wall height shall be measured from grade to the top of the wall.
- 2:** *Wall Length.* The maximum wall length shall not exceed four (4) times the wall height (*i.e.* $4 \times \mathbf{1} \geq \mathbf{2}$).
- 3:** *Wall Projection.* The minimum wall projection for an entryway/architectural element shall be 25% of the wall height (*i.e.* $25\% \times \mathbf{1} \leq \mathbf{3}$).
- 4:** *Entryway/Architectural Element Length.* The minimum entryway/architectural element length shall be 33% of the wall height (*i.e.* $33\% \times \mathbf{2} \geq \mathbf{4}$).
- 5:** *Projection Height.* The entryways/architectural elements shall extend a minimum of 25% of the wall height above the top of the wall (*i.e.* $25\% \times \mathbf{1} \leq \mathbf{5}$).
- 6:** *Entryway/Architectural Element Width.* The minimum width of the entryway/architectural element shall extend for twice the required wall projection (*i.e.* $2 \times \mathbf{3} \geq \mathbf{6}$).

(2) *Secondary Building Façade.* A secondary building façade is any building façade that does not have a primary entryway or an adjacency to a public right-of-way, open space/green space, public/private park, and/or a residentially zoned district or residentially used property. All industrial buildings shall meet the following standards for articulation on secondary building façades:



- ①: Wall Height. The wall height shall be measured from grade to the top of the wall.
- ②: Wall Length. The maximum wall length shall not exceed three (3) times the wall height (i.e. $3 \times \text{①} \geq \text{②}$).
- ③: Secondary Entryway/Architectural Element Length. The minimum length of the secondary entryway or projecting architectural element shall be 15% of the wall length (i.e. $15\% \times \text{②} \leq \text{③}$).
- ④: Secondary Entryway/Architectural Element Width. The minimum wall projection for a secondary entryway/architectural element shall be 15% of the wall height (i.e. $15\% \times \text{①} \leq \text{④}$).
- ⑤: Projection Height. The secondary entryways/architectural elements shall extend a minimum of 15% of the wall height above the top of the wall (i.e. $15\% \times \text{①} \leq \text{⑤}$).

(D) *Open Space Guidelines*. Industrial land uses should be designed to be integrated with adjacent land uses, as opposed to separating land uses using physical barriers or screening walls (*unless necessary*). This should be achieved by making industrial developments pedestrian-oriented and easily accessible to adjacent developments through the use of natural buffers, open space and trails. This involves creating trails that connect commercial and residential developments, using landscape buffers that incorporate berms and landscaping to separate residential and non-residential land uses, and utilizing building design to create compatibility with surrounding land uses.

(E) *Exceptions*. The Planning and Zoning Commission may consider exceptions to the *General Industrial District Standards* pending a recommendation from the Architectural Review Board (ARB), and in accordance with [Section 9.01, Exceptions to the General Standards, of Article XI, Development Applications and Review Procedures](#).

SUBSECTION 5.02: LIGHT INDUSTRIAL (LI) DISTRICT

(A) *Purpose*. The Light Industrial (LI) District is a zoning district intended to create a limited industrial zone that provides for modern types of industrial land uses. With the exception of hazardous materials/manufacturing, this zone allows the same uses as the Heavy Industrial (HI) District. Limitations have been placed on the uses in this district to significantly restrict outside activities and the storage of materials, noise, vibration, smoke, pollution, fire and explosive hazards, glare and any other potentially adverse externalities. The Light Industrial (LI) District is intended for industrial parks and larger, cleaner types of industries. The manufacturing uses should be conducted within a totally enclosed building, and any activities conducted outside should be screened and buffered to ensure no external effects (e.g. *excessive noise or odor*) extend beyond the property lines. The locations for these types of industrial land uses are typically a minimum of two (2) acres and average of five (5) to ten (10) acres. These types of development also incorporate open space and significant amounts of land dedicated to landscaping.

Since this zoning district accommodates limited industrial activities that require substantial screening and buffering requirements, the Light Industrial (LI) District is a suitable zoning designation for high visibility locations (e.g. IH-30 and SH-276) or within a reasonable distance of residential areas as long as they are separated by an appropriate amount of open space. Residential uses should be discouraged from locating directly adjacent to or near the Light Industrial (LI) District to protect these types of businesses from excessive complaints about performance standards. Areas should not be zoned to Light Industrial (LI) District unless they are located on or close to an arterial capable of carrying commercial truck traffic. In industrial parks, internal streets should be of a size and strength to accommodate commercial truck traffic. Businesses locating in the Light Industrial (LI) District should work with the City to ensure that water, wastewater, and drainage capacity is adequate before locating on a particular property.

(B) *Permitted Uses.* All land uses permitted within the Light Industrial (LI) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements.* All development within a Light Industrial (LI) District shall conform to [Subsection 4.01, General Industrial District Standards](#), and the related standards listed within [Subsection 7.03, Non-Residential District Development Standards](#).

(D) *Special District Requirements.*

(1) *Manufacturing Operations and Storage.* All business and manufacturing operations including storage shall be conducted within a completely enclosed building unless specifically authorized for the use as listed in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

SUBSECTION 5.03: HEAVY INDUSTRIAL (HI) DISTRICT

(A) *Purpose.* The City of Rockwall recognizes that some industrial uses cannot be conducted within a totally enclosed building, are not visually attractive, may involve hazardous materials, and could have adverse impacts to adjacent land uses due to noise, odor, pollution, and truck traffic. The Heavy Industrial (HI) District is intended to provide adequate space and site diversification for these types of developments. The development standards in the Heavy Industrial (HI) District are minimal, and allow both large and small industrial uses either on separate small lots or as part of a larger industrial park. Some screening is required, but because of the potential for hazardous or possibly adverse uses, this district should not be located close to residential areas of any type. Areas should not be zoned Heavy Industrial (HI) District unless they are located on or close to an arterial roadway capable of carrying commercial truck traffic. Internal streets in the Heavy Industrial (HI) District should be of a size and strength to accommodate commercial truck traffic. Businesses locating in the Heavy Industrial (HI) District should work with the City to ensure that water, wastewater, and drainage capacity is adequate before locating on a particular property.

(B) *Permitted Uses.* All land uses permitted within the Heavy Industrial (HI) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements.* All development within a Heavy Industrial (HI) District shall conform to [Subsection 4.01, General Industrial District Standards](#), and the related standards listed within [Subsection 7.03, Non-Residential District Development Standards](#).

SECTION 6: OVERLAY DISTRICTS

SUBSECTION 6.01: OVERLAY DISTRICTS

Overlay districts are applied to land that has a traditional zoning district designation already applied to it. It establishes additional uses and standards, which may be either more or less restrictive than the underlying zoning district. The overlay district governs in all cases where it sets out a particular use or standard that conflicts with other sections of this Unified Development Code (UDC). In cases where the overlay district does not specifically address a standard or requirement, the underlying zoning district will govern.

SUBSECTION 6.02: GENERAL OVERLAY DISTRICT STANDARDS

(A) *Applicability.* The *General Overlay District Standards* shall be applied to the following overlay districts:

- ☑ IH-30 Overlay (IH-30 OV) District
- ☑ SH-205 Overlay (SH-205 OV) District
- ☑ Scenic Overlay (SOV) District
- ☑ SH-66 Overlay (SH-66 OV) District
- ☑ SH-205 By-Pass Overlay (SH-205 BY OV) District
- ☑ North SH-205 Overlay (N. SH-205 OV) District
- ☑ East SH-66 Overlay (E. SH-66 OV) District
- ☑ FM-549 Overlay (FM-549 OV) District
- ☑ SH-276 Overlay (SH-276 OV) District

All other overlay district standards are detailed in Sections 6.03 – 6.15.

(B) *Special Use Standards.* Development within the Scenic Overlay (SOV) District and the SH-66 Overlay (SH-66 OV) District shall comply with the *Land Use Schedule* contained in Article IV, *Permissible Uses*, of this Unified Development Code (UDC); however, the following land uses may be considered on a case-by-case basis through a Specific Use Permit:

- a. Retail Store with Gasoline Sales (*Any Amount of Dispensers or Vehicles*)
- b. Car Wash (*Any Type*)
- c. Structures Over 36-Feet in Height

(C) *Architectural Standards.*

(1) *Materials and Masonry Composition.* Each exterior wall of a building's façade shall consist of a minimum of 90% *Primary Materials* and/or a maximum of 10% *Secondary Materials* -- *excluding doors and windows* -- as defined below.

(a) *Primary Materials.* *Primary Materials* shall include stone, brick, glass curtain wall, glass block, tile, and custom Concrete Masonry Units (CMU) (*i.e. CMUs that have been sandblasted, burnished or that have a split face -- light weight block or smooth faced CMU shall be prohibited*). Specific requirements for *Primary Materials* are as follows:

- (1) *Stone.* A minimum of 20% natural or quarried stone is required on all building façades; however, the Planning and Zoning Commission, upon recommendation from the Architectural Review Board (ARB), may grant the use of a high quality manufactured or cultured stone in lieu of natural or quarried stone if it is determined that the application of the manufactured or cultured stone will be complimentary and integral to the design of the building. In making this determination, both the Architectural Review Board (ARB) and the Planning and Zoning Commission should consider the shape, texture, size, quality and warranty of the product being proposed.
- (2) *Cementitious Materials.* The use of cementitious materials (*e.g. stucco, cementitious lap siding, or similar materials approved by the Director of Planning or his/her designee*) shall be limited to 50% of the building's exterior façade; however, stucco shall not be used within the first four (4) feet from grade on a building's façade.
- (3) *Accent Brick and Stone.* Each building shall incorporate accent brick or stone, or brick and stone patterns and materials that create contrast through color, shape, size, and/or texture to the planes of primary brick or stone materials in an elevation.

(b) *Secondary Materials.* *Secondary Materials* are any material that is not deemed to be a *Primary Material* as defined above. This includes materials like aluminum composite

materials, metal panels, acrylic products (*i.e. EIFS products*) cast stone, cultured stone or other materials identified by the Director of Planning and Zoning or his/her designee.

(2) *Roof Design Standards.* All structures that have a building footprint of less than 6,000 SF shall be constructed with a pitched roof. Those structures having a footprint 6,000 SF or greater shall have the option of being constructed with either a pitched, parapet, or mansard roof system as long as the roof system is enclosed on all sides. Standing seam metal roofs shall be constructed of a factory-treated, non-metallic, matte finish to avoid glare. Metal roofs with lapped seam construction, bituminous built-up roofs, and/or flat membrane-type roofs that are visible from adjacent public right-of-way shall be prohibited.

(3) *Mechanical Equipment Screening.* All buildings shall be designed so that no HVAC, satellite dishes, appurtenances and/or any other mechanical equipment visible from any direction. This shall include equipment located on the roof, on the ground, or otherwise attached to the building or located on the site.

(a) Screening of rooftop mechanical equipment and/or other rooftop appurtenances shall be accomplished by either the construction of [1] a roof system described in the *Roof Design Standards* above, or [2] an architectural feature that is integral to the building's design and ensures that such rooftop mechanical equipment is not visible from any direction. Fencing or the enclosing of individual mechanical units shall not be permitted.

(b) All rooftop mechanical equipment or architectural features shall be shown on the required building elevations and submitted along with the site plan for review by City Staff, the Architectural Review Board (ARB), and the Planning and Zoning Commission.

(4) *Required Architectural Elements.* All buildings that are less than 50,000 SF shall be designed to incorporate a minimum of four (4) architectural elements, buildings over 50,000 SF shall include a minimum of six (6) architectural elements, and buildings over 100,000 SF shall include a minimum of seven (7) architectural elements. The accepted architectural elements for all buildings are as follows:

- ☑ Canopies, Awnings, or Porticos
- ☑ Recesses/Projections
- ☑ Arcades
- ☑ Peaked Roof Forms
- ☑ Arches
- ☑ Outdoor Patios
- ☑ Display Windows
- ☑ Architectural Details (*e.g. Tile Work and Moldings*) Integrated into the Building's Facade
- ☑ Articulated Ground Floor Levels or Bases
- ☑ Articulated Cornice Line
- ☑ Integrated Planters or Wing Walls that Incorporate Landscape and Sitting Areas
- ☑ Offsets, Reveals or Projecting Rib Expressing Architectural or Structural Bays
- ☑ Varied Roof Heights

NOTE: Other architectural features maybe approved by the Director of Planning and Zoning or his/her designee.

(5) *Four (4) Sided Architecture.* All buildings shall be architecturally finished on all four (4) sides utilizing the same materials, detailing, articulation and features. In addition, a minimum of one (1) row of trees (*i.e. four [4] or more accent or canopy trees*) shall be planted along perimeter of the subject property to the rear of the building.

(6) *Windows.* The color of all windows shall be reviewed by the Architectural Review Board (ARB), and shall have a maximum visible exterior reflectivity of 20%.

- (7) *Office Parks, Shopping Centers and Mixed Use Centers.* All buildings within a common retail, commercial or office development shall incorporate complementary architectural styles, materials, and colors. Staff may require a conceptual façade plan and/or sample boards for these types of developments to ensure consistency and compatibility for all buildings within a proposed development. Conceptual façade plans will be used only to ensure compliance to the minimum standards.
- (8) *Corporate Identity.* A company's building corporate identity that conflicts with the *General Overlay District Standards* shall be reviewed *case-by-case* basis as a variance in accordance with the requirements of [Subsection 9.02, Variances to the General Overlay District Standards, of Article XI, Development Applications and Review Procedures.](#)

(D) *Site Design Guidelines and Standards.*

- (1) *Building Setbacks.* The building setbacks adjacent to the *Primary Roadway* (i.e. *IH-30, SH-205, FM-740, SH-66, FM-549, John King Boulevard and SH-276*) shall be as follows:

- (1) Scenic Overlay (SOV) District: 15-feet
- (2) SH-66 Overlay (SH-66 OV) District: 15-feet
- (3) IH-30 Overlay (IH-30 OV) District: 25-feet
- (4) SH-205 Overlay (SH-205 OV) District: 25-feet
- (5) North SH-205 Overlay (N. SH-205 OV) District: 25-feet
- (6) SH-205 By-Pass Overlay (SH-205 BY OV) District:

- Residential Land Uses: See [Section 6.3.5, SH-205 By-Pass Overlay \(SH-205 BY OV\) District](#)
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

- (7) East SH-66 Overlay (E. SH-66 OV) District:

- Residential Land Uses: 25-feet
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

- (8) FM-549 Overlay (FM-549 OV) District:

- Residential Land Uses: 25-feet
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

- (9) SH-276 Overlay (SH-276 OV) District:

- Residential Land Uses: 25-feet
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

All other building setback regulations shall be the same as set forth in the underlying zoning district.

- (2) *Parking Restrictions.* No more than one (1) full row of parking (i.e. *two rows of parking with a drive aisle*) shall be allowed between the primary building façade and the right-of-way of the *Primary Roadway* (i.e. *IH-30, SH-205, FM-740, SH-66, FM-549, John King Boulevard and SH-276*).

- (3) *Access/Ingress/Egress.* In an effort to minimize potential vehicular and pedestrian conflicts, special attention must be given to the location of median breaks along major thoroughfares, the number and location of driveways providing ingress/egress, the design of driveways providing

ingress/egress in relation to the parking areas and sight/visibility distances. Taking this into consideration it is important to review all site plans for the following guidelines:

- a. Driveways should be spaced a minimum of 100-feet from the intersection of any major thoroughfare.
 - b. The ingress/egress driveways shall have a minimum radius of 30-feet;
 - c. Driveways should maintain an appropriate visibility triangle at ingress/egress driveways.
 - d. Main entrances should generally be located at median breaks that provide left turn access into the site.
 - e. Main entrances should connect to a *straightaway* aisle that does not dead end or require an immediate turn to approach the main building.
 - f. Aisles intersecting with entrance drives should be spaced at a minimum of 20-feet from the property line to provide for smooth turning movements.
- (4) *Cross Access. Cross Access Easements* may be required by the Planning and Zoning Commission at the time of site plan approval to ensure access to future median breaks and to reduce the number of curb cuts needed along roadways.
- (5) *Shared Parking*. In all office parks, shopping centers and mixed-use centers cross access and shared parking agreements may be required by the City Council along with final plat approval.
- (6) *Loading and Service Areas*. All loading and service areas shall be located on the rear and side of buildings where possible. In the event that a loading or service area faces towards the *Primary Roadway* (i.e. *IH-30, SH-205, FM-740, SH-66, FM-549, John King Boulevard and SH-276*), additional screening of the loading and service area may be required by the Architectural Review Board (ARB) and Planning and Zoning Commission. A minimum of a ten (10) foot masonry screening wall shall be required to screen the view of loading docks and loading spaces intended for tractor/semi-trailer delivery from any public right-of-way. This ten (10) foot masonry screening wall must screen the entire loading dock or loading space. Screening materials shall utilize similar masonry materials as the front façade of the primary building. The accommodation of adequate access for service delivery trucks shall be evaluated to determine the extent of screening required.
- (7) *Trash/Recycling Receptacles and Dumpster Enclosures*. Trash/Recycling Enclosures shall be four (4) sided. These receptacles shall be screened by a minimum eight (8) foot, solid masonry dumpster enclosure that utilizes the same masonry materials as the primary building and incorporates an opaque, self-latching gate. These enclosures shall be located to the side or rear of the primary building, and shall not front on to a public right-of-way. Every effort shall be made to reduce the visibility of these structures utilizing landscaping and/or the building.
- (8) *Play Structures*. Play structures shall not be placed between the primary building façade and a public right-of-way.
- (9) *Plan Review*. In addition to the other processes and factors established by this Unified Development Code (UDC), all concept plans, development plans and site plans for property situated within an established overlay district shall be reviewed for the following:
- (a) The conformance of the proposed site plan to the site design guidelines and standards.
 - (b) The conformance of the proposed landscape plan to the intent of the landscaping and screening requirements.
 - (c) The conformance of the building elevations to the intent of the architectural standards.
 - (d) The provision of sufficient cross access and circulation on the site plan.
 - (e) The provision of sufficient visibility triangles to avoid congestion at ingress/egress driveways.

(E) *Landscape Standards*.

(1) *Landscape Buffers*. The minimum landscape buffer adjacent to *Primary Roadways* (i.e. IH-30, SH-205, FM-740, SH-66, FM-549, John King Boulevard and SH-276) [outside of and beyond any required right-of-way dedication] shall be as follows:

- (1) Scenic Overlay (SOV) District: 20-feet
- (2) SH-66 Overlay (SH-66 OV) District: 20-feet
- (3) IH-30 Overlay (IH-30 OV) District: 20-feet
- (4) SH-205 Overlay (SH-205 OV) District: 20-feet
- (5) North SH-205 Overlay (N. SH-205 OV) District: 20-feet
- (6) SH-205 By-Pass Overlay (SH-205 BY OV) District:

- Residential Land Uses: 50-feet
- Retail/Commercial Land Uses: 25-feet
- Industrial/Office/Technology Land Uses: 50-feet

(7) East SH-66 Overlay (E. SH-66 OV) District:

- Residential Land Uses: 25-feet
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

(8) FM-549 Overlay (FM-549 OV) District:

- Residential Land Uses: 25-feet
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

(9) SH-276 Overlay (SH-276 OV) District:

- Residential Land Uses: 25-feet
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

All landscape buffers shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, two (2) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage along the *Primary Roadway*. In the E. SH-66 Overlay (E SH-66 OV), FM-549 Overlay (FM-549 OV), and SH-205 By-Pass Overlay (SH-205 BY OV) Districts the required landscape buffer shall incorporate one (1) additional cedar tree per 100-feet of linear of frontage along the *Primary Roadway*.

(2) *Plant Material Sizes and Selection*. All canopy trees, accent trees, shrubs and ground cover proposed to be planted in any overlay district shall be in conformance to the tables depicted in [Appendix F, Landscaping Guidelines and Requirements](#), of this Unified Development Code (UDC) and shall be subject to the following sizes:

- a. *Canopy Trees* shall be a minimum of four (4) caliper inches at DBH.
- b. *Accent Trees* shall be a minimum of four (4) feet in total height.
- c. *Deciduous Shrubs* shall be a minimum of five (5) gallons in size.
- d. *Evergreen Shrubs* shall be a minimum of five (5) gallons in size.

(3) *Erosion Control/Retaining Walls*. Any slope embankments or retaining walls within the public right-of-way or within the required landscape buffer must be terraced every four (4) feet in height (maximum) with a minimum of a two (2) foot planting area provided between each vertical plane. Materials used for the vertical elements shall be natural stone or any masonry material, which matches the masonry materials used on the primary structure. The planting area must incorporate shrubs, ground cover and grasses.

- (F) *Signs*. All signage requirements and variances to these requirements shall conform to Chapter 32, *Signs*, of the Municipal Code of Ordinances; however, approval of any variance to the sign standards for property situated within an established overlay district shall require approval by the City Council by a supermajority vote (*i.e. a three-fourths vote of those members present*), with a minimum of four (4) votes in the affirmative required for approval.
- (G) *Lighting Standards*. No light standard, light fixture, light pole, pole base or combination thereof shall exceed 20-feet in total height in any overlay district with the exception of the IH-30 Overlay (IH-30 OV) District, which shall be limited to a maximum height of 30-feet.
- (H) *Utility Placement*. All overhead utilities within any overlay district shall be placed underground.
- (I) *Residential Standards*. No screening walls shall be erected adjacent to the *Primary Roadway* (*i.e. IH-30, SH-205, FM-740, SH-66, FM-549, John King Boulevard and SH-276*) in conjunction with any residential development. In addition, *eyebrow drives* with clusters of lots (*i.e. 5 – 12 homes*) shall be utilized along the *Primary Roadway* for residential developments. In lieu of *eyebrow drives*, a 50-foot landscape buffer may be utilized as an alternative. Farm fencing, including wood rail type and metal pipe and cable fencing, is allowed within the 50-foot landscape buffer. For residential developments within the SH-205 By-Pass Overlay (SH-205 BY OV) District, see *Section 6.3.5, SH-205 By-Pass Overlay (SH-205 BY OV) District*.

SUBSECTION 6.03: HISTORIC OVERLAY (HO) DISTRICT

Subsection 6.03, *Historic Overlay (HO) District*, is omitted from this ordinance change, but is retained in its entirety.

SUBSECTION 6.04: NORTH GOLIAD CORRIDOR OVERLAY (NGC OV) DISTRICT

Subsection 6.04, *North Goliad Corridor Overlay (NGC OV) District*, is omitted from this ordinance change, but is retained in its entirety.

SUBSECTION 6.05: SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT

Subsection 6.05, *Southside Residential Neighborhood Overlay (SRO) District*, is omitted from this ordinance change, but is retained in its entirety.

SUBSECTION 6.06: IH-30 OVERLAY (IH-30 OV) DISTRICT

- (A) *Purpose*. The intent of the IH-30 Overlay (IH-30 OV) District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage, which serves as the initial impression to those visiting and passing through the City of Rockwall. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through the Architectural Review Board (ARB). These development requirements shall apply to non-residential and multi-family land uses only, single-family land uses shall be excluded from these standards except as otherwise stated.
- (B) *Application and Boundaries*. The IH-30 Overlay (IH-30 OV) District includes the entirety of all properties which adjoin or are located within 500-feet of the future right-of-way of IH-30. The IH-30 Overlay (IH-30 OV) District spans east to west along IH-30 from the eastern city limits (approximately 3,600-feet east of FM 549), west to the western city limit line along Lake Ray Hubbard. The standards and regulations set forth in the IH-30 Overlay (IH-30 OV) District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.

- (C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the IH-30 Overlay (IH-30 OV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards.](#)

SUBSECTION 6.07: SH-205 OVERLAY (SH-205 OV) DISTRICT

- (A) *Purpose.* The intent of the SH-205 Overlay (SH-205 OV) District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage, which serves as the initial impression to those visiting and passing through the City of Rockwall. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through the Architectural Review Board (ARB). These development requirements shall apply to non-residential and multi-family land uses only, single-family land uses shall be excluded from these standards except as otherwise stated.
- (B) *Application and Boundaries.* The SH-205 Overlay (SH-205 OV) District includes the entirety of all properties which adjoin or are located within 200-feet of the future right-of-way of SH-205. The SH-205 Overlay (SH-205 OV) District spans north to south along SH-205 from the intersection point of SH-205 and FM 740, south to the southern city limits (*approximately 2,800-feet south of FM-1139*). The standards and regulations set forth in the SH-205 Overlay (SH-205 OV) District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.
- (C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the SH-205 Overlay (SH-205 OV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards.](#)

SUBSECTION 6.08: SCENIC OVERLAY (SRO) DISTRICT

- (A) *Purpose.* The Scenic Overlay (SOV) District is a specialized overlay district along FM-740 which has been identified in the Comprehensive Plan as a scenic thoroughfare. The identified scenic aspects of FM-740 include views of the lake, existing natural topography, and existing natural landscaping. The district has been established to protect scenic or historic qualities through the use of additional development criteria and by requiring uses compatible with both existing uses and with the visual environment. The development requirements for non-residential uses are more restrictive than in other commercial classifications in order to encourage development that will protect and enhance the existing views, topography, landscape and quality of development. This district is designed to be primarily an office and retail/commercial shopping district with an intensity of uses normally found along major thoroughfares; however, these uses may be located close to residential areas. The type of allowed uses and the more restrictive development requirements provide protection for residential areas. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through the Architectural Review Board (ARB).
- (B) *Application and Boundaries.* The Scenic Overlay (SOV) District shall apply to all property located within the established boundary along FM-740 (*as set forth in Ordinance No. 87-64*). Property that has been zoned, platted and site planned at the time of adoption of the ordinance, from which this section is derived, shall be exempted from the provisions of this section unless and until an application for zoning, platting, or site planning is re-submitted on the property. All property developed within the Scenic Overlay (SOV) District must meet both the terms and requirements of the underlying zoning classification applicable to the property and the provisions set forth in the Scenic Overlay (SOV) District. The most restrictive requirement applicable to the property shall apply.
- (C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the Scenic Overlay (SOV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards.](#)

SUBSECTION 6.09: SH-66 OVERLAY (SH-66 OV) DISTRICT

- (A) *Purpose.* The SH-66 Overlay (SH-66 OV) District is a specialized overlay district along SH-66 and Washington Street between Lake Ray Hubbard and SH-205, which has been identified as one of the important entry points into the City of Rockwall. The identified important scenic aspects of this corridor include views of the lake, existing natural topography, and existing natural landscaping adjacent to residential neighborhoods. The district has been established to protect scenic or historic qualities through the use of additional development criteria, and by requiring uses compatible with both existing uses and with the visual environment. The development requirements for non-residential uses are more restrictive than in other commercial classifications in order to encourage development that will protect and enhance the existing views, topography, landscape and quality of development. This district is designed to be primarily an office and retail/commercial shopping district with an intensity of uses normally found along major thoroughfares; however, these uses may be located close to residential areas. The type of allowed uses and the more restrictive development requirements provide protection for residential areas. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through the Architectural Review Board (ARB).
- (B) *Application and Boundaries.* The SH-66 Overlay (SH-66 OV) District shall apply to all property located within the established boundary along SH-66 and Washington Street, between Lake Ray Hubbard and SH-205 (*as set forth in Ordinance No. 01-18*). Property that has been zoned, platted and site planned at the time of adoption of the ordinance, from which this section is derived, shall be exempted from the provisions of this section unless an application for zoning, platting, or site planning is resubmitted on the property. All property developed within the SH-66 Overlay (SH-66 OV) District must meet both the terms and requirements of the underlying zoning classification applicable to the property and the provisions set forth in the SH-66 Overlay (SH-66 OV) District. The most restrictive requirement applicable to the property shall apply.
- (C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the SH-66 Overlay (SH-66 OV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards](#).

SUBSECTION 6.10: SH-205 BY-PASS OVERLAY (SH-205 BY OV) DISTRICT

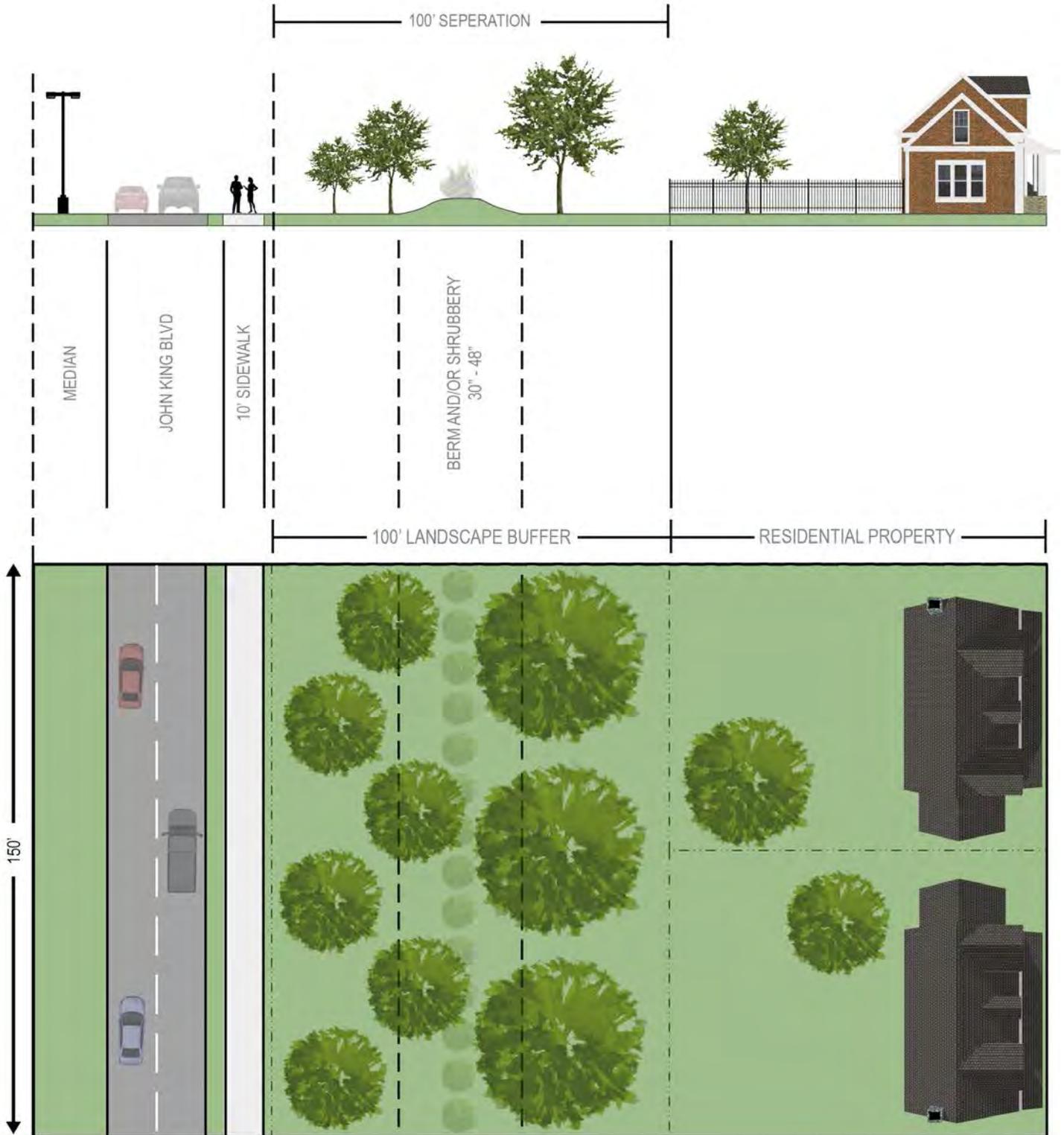
- (A) *Purpose.* The intent of the SH-205 By-Pass Overlay (SH-205 BY OV) District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage, which serves as the initial impression to those visiting and passing through the City of Rockwall. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility and plan review shall be conducted through the Architectural Review Board (ARB). These development requirements shall apply to non-residential and multi-family uses only. All other residential uses shall be excluded from these standards except as otherwise stated.
- (B) *Application and Boundaries.* The SH-205 By-Pass Overlay (SH-205 BY OV) District includes the entirety of all properties which adjoin or are located within 500 feet of the current and future right-of-way of John King Boulevard. The SH-205 By-Pass Overlay (SH-205 BY OV) District ~~Zone~~ extends along the current and future right-of-way of John King Boulevard. to the existing city limits. The standards and regulations set forth in the SH-205 By-Pass Overlay (SH-205 BY OV) District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.
- (C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the SH-205 By-Pass Overlay (SH-205 BY OV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards](#).
- (D) *Special District Requirements.*
- (1) *Residential Frontage Requirements.* To ensure proper separation of residential land uses from John King Boulevard all residential developments that have direct frontage on John King Boulevard shall

utilize one (1) or a combination of the following design alternatives along the entire frontage of John King Boulevard:

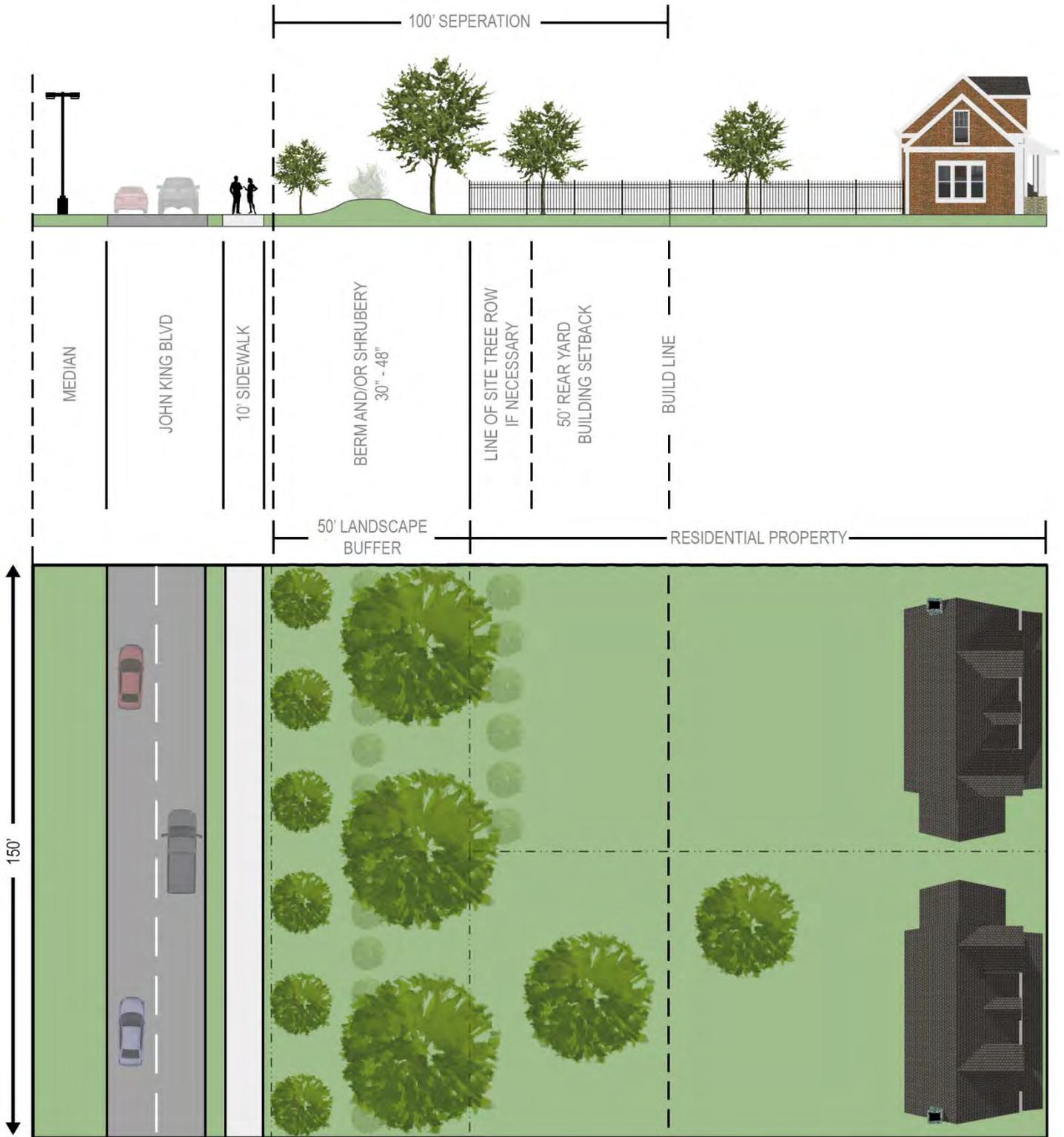
- a. Increased Landscape Buffer. A minimum of a 100-foot landscape buffer may be substituted for the required landscape buffer as depicted in *Design Alternative #1*.
- b. Increased Rear Yard Building Setback. A minimum of 50-foot rear yard building setback may be incorporated adjacent to the required landscape buffer as depicted in *Design Alternative #2*.
- b. Incorporation of a Slip Street. A slip street -- meeting the Engineering Department's requirements for right-of-way design -- may be incorporated adjacent to and running parallel with the required landscape buffer. Homes are permitted to front or side to the slip street. Examples of this design alternative are depicted in *Design Alternative #3* and *Design Alternative #4*.
- c. Incorporation of an Eyebrow. An eyebrow street meeting the -- Engineering Department's requirements for right-of-way design -- with a minimum cluster of five (5) homes and a maximum cluster of 12 homes can be incorporated with a 30-foot landscape buffer. All homes should front onto the eyebrow street and have a minimum of a 25-foot front yard building setback. An example of this design alternative is depicted *Design Alternative #5*.

(2) *Design Alternatives*.

Design Alternative #1



Design Alternative #2



Design Alternative #3



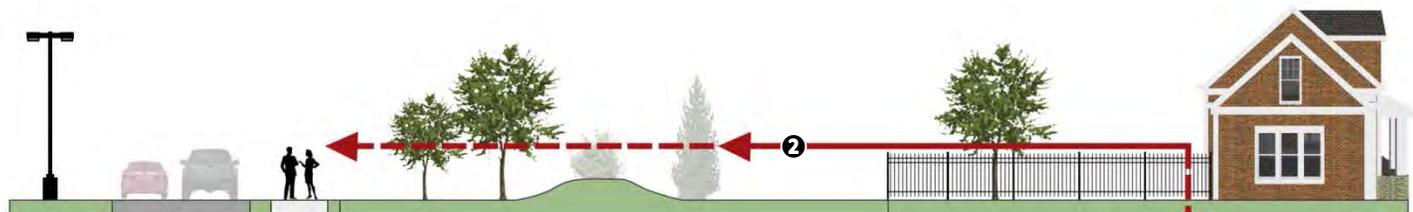
Design Alternative #4



Design Alternative #5



- (3) *Line of Sight Requirements.* Homes that back to a required landscape buffer should be built in such a manner where the required berm visually impairs visibility to John King Boulevard. In cases where a berm proves to be ineffective at screening traffic from John King Boulevard (*due to topography, height, etc.*) the developer shall be responsible for incorporating additional landscaping to provide sufficient screening in the required landscape buffer. This will be reviewed by the Planning and Zoning Commission at the time of site plan.



①: Represents the line of sight at six (6) feet from grade.

②: The solid red line shows that visibility is impaired from John King Boulevard by [1] a row of trees or [2] a berm and/or row of shrubbery.

SUBSECTION 6.11: NORTH SH-205 OVERLAY (N. SH-205 OV) DISTRICT

(A) *Purpose.* The intent of the North SH-205 Overlay (N. SH-205 OV) District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage, which serves as the initial impression to those visiting and passing through the City of Rockwall. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through the Architectural Review Board (ARB). These development requirements shall apply to non-residential and multi-family land uses only, single-family land uses shall be excluded from these standards except as otherwise stated.

(B) *Application and boundaries.* The North SH-205 Overlay (N. SH-205 OV) District includes the entirety of all properties which adjoin or are located within 500-feet of the current or future right-of-way of N. SH-205. The North SH-205 Overlay (N. SH-205 OV) District spans north to south along SH-205 from the northern city limits (approximately 4,200-feet north of FM-552), south to the intersection point of SH-205 and Health Street. The standards and regulations set forth in the North SH-205 Overlay (N. SH-205 OV) District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.

(C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the North SH-205 Overlay (N. SH-205 OV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards](#).

SUBSECTION 6.12: EAST SH-66 OVERLAY (E. SH-66 OV) DISTRICT

(A) *Purpose.* The intent of the East SH-66 Overlay (E. SH-66 OV) District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage, which serves as the initial impression to those visiting and passing through the City of Rockwall. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through the Architectural Review Board (ARB). These development requirements shall apply to non-residential and multi-family land uses only, single-family land uses shall be excluded from these standards except as otherwise stated.

(B) *Application and boundaries.* The East SH-66 Overlay (E. SH-66 OV) District includes the entirety of all properties which adjoin or are located within 500-feet of the current or future right-of-way of E. SH-66. The East SH-66 Overlay (E. SH-66 OV) District extends from FM-1141 to the east approximately 2,700-feet, and on property that lies within 500-feet of the south right-of-way line of SH-66 beginning at a point

approximately 2,700-feet east of FM-1141 and then continuing east to FM-549. The standards and regulations set forth in the East SH-66 Overlay (E. SH-66 OV) District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.

- (C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the East SH-66 Overlay (E. SH-66 OV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards](#).

SUBSECTION 6.13: FM-549 OVERLAY (FM-549 OV) DISTRICT

- (A) *Purpose.* The intent of the FM-549 Overlay (FM-549 OV) District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage, which serves as the initial impression to those visiting and passing through the City of Rockwall. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through the Review Board (ARB). These development requirements shall apply to non-residential and multi-family land uses only, single-family land uses shall be excluded from these standards except as otherwise stated.

- (B) *Application and boundaries.* The FM-549 Overlay (FM-549 OV) District includes the entirety of all properties which adjoin or are located within 500-feet of the current or future right-of-way of FM-549. The FM-549 Overlay (FM-549 OV) District extends from SH-276 to a point approximately 800-feet north of IH-30 and on property that lies within 500-feet of the west right-of-way line of FM-549 from a point approximately 800-feet north of IH-30 to SH-66. The standards and regulations set forth in the FM-549 Overlay (FM-549 OV) District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.

- (C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the FM-549 Overlay (FM-549 OV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards](#).

SUBSECTION 6.14: SH-276 OVERLAY (SH-276 OV) DISTRICT

- (A) *Purpose.* The intent of the SH-276 Overlay (SH-276 OV) District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage, which serves as the initial impression to those visiting and passing through the City of Rockwall. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through the Architectural Review Board (ARB). These development requirements shall apply to non-residential and multi-family land uses only, single-family land uses shall be excluded from these standards except as otherwise stated.

- (B) *Application and boundaries.* The SH-276 Overlay (SH-276 OV) District includes the entirety of all properties which adjoin or are located within 500-feet of the current or future right-of-way of SH-276. The SH-276 Overlay (SH-276 OV) District extends from SH-205 east to the eastern city limits, as may be extended with future annexation(s). The standards and regulations set forth in the SH-276 Overlay (SH-276 OV) District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.

- (C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the SH-276 Overlay (SH-276 OV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards](#).

SUBSECTION 6.15: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT

Subsection 6.15, Lake Ray Hubbard Takeline Overlay (TL OV) District, is omitted from this ordinance change, but is retained in its entirety.

SUBSECTION 6.16: VARIANCES TO THE GENERAL OVERLAY DISTRICT STANDARDS

See [Subsection 9.02, Variances to the General Overlay Districts Standards, of Article IX, Development Applications and Review Procedures.](#)

SECTION 7: DISTRICT DEVELOPMENT STANDARDS

SUBSECTION 7.01: RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

Residential District Development Standards		Single-Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single-Family Estate 4.0 (SFE-4.0) District	Single-Family 1 (SF-1) District	Single-Family 16 (SF-16) District	Single-Family 10 (SF-10) District	Single-Family 8.4 (SF-8.4) District	Single-Family 7 (SF-7) District	Zero Lot Line (ZL-5) District	Two-Family (2F) District	Agricultural (AG) District
Zoning Districts →												
Development Standards ↓												
Abbreviation		SFE-1.5	SFE-2.0	SFE-4.0	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2F	AG
Dwelling Units/Lot		1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	2.0	1.0
Dwelling Units/Acre		0.67	0.5	0.25	1.0 ¹	2.7	4.4	5.2	6.2	8.7	12.4	0.1 ¹¹
Minimum Dwelling Unit (SF)		2,000	2,200	2,500	2,500	2,400	2,200	1,500	1,100	1,000	800	1,600
Minimum Lot Requirements	Area (Square Feet)	65,340	87,120	174,240	8,400	16,000	10,000	8,400	7,000	5,000	7,000	43,560
	Width (Feet) ²	150	150	200	70	90	80	70	60	50	60	100
	Depth (Feet)	250	250	250	100	100	100	100	100	90	100	200
Minimum Setbacks	Front (Feet)	50	50	50	20	25	20	20	20	20	20	40
	Rear (Feet)	10	10	10	10	10	10	10	10	10	10	10
	Side (Feet) ³	25	25	25	6	8	6	6	6	0/10 ⁴	0 ⁵ /6 ⁶	6
Between Buildings (Feet)		10	10	10	10	10	10	10	10	10	10	12
Building Height (Feet)		36	36	36	36	36	36	36	32	30	32	36
Maximum Lot Coverage (%)		35	35	35	45	45	45	45	45	50	45	N/A
Required Parking Spaces ⁷		2 ⁸	2 ⁸	2 ⁸	2 ⁸	2 ⁸	2 ⁸	2 ⁸	2 ⁸	2 ⁹	2 ¹⁰	2 ⁸

ADDITIONAL REQUIREMENTS:

- ¹: The Single Family 1 (SF-1) District allows for one (1) unit per gross acre.
- ²: Frontage on a Public Street
- ³: The side setback adjacent to a street is treated the same as a front yard building setback.
- ⁴: Minimum maintenance easement is ten (10) feet. Minimum maintenance easement on the non-zero lot line side, when adjacent to another lot in the same zoning district is five (5) feet (*this easement shall be maintained as an open space except upon a finding by the building official that the proposed improvements do not impede the use of said easement for maintenance of the adjoining structure*).
- ⁵: Abutting structures separated by fire retardant walls.
- ⁶: Townhouses separated by firewall meeting the requirements of the building code may build to the property line where such structures abut.
- ⁷: Minimum length of driveway pavement from public right-of-way for rear and side yard is 20-feet.
- ⁸: An enclosed garage shall not be considered in meeting the off-street parking requirements. For all other uses see [Article VI, Parking and Loading](#).
- ⁹: A two (2) car garage is required.
- ¹⁰: Two (2) off-street parking spaces plus one (1) garage parking space for each dwelling unit is required.
- ¹¹: A minimum lot size of ten (10) acres is required for the construction of any single-family dwelling.

SUBSECTION 7.02: MULTI-FAMILY DISTRICT DEVELOPMENT STANDARDS

Multi-Family District Development Standards		Multi-Family 14 (MF-14) District ¹
Zoning Districts →		
Development Standards ↓		
Abbreviation		MF-14
Dwelling Units/Acre		14.0 ²
Minimum Lot Requirements	Site Area (Square Feet)	10,000
	Lot Area (Square Feet)	2,000 (Per Unit)
	Width (Feet) ³	60
	Depth (Feet)	100
Minimum Setbacks	Front (Feet)	25
	Rear (Feet) w/ Residential Adjacency (Feet) ^{3 & 8}	One Story = 25
		Two Stories = 50
		Three Stories = 75
	Rear (Feet)	10
	Side w/ Residential Adjacency (Feet) ^{4 & 8}	One Story = 25
		Two Stories = 50
		Three Stories = 75
Side (Feet)	One Story = 10	
	Two or More Stories = 15	
Between Buildings (Feet)	Main to Accessory = 10	
	Two Main Buildings w/ Doors or Windows in Facing Walls = 20	
	Two Main Buildings w/o Doors or Windows in Facing Walls = 15	
Building Height (Feet)	36	
Maximum Lot Coverage (%)	45 ⁵	
Minimum Landscaping (%) ⁷	30% of Total Lot Area w/ 30% of Total Required in the Front and Alongside Buildings w/ Street Frontage ⁶	
Required Parking Spaces	See Article VI, Parking and Loading	

ADDITION REQUIREMENTS:

¹: Duplexes shall meet the requirements of the Two-Family (2F) District, with only one (1) duplex per lot.

²: Density is calculated by gross acre.

³: Unenclosed carports may be built within five (5) feet of any property line that abuts an alley, but no closer than 20-feet from any street intersection.

⁴: Side on street is treated the same as a front yard building setback.

⁵: Each development containing over 100 dwelling units shall provide 300 SF of open space per two (2) and three (3) bedroom units, with at least one (1) open area with the minimum dimensions of 200-feet by 150-feet. Swimming pools, tennis courts and other recreational facilities can be counted toward the overall open space requirement, but not toward the required 200-feet by 150-foot area.

⁶: Any parking lot with more than two (2) rows of parking spaces shall have a minimum of two (2) percent of the interior of the parking lot landscaped. Such landscaping shall be counted toward the landscaping requirement.

⁷: All required landscaped areas shall be permanently maintained and shall have an irrigation system installed meeting all applicable city codes.

⁸: Lots with more than five (5) dwelling units that are contiguous to a residential zoning district, must be separated by a buffer as established in [Article VIII, Landscape Standards](#).

SUBSECTION 7.03: NON-RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

Non-Residential District Development Standards

*: For development in the Downtown (DT) District see the standards in [Section 4.8, Downtown \(DT\) District](#).

Zoning Districts →

Development Standards ↓

		Residential-Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District
Abbreviation		RO	NS	GR	C	HC	LI	HI
Maximum Building Size (SF)		N/A	5,000 ¹	25,000 ²	N/A	N/A	N/A	N/A
Minimum Lot Requirements	Area (SF)	6,000 ³	6,000	6,000 43,560	10,000 43,560	12,500 43,560	12,500 43,560	87,120
	Width (Feet)	60	60	60 200	60 200	100 200	100 200	200
	Depth (Feet)	100	100	100 200	100 200	125 200	125 200	350
Minimum Setbacks	Front (Feet)	25 ^{4, 12}	15 ⁵	15 ^{4, 5}	15 ^{4, 5}	25 ⁴	25 ⁴	50+1/2H>36 ⁷ 50 ⁴
	Rear (Feet)	30	20 w/o FRW & Alley	10 w/o FRW & Alley	10 w/o FRW & Alley	20 w/o FRW & Alley	10 w/o FRW ⁷	20 + 1/2H>36 w/o FRW ⁷
			0 w/ FRW & Alley	0 w/ FRW & Alley	0 w/ FRW & Alley	1/2H>36 w/ FRW & Alley	1/2H>36 w/ FRW & Alley ⁷	8 + 1/2H>36 w/ FRW & Alley ⁷
	Rear Adjacent Residential (Feet) ⁶	N/A	20	20 + 1/2H>36 ⁷	20 + 1/2H>36 ⁷	20 + 1/2H>36 ⁷	20 + 1/2H>36 ⁷	50 + 1/2H>36 ⁷
	Side (Feet)	10	5 w/o FRW	10 w/o FRW	10 w/o FRW	15 + 1/2H>36 w/o FRW ⁷	15 + 1/2H>36 w/o FRW ⁷	15 + 1/2H>36 w/o FRW ⁷
0 w/ FRW			0 w/ FRW	0 w/ FRW	1/2H>36 w/ FRW ⁷	1/2H>36 w/ FRW ⁷	8 + 1/2H>36 w/ FRW ⁷	
Side Adjacent Residential (Feet) ⁶	20	20	20 + 1/2H>36 ⁷	20 + 1/2H>36 ⁷	20 + 1/2H>36 ⁷	20 + 1/2H>36 ⁷	50	
Between Buildings (Feet)		15 w/o FRW 0 w/ FRW	15 w/o FRW 0 w/ FRW	15 w/o FRW 0 w/ FRW	15 w/o FRW 0 w/ FRW	15 + 1/2H>36 w/o FRW ⁷	15 + 1/2H>36 w/o FRW ⁷	25 + 1/2H>36 w/o FRW ⁷
						1/2H>36 w/ FRW ⁷	1/2H>36 w/ FRW ⁷	16 + 1/2H>36 w/ FRW ⁷
Building Height [H] (Feet)		36	36	36 ⁸	60 ⁹	60 ⁹	60 ¹³	60 ¹³
Maximum Lot Coverage (%)		40	40	40	60	60	60	85
Floor Area Ratio (FAR)		0.33	N/A	2:1	4:1	4:1	2:1	4:1
Maximum Impervious Parking (%)		75-80 ¹¹	80-85	85-90	85-90	90-95	90-95	90-95
Maximum Number of Entrances and/or Exits	Arterial Streets	1/200 ¹⁰	1/200 ¹⁰	1/200 ¹⁰	1/200 ¹⁰	1/200 ¹⁰	1/200 ¹⁰	1/200 ¹⁰
	Collector Streets	1/100 ¹⁰	1/100 ¹⁰	1/100 ¹⁰	1/100 ¹⁰	1/100 ¹⁰	1/100 ¹⁰	1/100 ¹⁰
	Local Streets	1/50 ¹⁰	1/50 ¹⁰	1/50 ¹⁰	1/50 ¹⁰	1/50 ¹⁰	1/50 ¹⁰	1/50 ¹⁰
Minimum Landscaping (%)		See Article VIII, Landscape Standards						

NOTES:

Blue: When adjacent to Interstate 30.

H: Building Height

1/2H>36: One-Half the Building Height Over 36-Feet

FRW: Fire Retardant Wall

w/o FRW: Without Fire Retardant Wall

ADDITIONAL REQUIREMENTS:

- 1: A maximum building size of 5,000 SF in area, unless otherwise approved through a Specific Use Permit (SUP) by the Planning and Zoning Commission and City Council.
- 2: A maximum building size of 25,000 SF in area, unless otherwise approved through a Specific Use Permit (SUP) by the Planning and Zoning Commission and City Council.
- 3: Maximum lot area is 43,560 SF.
- 4: From future right-of-way as shown on the adopted Master Thoroughfare Plan or as actually exists, whichever is greater.
- 5: Parking should not be located between the front façade and the property line.
- 6: Lots with non-residential uses that have a side or rear yard contiguous or separated only by an alley, easement, or street, from any residential district must be separated from such residential district by a buffer as defined in [Article VIII, Landscape Standards](#), or as approved by the Planning and Zoning Commission.
- 7: Not to exceed 50-Feet.
- 8: Building height may be increased up to 60-feet if approved through a Specific Use Permit (SUP) by the Planning and Zoning Commission and City Council.
- 9: Building height may be increased up to 240-feet if approved through a Specific Use Permit (SUP) by the Planning and Zoning Commission and City Council.
- 10: (or) as approved by Planning and Zoning Commission.
- 11: A minimum of seven (7) percent of the interior of the parking lot -- *not including the setback and landscape buffer* -- shall be pervious land area with additional plantings to create an amenity open space.
- 12: Parking shall not be permitted in the required setback.
- 13: Building height may be increased up to 120-feet if approved through a Specific Use Permit (SUP) by the Planning and Zoning Commission and City Council.

SUBSECTION 7.04: ACCESSORY STRUCTURE DEVELOPMENT STANDARDS

Accessory Structure Development Standards		Accessory Structures & Accessory Buildings ^{1 & 3}					Portable Accessory Building 0 SF – 120 SF ⁸	Detached Garage ^{8 & 9}	Carports ^{7 & 8}
		Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	All Other Single Family Zoning Districts (i.e. SF-7, SF-8.4, SF-10, SF-16 & SF-1)	Two Family (2F) District			
Zoning Districts or Accessory Structure Type →									
Development Standards ↓									
Number of Accessory Structures or Number of Specific Accessory Structure		2 ²	2 ²	2 ²	2	1	1	1	1
Maximum SF of Accessory Structure ⁵		1,000 ²	1,000 ²	1,250 ²	144 ⁶	100	120	625	500
Minimum Setbacks	Rear (Feet)	10	10	10	3	3	3	10	10
	Rear w/ Alleyway (Feet)	20 ⁴	20 ⁴	20 ⁴	3	3	3	20 ⁴	20
	Side (Feet)	See Zoning District	See Zoning District	See Zoning District	See Zoning District	3	3	See Zoning District	See Zoning District
Between Buildings (Feet)		10	10	10	6	3	3	10	10
Building Height (Feet) ⁸		15	15	15	15	10	10	15	15

ADDITIONAL REQUIREMENTS:

- ¹: Accessory buildings and accessory structures shall be accessory to a residential use and located on the same lot. Unless stipulated above, only two (2) accessory structures are permitted per single-family lot; excluding carports that are integrated into the main accessory structure.
- ²: If more than one (1) accessory building is proposed or if an accessory building, 625 SF or less, is existing then the maximum accessory building that can be constructed is 400 SF. If there is an existing accessory building greater than 625 SF no additional accessory buildings or structures are permitted.
- ³: Accessory buildings and structures shall be architecturally compatible with the primary structure, and be situated behind the front façade of the primary structure.
- ⁴: If the accessory building does not have garage doors facing the alleyway the setback is the same as the base zoning district.
- ⁵: Accessory buildings and structures not meeting the size requirements stipulated by this section shall require a Specific Use Permit (SUP).
- ⁶: Each property shall be permitted one (1) detached garage up to 625 SF and one (1) accessory building up to 144 SF.
- ⁷: In residential districts, carports must be open on at least two (2) sides, architecturally integrated into the primary structure, and be located 20-feet behind the corner of the front façade and meet the garage setback adjacent to an alley. Porte-cocheres are not considered carports, and are allowed, if they are attached and integral with the design of the house.
- ⁸: Two (2) story accessory buildings or structures shall be prohibited.
- ⁹: Shall include a minimum of one (1) garage bay door large enough to pull a standard size motor vehicle through.

ARTICLE VIII, LANDSCAPE AND FENCE STANDARDS, UDC

SECTION 1: PURPOSE

The purpose of [Article VIII, Landscape and Fence Standards](#), is to create standards for landscaping and fencing that will be complementary to the design and location of existing buildings, streets, sidewalks, and open spaces in the City of Rockwall. By doing this, this Article acknowledges the unique natural beauty of the City, its environment, and the existing vegetation and tree canopy, and sets forth standards that ensure their protection. This article also strives to create natural barriers and soft transition for land uses through the use of natural screening methods and non-transparent fencing.

SECTION 2: APPLICATION OF ARTICLE

SUBSECTION 2.01: APPLICABILITY

(A) Landscape and Screening.

(1) The landscape and screening provisions of this Article shall apply to:

- (a) All new residential or non-residential development within the corporate limits of the City of Rockwall with the exception of the exemptions listed in [Subsection 2.01.\(A\)\(2\)](#).
- (b) The expansion of a non-residential building or structure that increases the existing floor area by 30% or that adds 2,000 SF of floor area.
- (c) The expansion of a non-residential parking lot that increases the existing impervious area by 30% or that adds 2,000 SF of impervious coverage.

(2) The landscape and screening provisions of this Article shall not apply to:

- (a) Any property with a Landscape Plan and/or Site Plan that was approved prior to the adoption of this Article, unless an amended Landscape Plan and/or Site Plan is required by the requirements of [Subsection 2.01.A](#) or [Article XI, Development Applications and Review Procedures](#).
- (b) The restoration of a building or structure that has been damaged by fire, flood, explosion, riot, act of the public enemy, natural disaster, or accident of any kind and is permitted by [Section 8, Non-Conforming Uses, Structures, and Sites, of Article IV, Permissible Uses](#). For the purposes of this exemption restoration is defined as repairing a building or structure to return it to its former state.
- (c) Properties containing only single-family and/or duplex land uses.
- (d) Properties zoned Downtown (DT) District, as defined by [Subsection 4.07, Downtown \(DT\) District, of Article V, District Development Standards](#).

(B) Fences.

(1) The fence provisions of this Article shall apply to:

- (a) The construction of all new residential or non-residential fences.
- (b) The repair of an existing residential or non-residential fence that requires the replacement of 25-linear feet or more.
- (c) The repair of an existing residential or non-residential fence that requires the replacement of five (5) or more posts.

(2) The fence provisions of this Article shall not apply to:

- (a) The repair of a residential or non-residential fence that does not require a fence permit and that is not subject to the requirements of [Subsection 2.01.B\(1\)](#).

- (C) *Overlay Districts*. In addition to the requirements contained in this Article, properties within an establish Overlay District shall be subject to the requirements stipulated by [Subsection 6.02, General Overlay District Standards, of Article V, District Development Standards](#). In instances where the requirements of this Article conflict with the requirements of the *General Overlay District Standards*, the more restrictive standard will apply.
- (D) *Planned Development Districts*. The landscaping requirements contained in this Article shall be incorporated into all new or amended Planned Development Districts, unless otherwise approved by the City Council upon recommendation from the Planning and Zoning Commission.

SUBSECTION 2.02: EXCEPTIONS TO THE LANDSCAPING STANDARDS

The Planning and Zoning Commission may grant an exception to the landscaping standards contained in this Article upon a finding that the resulting landscaping or landscaping plan will be equivalent to or exceed the requirements stipulated by this Article, and provide an improvement to the aesthetics of the surrounding area. All exceptions to these requirements will be subject to the approval criteria and voting requirements of [Section 9.01, Exceptions to the General Standards, of Article XI, Development Applications and Review Procedures](#).

SUBSECTION 2.03: EXCEPTIONS TO THE FENCE STANDARDS

All exceptions to the fence standards contained in this Article will be subject to the requirements of [Section 8, Fence Standards](#).

SECTION 3: LANDSCAPE PLAN

SUBSECTION 3.01: LANDSCAPE PLAN SUBMITTAL

- (A) *Submittal of a Landscape Plan*. A Landscape Plan is required to be submitted as part of an application for a Site Plan or an Amended Site Plan as stipulated by [Section 3, Site Plans, of Article XI, Development Applications and Review Procedures](#).
- (B) *Landscape Plan Content*. The Director of Planning and Zoning or his/her designee shall establish and maintain a list of the required criteria necessary for the submittal of a Landscape Plan.
- (C) *Preparation of a Landscape Plan*. Landscape Plans shall be prepared by a *Landscape Architect* or a member in good standing of the American Society of Landscape Architects (ASLA) unless otherwise permitted by the Director of Planning and Zoning.

SUBSECTION 3.02: APPROVAL OF A LANDSCAPE PLAN

- (A) *Administrative Approval*. Landscape Plans that are submitted in conjunction with a Site Plan or an Amended Site Plan that can be reviewed and acted upon at an administrative level -- as defined in [Section 3, Site Plans, of Article XI, Development Applications and Review Procedures](#) -- may be approved, approved with condition, or denied by the Director of Planning and Zoning or his/her designee.
- (B) *Approval by the Planning and Zoning Commission*. The Planning and Zoning Commission may approve a Landscape Plan in accordance with the procedures for approving a Site Plan or an Amended Site Plan as stipulated by [Section 3, Site Plans, of Article XI, Development Applications and Review Procedures](#).

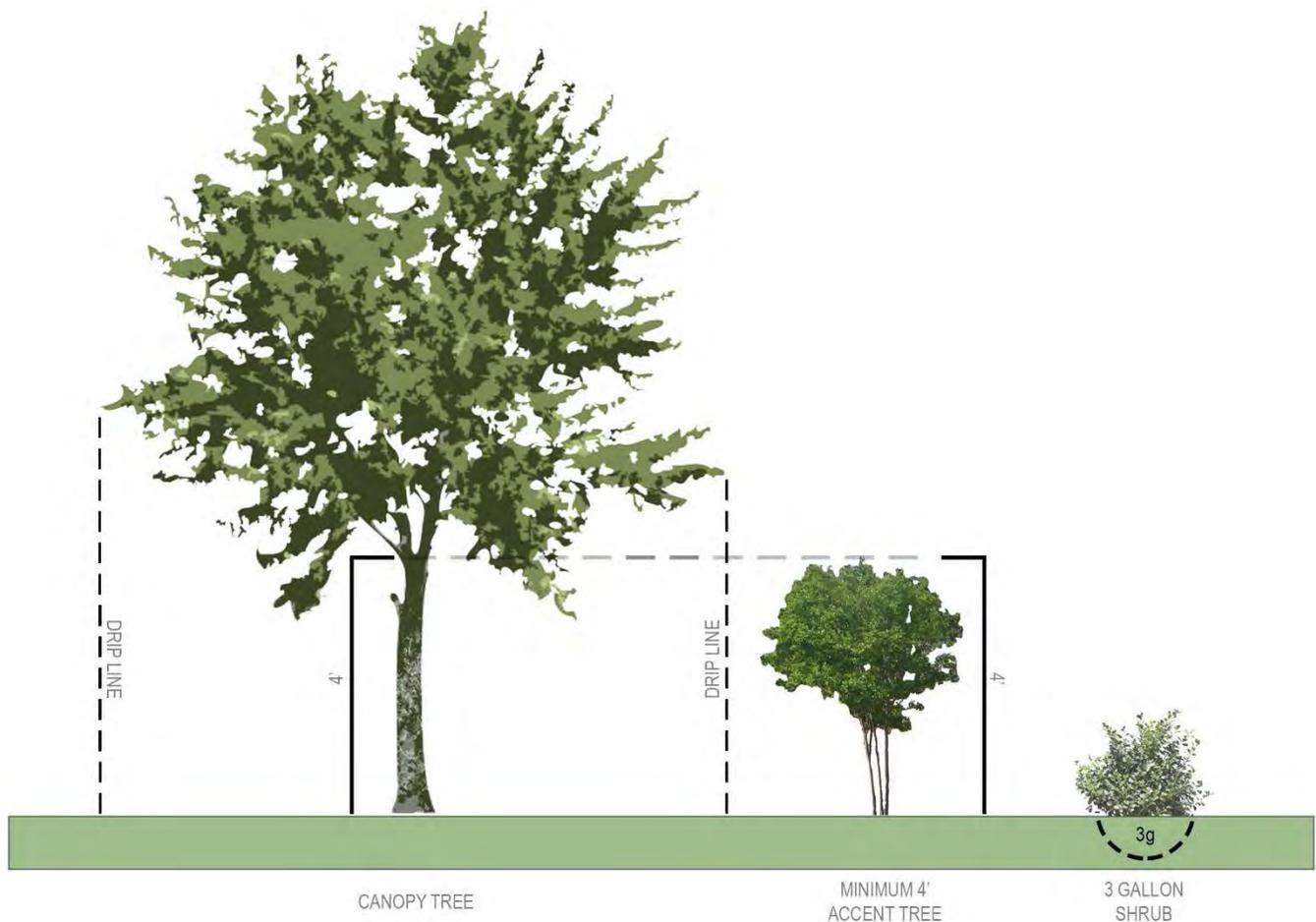
SECTION 4: APPROVED LANDSCAPING MATERIALS

In satisfying the landscape requirements of this Article, it is recommended that all landscaping utilize high-quality, hardy plant materials. Such plant materials shall adhere to the following requirements:

(A) *Approved Planting Materials.*

- (1) All planting materials should conform to the recommended planting materials outlined in [Appendix F, Landscape Guidelines and Requirements](#); however, alternative tree, shrub, and grass varieties may be approved by the Director of Planning and Zoning pending the submission of a Landscape Plan and/or a written request.
- (2) Unless otherwise noted in this Unified Development Code (UDC), the minimum tree and shrub size at the time of installation shall be as follows:
 - (a) *Canopy Trees* shall be a minimum of four (4) caliper inches at DBH.
 - (b) *Accent Trees* shall be a minimum of four (4) feet in total height.
 - (c) Shrubs shall be a minimum of three (3) gallons in size.

Figure 1: *Approved Planting Materials and Sizes*



- (3) For the purposes of this section, the height of an Accent Tree shall be measured from the root flare or from the soil level if still in the container.

- (4) DBH or *Diameter at Breast Height* is the standard dendrometric measurement for trees, and is measured at a height of four (4) feet above grade.
- (5) The City of Rockwall encourages developments to incorporate xeriscaping/smartscaping to promote reduced water usage through the use of drought tolerant plants. The City's *Xeriscaping/Smartscaping Standards and Guidelines* are outlined in [Section 5.05, Xeriscaping and Smartscaping Standards](#).

(B) Prohibited Planting Materials.

- (1) Artificial or synthetic plant materials (e.g. *artificial grass, turf, trees shrubs*) shall be prohibited.

SECTION 5: LANDSCAPE STANDARDS

SUBSECTION 5.01: LANDSCAPE BUFFERS

The minimum requirements for landscape buffers shall be as follows:

(A) Residential Landscape Buffers in Subdivisions.

- (1) *Abutting a Collector Street.* A minimum of a ten (10) foot wide landscape buffer shall be required along the entire length of any residential lot or subdivision that abuts a collector street. All residential lots adjacent to a collector street shall incorporate one (1) canopy tree per 50-linear feet of frontage along the collector street inside the required landscape buffer. Clustering of trees shall be permitted as long as all required trees are situated within the landscape buffer.
- (2) *Abutting a Perimeter Collector Street or Arterial Roadway.* A minimum of a ten (10) foot wide landscape buffer shall be required along the entire length of any residential lot or subdivision that abuts a perimeter collector street or arterial roadway. All landscape buffers adjacent to a perimeter collector street or arterial roadway shall incorporate ground cover, a *built-up berm* and shrubbery along the entire length of the frontage. Berms and shrubbery shall have a total minimum height of 30-inches. In addition, one (1) canopy tree and one (1) accent tree shall be required to be planted in the required landscape buffer per 50-linear feet of frontage along the perimeter collector street or arterial roadway. Clustering of trees shall be permitted as long as all required trees are situated within the landscape buffer.

Figure 2: Residential Landscape Buffers Example



(B) Non-Residential Landscape Buffers.

- (1) *Abutting a Public Right-of-Way.* A minimum of a ten (10) foot wide landscape buffer shall be required along the entire length of any non-residential lot that abuts a public right-of-way (*i.e. collector street, arterial roadway, or alleyway*) or a residentially zoned or used property that is located directly across a

public street (*regardless of the size of the street*). All landscape buffers adjacent to a public right-of-way shall incorporate ground cover, a *built-up berm* and shrubbery along the entire length of the frontage. Berms and shrubbery shall have a total minimum height of 30-inches. In these areas a minimum of one (1) canopy tree and one (1) accent tree shall be incorporated into the landscape buffer per 50-linear feet of frontage along the adjacency. Clustering of trees shall be permitted as long as all required trees are situated within the landscape buffer.

- (2) *Abutting Residential*. A minimum of a 20-foot wide landscape buffer shall be required along the entire length of any non-residential lot that abuts a residentially zoned or used property. For planting requirements in these landscape buffers see [Subsection 5.02\(B\), Screening from Residential](#).

Figure 3: Commercial Landscape Buffers Example



(C) *Buildings and Paving within a Required Landscape Buffer.* Buildings and paving (e.g. parking lots) shall not be permitted within any required landscape buffer; however, sidewalks and trails shall be permitted.

SUBSECTION 5.02: LANDSCAPE SCREENING

(A) *Loading Docks and Outside Storage Areas.* Off-street loading docks and outside storage areas shall be screened from all public streets, open space, adjacent properties and any residential zoning districts or residentially used properties that abut or are directly across a public street or alley from the loading dock or outside storage area in accordance with the requirements of [Subsection 1.05, Screening Standards, of Article V, District Development Standards](#). As an alternative, the Planning and Zoning Commission may approve an alternative screening method that incorporates one (1) of the following options:

- (1) *Alternative #1.* A wrought iron fence and three (3) tiered screening (i.e. small to mid-sized shrubs, large shrubs or accent trees, and canopy trees) along the entire length of the adjacency. The canopy trees shall be placed on 20-foot centers.

Figure 4: Alternative #1



- (2) *Alternative #2.* A wrought iron fence with a mix of two (2) rows of staggered mature evergreen trees and one (1) row of deciduous canopy trees (a minimum six [6] caliper inches) along the entire length of the adjacency. All trees will be planted on 20-foot centers.

Figure 5: Alternative #2



(B) *Screening from Residential.* Any non-residential or multi-family land use or parking area that has a side or rear contiguous to any residentially zoned or used property shall be screened with a masonry fence a minimum of six (6) feet in height with canopy trees planted on 20-foot centers (as depicted in Figures 6 & 7 below). As an alternative, the Planning and Zoning Commission may approve an alternative screening method that incorporates a wrought iron fence and three (3) tiered screening (i.e. [1] small to mid-sized shrubs, large shrubs or accent trees, and canopy trees or [2] evergreen trees and canopy trees) along the entire length of the adjacency (as depicted in Figure 8, 9, & 10 below). The canopy trees shall be placed on 20-foot centers.

Figure 6: Masonry Fence with Canopy Trees in Plan View



Figure 7: Masonry Fence with Canopy Trees in Perspective View



Figure 8: Wrought Iron Fence with Three (3) Tiered Screening in Plan View



Figure 9: Alternative #1 (Wrought Iron Fence with Three (3) Tiered Screening in Perspective View)



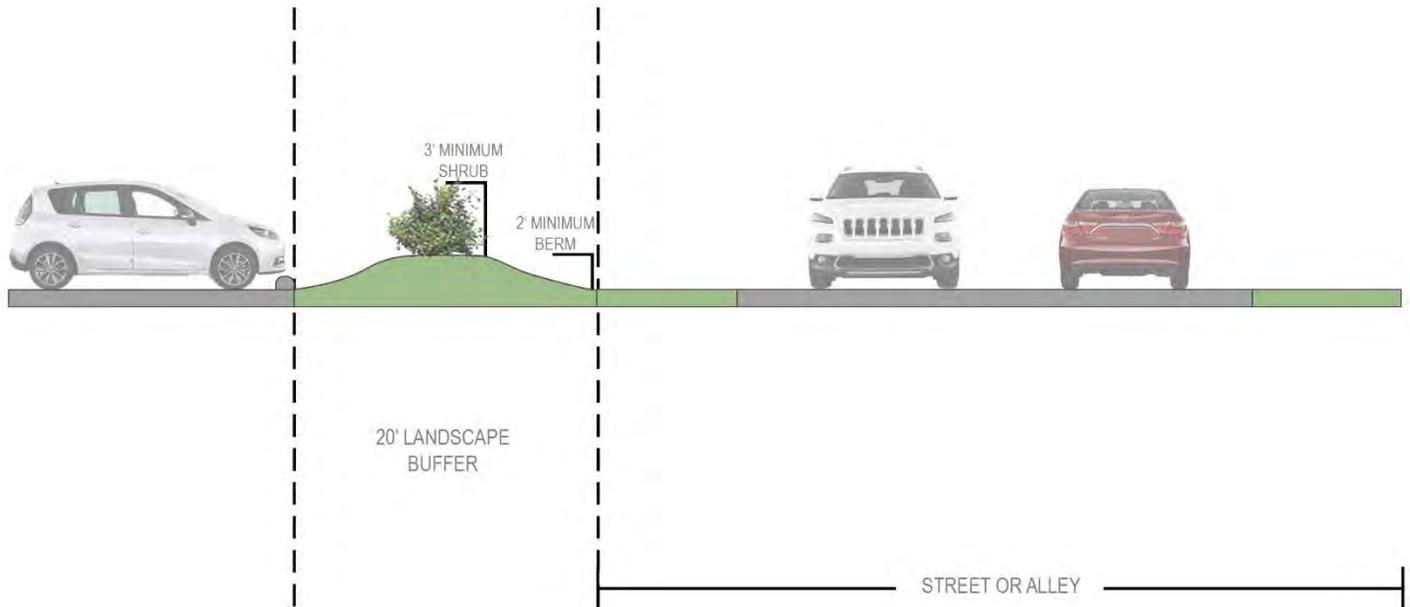
Figure 10: Alternative #2 (Wrought Iron Fence with Three (3) Tiered Screening in Perspective View)



(C) *Headlight Screening.* Head-in parking adjacent to a street shall incorporate one (1) of the following screening methods to mitigate the potential hazard that headlights may pose for on-street vehicular traffic:

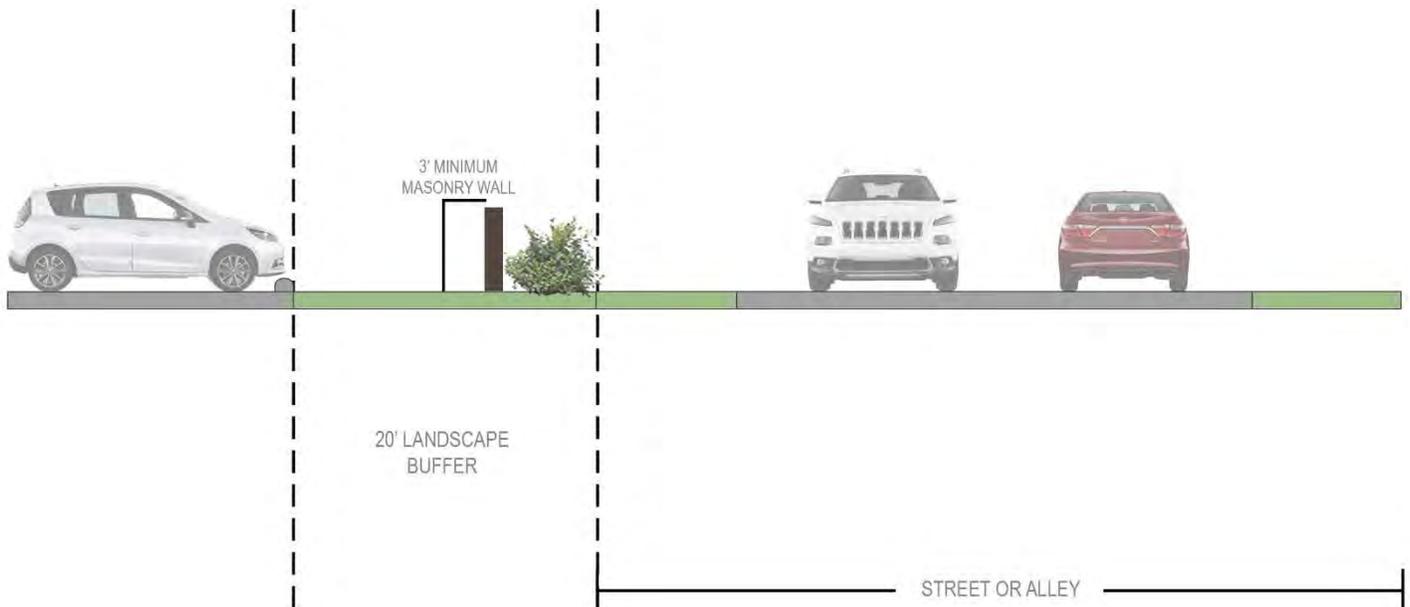
- (1) *Alternative #1.* A minimum of a two (2) foot berm with mature evergreen shrubs along the entire adjacency of the parking areas.

Figure 11: Alternative #1 (Headlight Screening using Landscaping and a Berm)



(2) *Alternative #2.* A minimum of a three (2) foot masonry wall with mature shrubs situated between the wall and the right-of-way along the entire adjacency of the parking areas.

Figure 12: Alternative #2 (Headlight Screening using a Masonry Wall and Landscaping)



(D) *General Screening Requirements.* All screening shall meet the following requirements:

(1) *Approval of a Screening Plan.* Prior to construction of any required screening, a site plan and landscape plan shall be approved by the Planning and Zoning Commission showing the type of screening, the proposed materials, and the plant spacing. In approving screening plans, the Planning and Zoning Commission shall determine:

(a) If the proposed screening plan will adequately screen the non-residential land use.

(b) If the proposed screening plantings will withstand the pressures of time and nature.

(2) *Certificate of Occupancy (CO)*. Prior to the issuance of a Certificate of Occupancy (CO), the proposed screening shall be installed and verified by the Director of Planning and Zoning or his/her designee.

SUBSECTION 5.03: LANDSCAPE REQUIREMENTS

(A) *Amount of Landscaping*. The following landscaping percentages shall be required and shall apply to the total site area to be developed:

ZONING DISTRICT	REQUIRED LANDSCAPING (%)	REQUIRED LANDSCAPING WITH MAXIMUM ELIGIBLE CREDITS (%)
Multi-Family 14 (MF-14) District	35	22½
Downtown (DT) District	See Subsection 4.07, Downtown (DT) District, of Article V, District Development Standards	
Residential Office (RO) District	30	17½
Neighborhood Services (NS) District	25	12½
General Retail (GR) District	20	7½
Commercial (C) District	20	7½
Heavy Commercial (HC) District	15	2½
Light Industrial (LI) District	15	2½
Heavy Industrial (HI) District	10	2½

(B) *Location of Landscaping*. A minimum of 50% of the required landscaping shall be located in the front of and along the side of buildings with street frontage in the Multi-Family 14 (MF-14), Residential Office (RO), Neighborhood Services (NS), General Retail (GR) and Commercial (C) Districts. A minimum of 100% of the total required landscaping shall be located in front of and along the side of buildings with street frontages in the Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) Districts.

(C) *Minimum Size of Required Landscape Areas*. All required landscaping shall be no less than five (5) feet wide and be a minimum of 25 SF in area unless it is within ten (10) feet of a building on the same lot.

(D) *Detention Basins*. Detention basins shall be landscaped in a natural manner using ground cover, grasses, shrubs, berms, and accent and canopy trees. There shall be a minimum of one (1) Canopy Tree per 750 SF and one (1) Accent Tree of detention area.

(E) *Parking Lot Landscaping*. The following landscape requirements will apply to parking lots:

(1) Parking lots with more than two (2) rows of parking spaces (*i.e. one [1] drive isle with rows of parking on either side*) shall have a minimum for five (5) percent or 200 SF of landscaping -- *whichever is greater* -- in the interior of the parking lot area. Such landscaping shall be counted toward the total required landscaping.

(2) If the parking and maneuvering space exceeds 20,000 SF, one (1) large canopy tree for every ten (10) parking spaces shall be required to be planted internal to the parking areas.

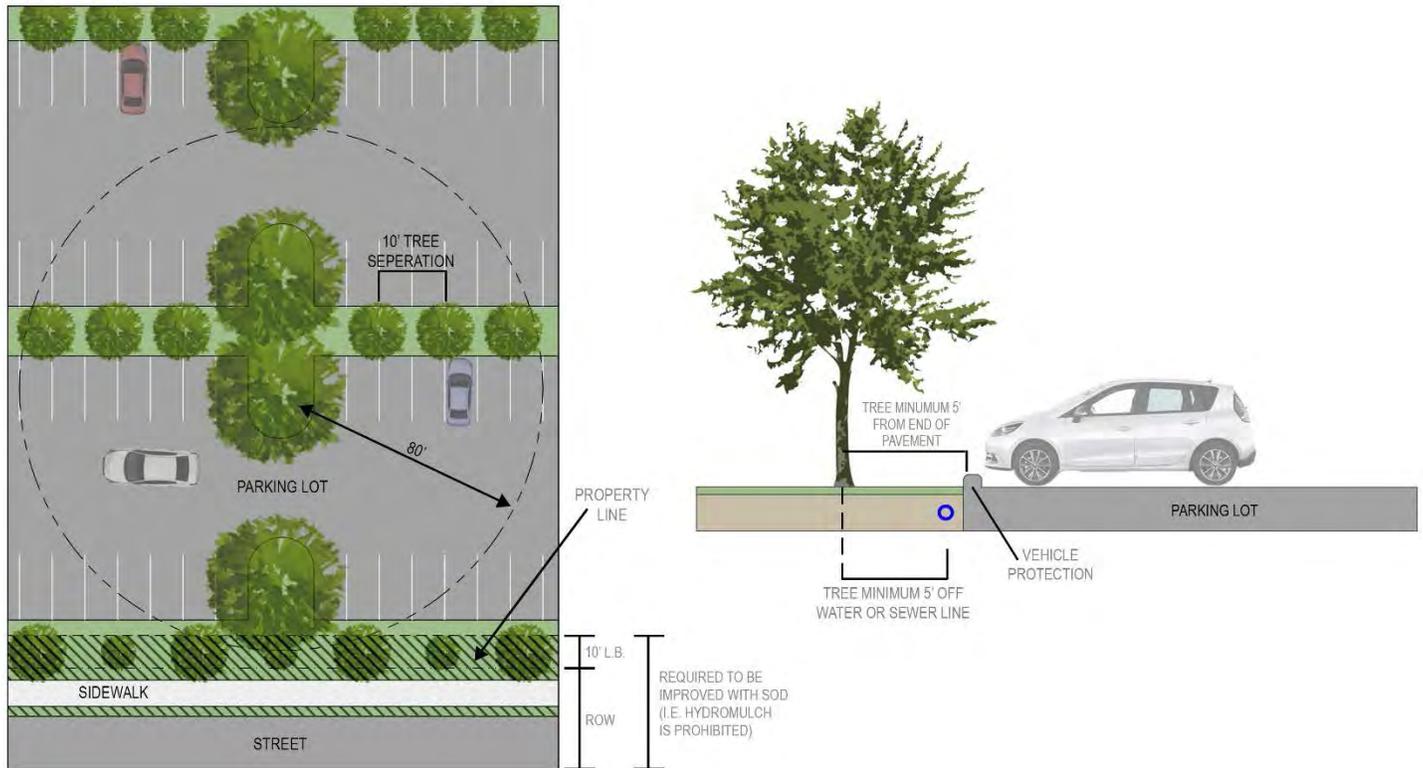
(3) No tree shall be planted closer than five (5) feet to the edge of pavement or five (5) feet from any water or wastewater line that is less than 12-inches. Water and wastewater lines that are 12-inches and greater require trees to be planted a minimum of ten (10) feet from the centerline of the pipe.

(4) No required parking spaces may be located more than 80-feet from the trunk of a canopy tree.

(F) *Protection of Landscape Areas*. Required landscape areas must be protected from vehicular traffic through the use of a concrete curb, or other permanent barrier.

(G) *Landscaping in Landscape Buffers and Public Right-of-Way.* All landscape buffers and public right-of-way located adjacent to a proposed development shall be improved with grass (*i.e. sod -- hydro mulch shall be prohibited in these areas*) prior to the issuance of a Certificate of Occupancy (CO). In addition, it shall be the responsibility of the developer to design the irrigation system within the lot to ensure that the grass placed in public right-of-way is watered and maintained, and to ensure that minimal water will be shed on to the street. The designer of the irrigation system shall base the systems design on the ultimate proposed width of the street. The plans for design of the irrigation system shall be approved by the Building Inspections Department prior to installation and acceptance of the project.

Figure 13: Landscape Requirements



SUBSECTION 5.04: IRRIGATION REQUIREMENTS

A. *General Irrigation Requirements.* The owner shall be responsible for the health and vitality of plant material through the irrigation of all landscaped areas, turf and plant materials, and shall:

- (1) Provide a moisture level in an amount and frequency adequate to sustain growth of the plant materials on a permanent basis.
- (2) Be in place and operational at the time of the landscape inspection for Certificate of Occupancy (CO).
- (3) Be maintained and kept operational at all times to provide for efficient water distribution.

B. *Irrigation Methods.*

- (1) *Landscaped Areas.* One (1) of the following irrigation methods shall be used to ensure adequate watering of plant material in landscaped areas:
 - (a) *Conventional System.* An automatic or manual underground irrigation system that may be a conventional spray or bubbler type heads.
 - (b) *Drip or Leaky-Pipe System.* An automatic or manual underground irrigation system in conjunction with a water-saving system such as a drip or a leaky pipe system.

(c) *Temporary and Aboveground Watering.* Landscape areas utilizing xeriscape plants and installation techniques, including areas planted with native grasses and wildflowers, may use a temporary and above ground system, and shall be required to provide irrigation for the first two (2) growing seasons only.

(2) *Natural and Undisturbed Areas.* No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

(3) *Compliance with State Law.* All irrigation systems shall comply with the irrigation code of [Chapter 10, Buildings and Building Regulations, Article XVI, Irrigation Code, of the City of Rockwall Code of Ordinances](#), and all applicable state laws, as may be amended.

(Ord. No. 09-23, 6-15-2009)

SUBSECTION 5.05: XERISCAPING/SMARTSCAPING STANDARDS

(A) *Purpose.* The purpose of this section is to promote the establishment of water conscious landscaping through the implementation of xeriscaping/smartscape principles. Additionally, this section is intended to provide an alternative to the typical landscape requirements for commercial properties.

(B) *Principles.* All xeriscaping/smartscape plans submitted to the city should demonstrate conformance with the following principles:

(1) *Planning and Design.* Landscape designs and plans should take into account the regional and microclimatic conditions of the site, its existing vegetation and topographical conditions, the intended use, and the zoning (*i.e. vegetation zone*) of plant materials according to their unique water needs. Plans should take into account the various heights of landscaping materials. If the landscape plan is proposed in phases, to account for optimum planting times, all future phases should be included on the submitted landscape plan. In reviewing plans to ensure proper site planning and design, staff shall ensure that the plan: [1] preserves and protects existing vegetation, [2] preserves and protects topsoil, [3] stabilizes and covers all bare soil areas, and [4] incorporates energy/water conservation.

(2) *Soil Improvement.* Since soil tends to vary from site to site all soil should be analyzed to determine what plants are suitable to include on the landscape plan and if any soil amendments are required. Soil may require additional organic material be added to ensure the continued health of plants.

(3) *Appropriate Plant Selection.* Plant selection should be based on the plant's adaptability to the existing site conditions and need for supplemental watering. Most xeriscape/smartscape plants will not require supplemental watering. In selecting plant materials, mature plants and shrubs should be used to ensure establishment after installation. A list of plants that are native and acceptable within the city has been provided in [Appendix F, Recommended Plantings](#); however, staff may approve alternate plantings if they are deemed appropriate for the site. In reviewing plans for conformance to this principle staff will consider the: [1] diversity of the plant species being proposed, [2] size, maturity and water requirements of the selected plantings, and [3] variation of height, spread and color.

(4) *Practical Turf Areas.* The type and location of turf areas are considered to be a major design element in xeriscape/smartscape plans. Turf in this case involves typical varieties of Bermuda, St. Augustine, Ryegrass blends, etc. The maintenance needs of turf can be minimized by the shape, area, irrigation equipment, and turf type selected. Drainage areas and sloped areas are especially suited to the use of native grasses as opposed to turf. In reviewing plans to ensure that the turf areas being proposed are practical staff will review: [1] the design of the turf areas (with rounded, compact turf areas being more efficient), [2] turf areas should be designed to be on a separate zone from other landscaping, [3] turf should be appropriate for the selected location, [4] turf should be avoided on slopes and drainage areas in favor of native grasses, and [5] minimize turf areas by using native grasses, hardscape elements and alternatives.

- (5) *Efficient Irrigation.* All landscaping is required to have an irrigation system that is designed by a licensed irrigator. Additionally, all irrigation systems should be designed to be water efficient utilizing low-flow irrigation equipment. The plan should show that turf areas should be watered separately, and plants should be grouped in separate zones based on water need. Finally, all irrigation systems are required to be maintained in proper working order.
- (6) *Use of Mulches.* Mulches minimize evaporation, reduce weed growth, slow erosion and help maintain soil temperature. In reviewing the use of mulches in xeriscape/smartscape plans staff shall ensure: [1] the use of a deep layer of mulch in planting beds (*typically three to four inches*) is utilized, and [2] mulches should be locally or regionally derived materials. Additionally, mulches may include the use of pea gravel, crushed granite, rock or pebbles in unplanted areas.
- (7) *Appropriate Maintenance.* Proper pruning, weeding and fertilization as required with all landscape plans shall be required. Typically, xeriscape/smartscape plans require less maintenance, fertilizer and other chemicals and pesticides.

(C) *Standards.*

- (1) If approved with a *Landscape Plan* native grasses shall be exempt from the rules and requirements of [Section 16-43, Weeds, Brush and Grass, of Chapter 16, Environment, of the Municipal Code of Ordinances](#); however, the grass should be maintained to a height typical for the particular native grass.
- (2) Drainage or detention areas that utilize native grasses in lieu of turf shall be exempt from the requirements stipulated by [Section 5.03\(E\)](#) (*i.e. one [1] tree per every 750 SF and one [1] accent tree per 1,500 SF of detention area*). Instead, a shrub or ornamental grass per every 750 SF of dry land area shall be required to be planted on the site or around the detention area.
- (3) A maximum of 30% mulches or hardscape is permitted to be incorporated into all xeriscape plans. This may be increased by the Planning and Zoning Commission if deemed appropriate and necessary for the proposed plan.

(D) *Approval of Xeriscape/Smartscape Plans.* All xeriscape/smartscape plans shall require approval by the Planning and Zoning Commission, upon a recommendation by staff concerning conformance to the requirements of this section, at the time of site plan approval.

(Ord. No. 15-32, § 2, 12-7-2015)

SECTION 6. - LANDSCAPE CREDITS

Credits to the landscape requirements may be achieved as follows:

SUBSECTION 6.01: CREDIT FOR REQUIRED LANDSCAPE BUFFERS BETWEEN NON-RESIDENTIAL AND RESIDENTIAL USED OR ZONED LAND

The overall landscape requirement may be reduced by five (5) percent when the required landscape buffer between a non-residential or multi-family land use and a residentially zoned or used property is increased from 20-feet to 40-feet, and utilizes a berm along the entire length of the required landscape buffer. The length of the landscape buffer must be at least the length of the minimum lot depth of the zoning district for which the subject property is located as stipulated by [Article V, District Development Standards](#).

SUBSECTION 6.03: CREDIT FOR REQUIRED LANDSCAPE BUFFER ADJACENT TO A PUBLIC STREET

The overall landscape requirement may be reduced by five (5) percent when the required landscape buffer adjacent to a public street is increased from ten (10) feet to 20-feet, and a minimum of two (2) Canopy Trees

and four (4) Accent Trees are added per 100-linear feet of frontage. The landscape buffer shall also incorporate a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. The berm and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches.

SUBSECTION 6.04: CREDIT FOR XERISCAPING/SMARTSCAPING

The overall landscaping requirement may be reduced by 2½% when the Director of Planning and Zoning or his/her designee determines that the standards stipulated by [Section 5.05, *Xeriscaping/Smartscaping Standards*](#), of this Article have been satisfied.

(Ord. No. 15-32, § 2, 12-7-2015)

SECTION 7. - COMPLETION OF LANDSCAPING

SUBSECTION 7.01: IN ACCORDANCE WITH APPROVED PLANS

Except as otherwise provided in [Subsection 7.02](#), all landscaping must be completed in accordance with the approved *Landscape Plan* before a Certificate of Occupancy (CO) may be issued for any building on the lot; however, during drought or water emergency response stages the Director of Planning and Zoning or his/her designee can grant an applicant permission to delay the installation of required landscaping (independent of [Subsection 7.02](#)) upon receipt of a letter from the applicant stating that the landscaping will be installed by a specific date that is within a reasonable time period not to exceed six (6) months. The Director of Planning and Zoning may extend the agreement for successive terms if the City is still under drought or water emergency response stages.

(Ord. No. 15-32, § 2, 12-7-2015)

SUBSECTION 7.02: ESCROW AND ASSURANCE

If, due to circumstances beyond the property owner's control, the required landscaping cannot be installed prior to completion of the building and if the property owner provides the Chief Building Official with documented assurance that the landscaping will be completed within six (6) months and the funds required to complete the project are placed in escrow with the City, the Chief Building Official may issue one (1), six (6) month temporary Certificate of Occupancy (CO) and permit the property owner to complete his landscaping during the six (6) month period. For purposes of this subsection, "documented assurance" means a copy of a valid contract to install the landscaping in accordance with the landscape plan within the six (6) month period. The City shall hold the funds in escrow until such time as the landscaping is completed in accordance with the approved plan.

SUBSECTION 7.03: FORFEITURE OF ESCROW

If a temporary Certificate of Occupancy (CO) is issued under [Subsection 7.02](#) and, at the end of the six (6) month period, no permanent Certificate of Occupancy (CO) has been issued because the landscaping has not been installed in accordance with the landscape plan, the property owner shall be deemed in violation of this section, the funds placed in escrow shall be forfeited, and the City shall issue a citation for said violation, unless an extension is granted by the City Manager.

SECTION 8: FENCE STANDARDS

SUBSECTION 8.01: FENCE PERMIT

No fence shall be constructed within the City without the owner or authorized agent of the owner having secured a permit from the Chief Building Official or his/her designee. A fence repair permit shall be required for the replacement of 25-feet or more of fencing and/or the replacement of five (5) or more posts. The Chief Building

Official or his/her designee shall establish and maintain an application for a fence permit that can be utilized for the purpose of issuing fence permits. The fees for such permits shall be established by resolution by the City Council.

SUBSECTION 8.02: GENERAL FENCE STANDARDS

The following general fencing requirements shall apply for all residential and non-residential fences:

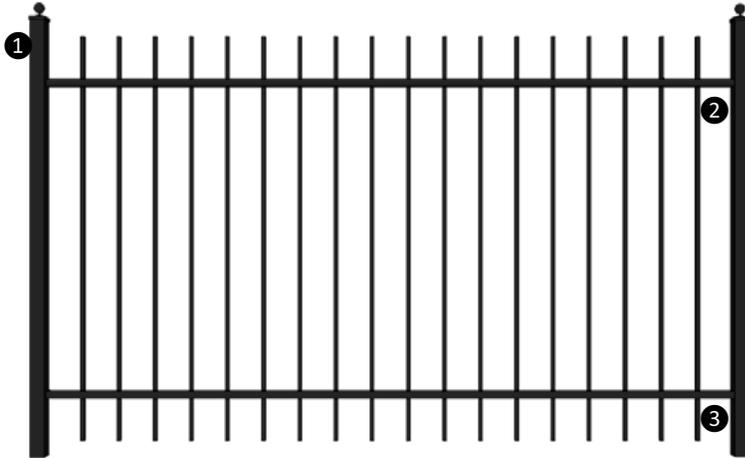
- (A) *Projections*. No fence guy wire, brace, light standard, sign, vee arm barbed wire base and arm, or any structure attached to a fence shall protrude over any property line.
- (B) *Material Requirements*. Unless otherwise provided for in this section [*i.e.* [Section 8, Fence Standards](#)], the following material requirements shall apply to all residential and non-residential fences:
- (1) Permitted fencing materials are limited to wood pickets, vinyl coated chain link, wrought iron, decorative metal (*i.e. with the appearance of wrought iron but is made of powder-coated steel, aluminum or covered with a corrosion protection finish*), brick, stone, split face CMU or burnished block, vinyl, fiberglass composite, and concrete with stone face/form liner.
 - (2) Steel pipe shall be allowed for residential fences as specified in [Subsection 8.03\(C\)](#).
 - (3) Barb wire fences may be used without restrictions when in conjunction with an agricultural related land use; however, no barbed wire fence shall be located on any property that is zoned or used as a residential property. In areas where barbed wire fences are allowed, arms or base and arms with barbed wire shall not have more than three (3) stands a fixed to the arm or base and arm. Constantine or razor wire is prohibited. Any projection of an arm or base for the purpose of affixing barb wire will be considered a part of the fence for the purposes of determining the maximum height.
 - (4) It shall be unlawful for any person to construct or maintain any electrical fence or electrical attachment to a fence.
 - (5) Precast, smooth face CMU, and corrugated or *R-Panel* fencing shall be prohibited.
 - (6) Solid wood fencing exceeding 48-inches in height shall be constructed using metal posts set in concrete, or brick, stone or a combination of brick and stone columns.
- (C) *General Fence Details*. Unless otherwise specified in this section, fences constructed in the City of Rockwall shall generally conform to the following minimum fence details:

(1) *Wood Fences*.



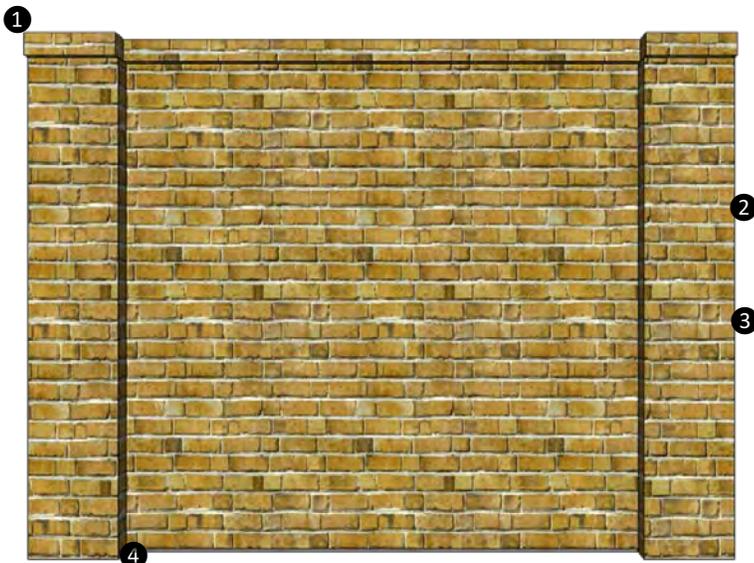
- ① Top Rail; ② Galvanized or Stainless-Steel Post (*Recommended Minimum of 2 $\frac{3}{8}$ "*); ③ Stinger Board (*Recommended Minimum of 2" x 3"*); ④ Minimum $\frac{1}{2}$ " Wood Screen.

(2) *Wrought Iron Fence.*



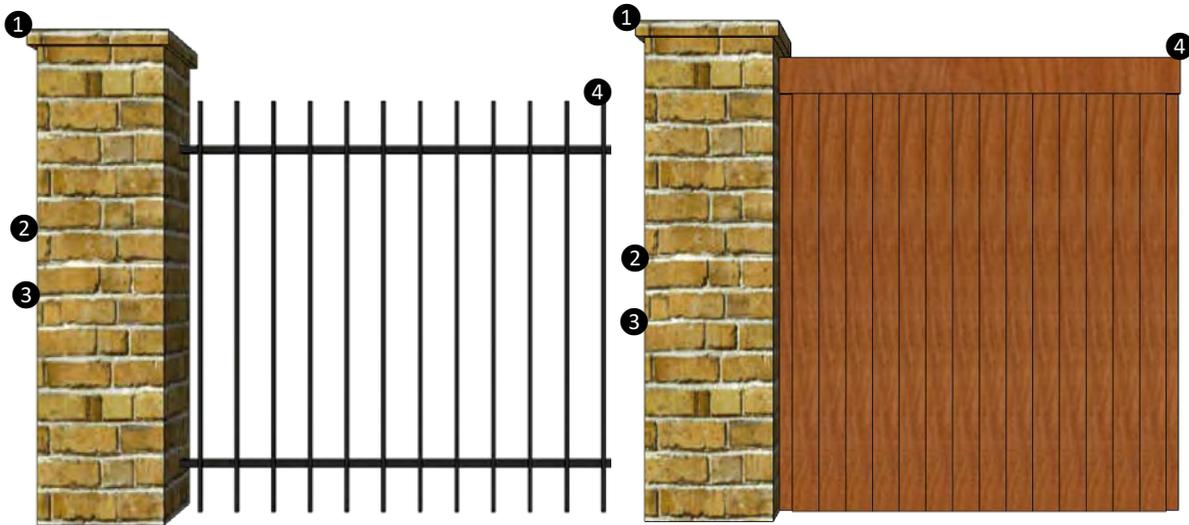
- ① Painted or Powder Coated with a Decay Resistant Paint; ② Top Rail; ③ Bottom Rail.

(3) *Masonry Wall.*



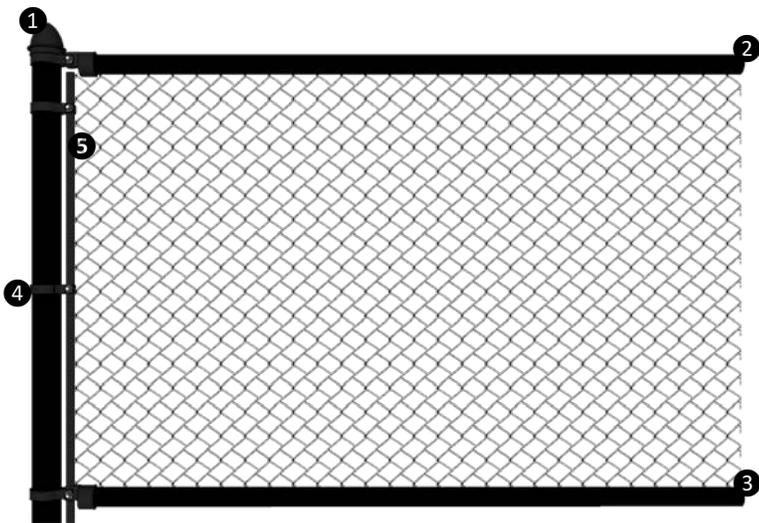
- ① Rowlock Cap; ② Running Bond; ③ $\frac{3}{8}$ Tooled Joints (*Typical*); ④ Concrete Footing/Mow Strip.

(4) Fence with Masonry Columns.



1 Rowlock Cap; 2 Running Bond; 3 3/8 Tooled Joints (Typical); 4 Wrought Iron or Board-On-Board Wood Fence.

(5) Vinyl Coated Chain-Link Fence.



1 Post Cap; 2 Top Rail; 3 Bottom Rail; 4 Tension Band; 5 Tension Bar.

(D) *Fence Height Requirements.* All fence heights shall be measured vertically from the inside natural or mean grade elevation of the yard, and shall adhere to the following height requirements:

- (1) Residential fencing shall have a maximum height of eight (8) feet.
- (2) Non-residential fencing shall have a maximum height of 12-feet.

(E) *Temporary Fences.* The Chief Building Official or his/her designee may permit temporary fencing for the purpose of protecting or securing a construction site. The temporary fences duration of use, location, height, and materials of the temporary fence shall be stated in the request to the Chief Building Official or his/her designee. Barbed wire fencing may be permitted for temporary use; however, Constantine or razor wire is prohibited.

SUBSECTION 8.03: RESIDENTIAL FENCES

(A) *Fence Standards for New Subdivisions.* All individual residential fencing and walls proposed for new subdivisions shall be architecturally compatible with the design, materials, and colors of the primary structure or structures on the same lot or within the subdivision, and meet the following minimum standards:

- (1) *Solid Fencing.* All solid fencing shall be constructed utilizing standard cedar fencing materials (*spruce fencing is prohibited*) that are a minimum of ½-inch or greater in thickness. Fences shall be *board-on-board* panel fence that is constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Posts, fasteners, and bolts shall be formed from hot dipped galvanized or stainless steel. All cedar pickets shall be placed on the *public side (i.e. facing streets, alleys, open space, parks, and/or neighboring properties)*. All posts and/or framing shall be placed on the *private side (i.e. facing towards the home)* of the fence. All wood fences shall be smooth-finished, free of burs and splinters, and be stained and sealed on both sides of the fence. Painting a fence with oil or latex based paint shall be prohibited. All solid fences shall incorporate a decorative top rail and/or cap detailing the design of the fence.
- (2) *Transparent Fencing.* All transparent fencing shall be wrought iron that is a minimum of four (4) feet in height and a maximum of eight (8) feet in height. Transparent fencing is required adjacent to all perimeter roadways (*i.e. along the perimeter of the subdivision*), abutting open spaces, greenbelts and parks.
- (3) *Corner Lots.* Corner lot fences (*i.e. adjacent to a street, open space, or parks*) shall provide masonry columns at 45-foot off center spacing that begins at the rear of the property line. A solid cedar *board-on-board* panel fence that is a minimum of six (6) feet in height and a maximum of eight (8) feet in height shall be allowed between the masonry columns along the side and/or rear lot adjacent to an interior street. The fence shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
- (4) *Perimeter Subdivision Fencing.* Perimeter subdivision fencing shall be constructed of six (6) foot tall tubular steel or wrought-iron type fencing with masonry columns, landscaping, and entry features. All common areas and perimeter subdivision fencing shall be maintained by a Homeowner's Association (HOA) as specified in the City's subdivision regulations.
- (5) *Exceptions.* The Planning and Zoning Commission may consider alternative materials that are permitted by [Subsection 8.02\(B\)](#) (*e.g. vinyl or split rail fencing*) or alternative screening for perimeter fencing (*e.g. earthen berms with landscaping*) on a *case-by-case* basis at the time of preliminary plat and/or site plan for all new residential subdivisions. These exceptions will be subject to the approval criteria and voting requirements stipulated by [Section 9.01, Exceptions to the General Standards, of Article XI, Development Applications and Review Procedures](#).

(B) *Fence Standards for Existing and Infill Single-Family and Duplex Properties.* All fences being proposed in established residential areas (*i.e. established single-family or duplex subdivision or areas*) -- *that are not regulated by a Planned Development District ordinance* -- shall be architecturally compatible with the design, materials, and colors of the existing fences in the area; however, the following minimum standards shall apply to all fences requiring a fence permit in these areas:

- (1) *Solid Fencing.* All solid fencing shall be constructed utilizing standard cedar fencing materials (*spruce fencing is prohibited*) that are a minimum of ½-inch or greater in thickness. Fences shall be constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Posts, fasteners, and bolts shall be formed from hot dipped galvanized or stainless steel. All cedar pickets shall be placed on the *public side (i.e. facing streets, alleys, open space, parks, and/or neighboring properties)*. All posts and/or framing shall be placed on the *private side (i.e. facing towards the home)* of the fence. All wood fences shall be smooth-finished, free of burs and splinters, and be stained and sealed on both sides of the fence. Painting a fence with oil or latex based paint shall be prohibited. All solid fences shall incorporate a decorative top rail and/or cap detailing the design of the fence.
- (2) *Transparent Fencing.*

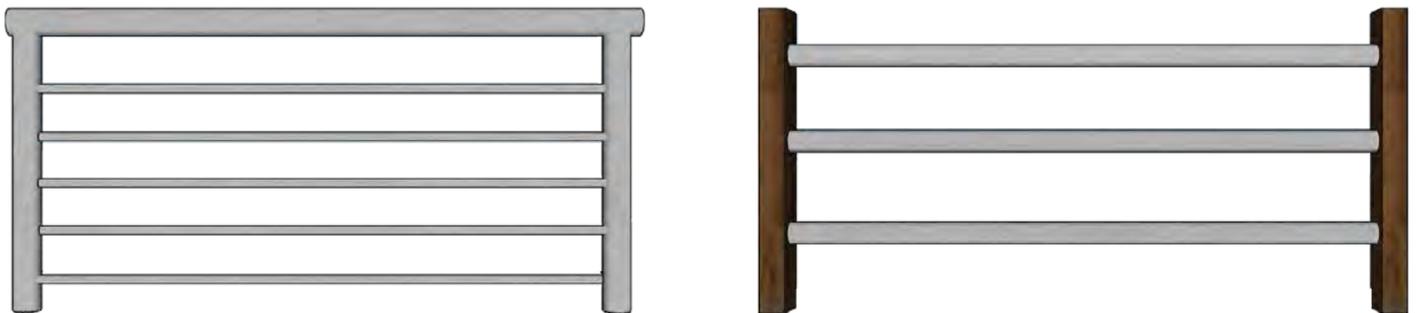
- (a) *Wrought Iron Fences.* All new transparent fencing shall be wrought iron that is a minimum of four (4) feet in height and a maximum of eight (8) feet in height.
- (b) *Chain-Link Fences.*

- (I) *New Chain-Link Fences.* New chain-link fences shall be prohibited.
- (II) *Replacement of an Existing Chain-Link Fence.* Existing chain-link fences may be replaced with a new vinyl coated, chain-link fence that is a minimum of four (4) feet in height and a maximum of six (6) feet in height. Replacement chain-link fences may only be placed in the location of the existing chain-link fence.
- (III) *Chain-Link Fences in Conjunction with an Accessory Use.* Chain-link fences that are integral to the design of an accessory use (e.g. dog run, batting cage, etcetera) maybe be permitted; however, the fence shall be placed a minimum of ten (10) feet from the property lines unless completely screened from adjacent properties, open spaces, right-of-way, and parkland by a structure, fence or solid landscape screen.

- (3) *Special Exceptions.* The Planning and Zoning Commission may consider alternative materials that are permitted by [Subsection 8.02\(B\)](#) (e.g. vinyl or split rail fencing) on a case-by-case basis. These exceptions will be subject to the approval criteria and voting requirements stipulated by [Section 9.01, Exceptions to the General Standards, of Article XI, Development Applications and Review Procedures.](#)

- (C) *Fence Standards for Agricultural and Single-Family Estate Properties.* Fences in the Agricultural (AG), Single-Family Estate 1.5 (SFE-1.5), Single-Family Estate 2.0 (SFE-2.0), and Single-Family Estate 4.0 (SFE-4.0) Districts shall meet all the requirements stipulated for [Subsections 8.03\(A\) & 8.03\(B\)](#); however, a metal split-rail or pipe fencing shall be permitted in these districts. Metal split-rail or pipe fencing shall be a minimum of four (4) feet and a maximum of eight (8) feet in height.

EXAMPLE OF METAL SPLIT-RAIL AND/OR PIPE FENCING



- (D) *Fence Placement.*

- (1) *Fences in the Rear and Side Yard.* Fences may be placed in the rear and side yards; however, the following conditions shall apply:
 - (a) *Side Yard Fences.* Side yard fences shall not extend beyond the front façade of a single-family structure. In cases where a structure has a front porch or other encroachment, the fence shall not extend beyond where the front porch or encroachment meets the front façade of the single-family structure (as depicted in Figure 18).
 - (b) *Abutting an Alleyway.* Fences abutting an alleyway are permitted to be constructed on the side or rear property lines (as depicted in Figure 14).
 - (c) *Through Lots.* Fences proposed for *Through Lots* (i.e. lots that have street frontage adjacent to the front and rear yard property lines) may construct a fence on the rear yard property line if all lots within the block have the same lot configuration (i.e. if all lots are *Through Lots* fronting in the same direction)

(as depicted in Figure 15). If a *Through Lots'* rear property line is adjacent to a house, the rear yard fence for the *Through Lot* shall not extend past the front yard building line (as depicted in Figure 17).

(d) *Corner Lots*. Corner lots shall be permitted to construct a fence along the side yard property line adjacent to a street (as depicted in Figure 14); however, in cases where a house is facing in the same direction as the side yard of a corner lot, the side yard fence adjacent to the street shall not extend beyond the front yard building setback (as depicted in Figure 16).

Figure 14: Corner Lots.



Figure 15: Fences Back to a Street.

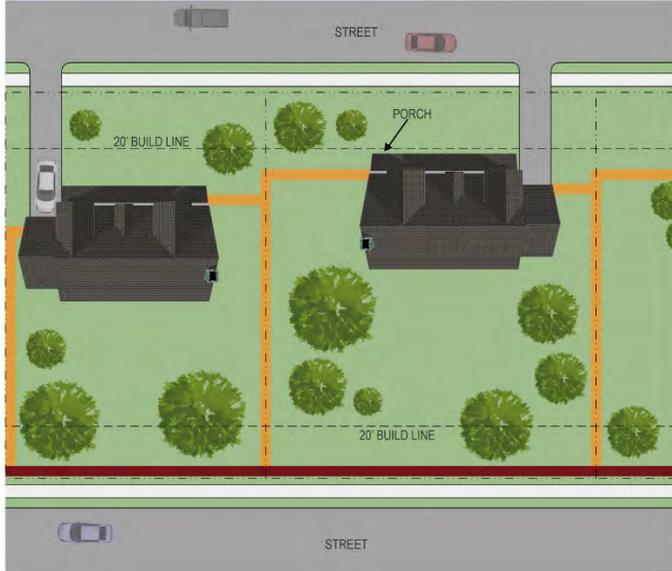


Figure 16: Fences Backing to a Side Yard.



Figure 17: Through Lots.

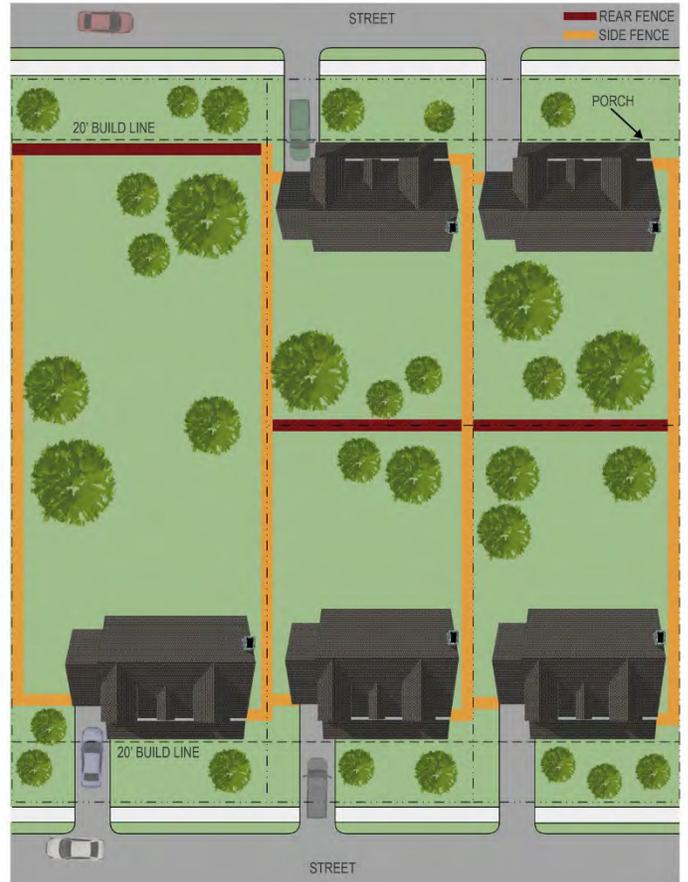
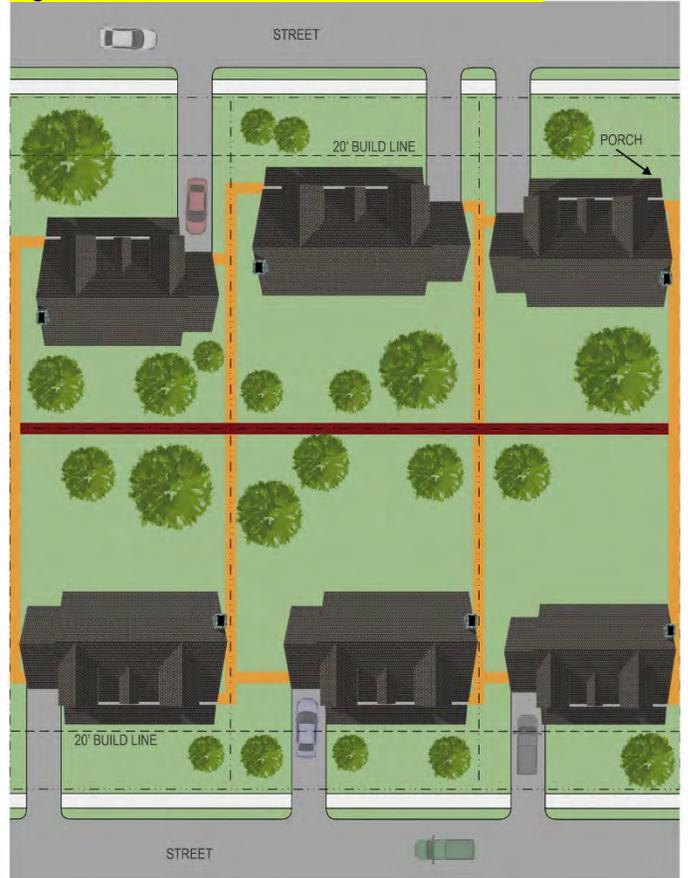


Figure 18: Fences with Common Rear Yards.

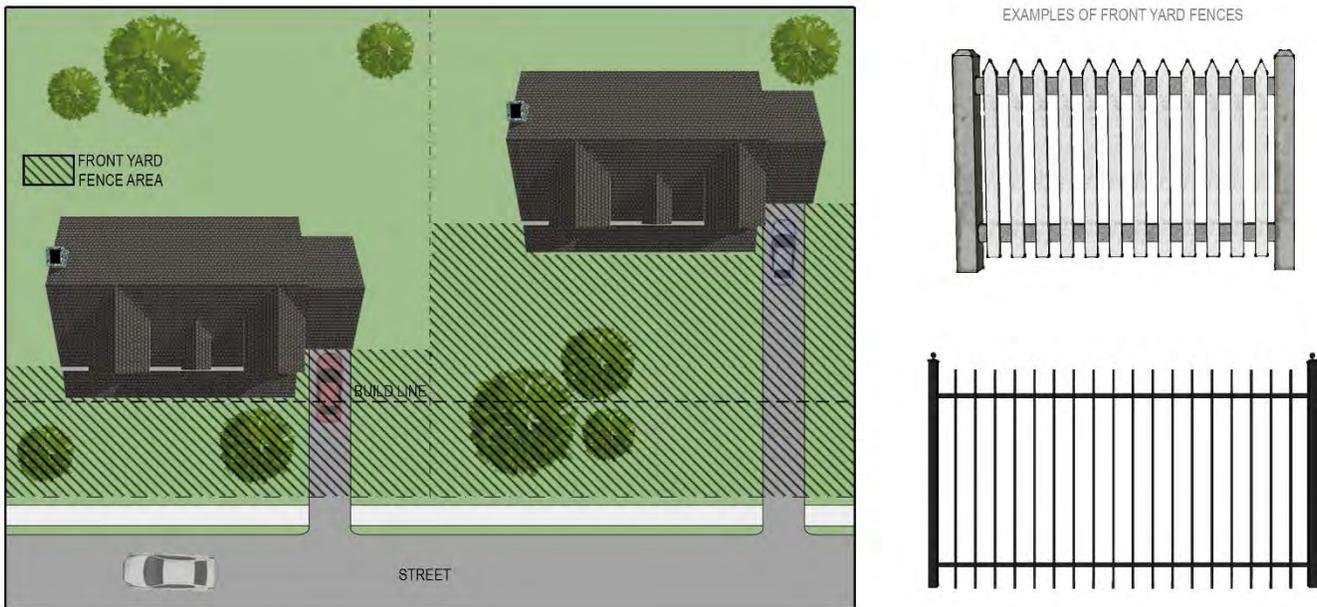


(2) *Fences in the Front Yard.* No fence shall be constructed in the front yard of a residential property without being granted an exception from the Planning and Zoning Commission unless specifically permitted by [Subsection 8.03\(D\)\(3\)](#). For the purposes of this provision the front yard is defined as the area between the front façade of the primary structure and the front property line (as depicted in Figure 14). The Planning and Zoning Commission may authorize the issuance of an exception for the construction of a front yard fence subject to the following provisions:

- (a) *Wood Fences.* Wood fences that are 50% transparent (e.g. as depicted in Figure 14) shall not exceed 42-inches in height.
- (b) *Wrought Iron or Decorative Metal Fences.* Wrought iron or decorative metal fences that are 50% transparent (e.g. as depicted in Figure 14) shall not exceed 48-inches in height.
- (c) *Opaque Fences.* Opaque fences are prohibited in the front yard of residential properties.

In considering a front yard fence, the Planning and Zoning Commission may require applicants to provide additional information, plans, drawings, and/or other information concerning the proposed front yard fence. In addition, the Planning and Zoning Commission may establish additional conditions of construction for any fence.

Figure 19: Residential Front Yard Fences



(3) *Exemptions to the Front Yard Fence Requirements.* The following front yard fences are exempted from the exception process for front yard fences:

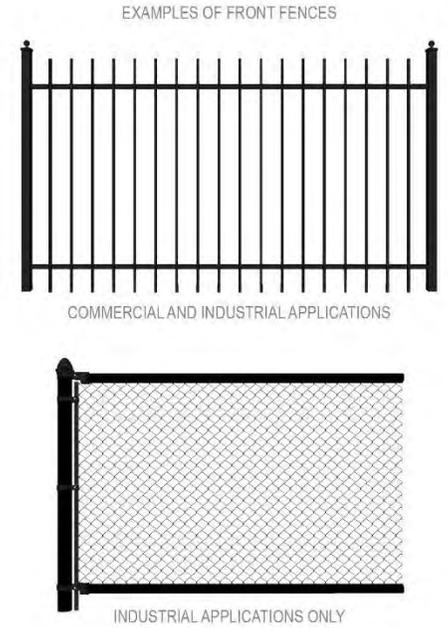
- (a) *Model Homes.* Model homes that incorporate a fence that is 50% transparent (e.g. as depicted in Figure 14), and that does not exceed a maximum height of 42-inches may establish a front yard fence; however, these fences are considered to be temporary and must be removed at the time a permanent residence is established. Alternatively, an exception for a front yard fence can be approved in accordance with the procedures outline in [Subsection 8.03\(D\)\(2\)](#).
- (b) *Single-Family Estate Properties.* Properties in a Single-Family Estate 1.5 (SFE-1.5), Single-Family Estate 2.0 (SFE-2.0), or Single-Family Estate 4.0 (SFE-4.0) District shall be permitted to construct a front yard fence that is 50% transparent (e.g. as depicted in Figure 14) and that does not exceed 48-inches in height as long as the fence is [1] architecturally harmonious with the development, and [2] constructed of metal split rail, wood picket, vinyl, wrought iron, and/or painted steel.

SUBSECTION 8.02: NON-RESIDENTIAL FENCES

- (A) *Fence Standards for Properties in a Commercial District.* Non-required fences in the Neighborhood Services (NS), General Retail (GR), and Commercial (C) Districts, shall be constructed of the materials outlined in [Subsection 8.02\(B\)](#); however, wood and vinyl coated chain-link fences shall be prohibited.
- (B) *Fence Standards for Properties in the Residential Office (RO) and Downtown (DT) Districts.* Fences in the Residential Office (RO) District and the Downtown (DT) District shall be constructed of the materials outlined in [Subsection 8.02\(B\)](#). Unless otherwise specified in [Subsection 4.07, Downtown \(DT\) District, of Article V, District Development Standards](#), wood fences proposed in a Residential Office (RO) District or Downtown (DT) District -- *in conformance with the requirements of [Subsection 8.03\(B\)](#)* -- shall be permitted on properties that have adjacency with a residential zoning district, residentially used property, or a property that has an existing wood fence.
- (C) *Fence Standards for Properties in an Industrial District.* Non-required fences in the Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) Districts, shall be constructed of the materials outlined in [Subsection 8.02\(B\)](#); however, wood fences shall be prohibited.
- (D) *Fence Placement.*
- (1) *Side and Rear Yard Fences.* Fences may be placed on the side and/or rear yard property line of any non-residential property; however, the Planning and Zoning Commission may require a fence location to be adjusted to account for site constraints through the site plan process.
 - (2) *Front Yard Fences.* No fence shall be constructed in the front yard of a non-residential property without being granted an exception from the Planning and Zoning Commission. For the purposes of this provision the front yard is defined as the area between the front façade of the primary structure and the front property line (*as depicted in Figure 15*). The Planning and Zoning Commission may authorize the issuance of an exception for the construction of a front yard fence subject to the following provisions:
 - (a) *Location.* Properties adjacent to IH-30, John King Boulevard, and SH-205 shall be prohibited from having a front yard fence.
 - (b) *Wrought Iron or Decorative Metal Fences.* Wrought iron or decorative metal fences (*e.g. as depicted in Figure 15*) shall not exceed eight (8) feet in height.
 - (c) *Vinyl Coated Chain-Link.* In the Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) District a vinyl coated chain-link fence may be established in the front yard pending that it [1] is situated a minimum of ten (10) feet off of the front property line, and [2] three (3) tiered screening (*i.e. small to mid-sized shrubs, large shrubs or accent trees, and canopy trees*) is established in front of the proposed front yard fence along the entire length of the front property line.
 - (d) *Opaque Fences.* Opaque fences are prohibited in the front yard of non-residential properties.

In considering a front yard fence, the Planning and Zoning Commission may require applicants to provide additional information, plans, drawings, and/or other information concerning the proposed front yard fence. In addition, the Planning and Zoning Commission may establish additional conditions of construction for any fence.

Figure 20: Non-Residential Front Yard Fences



SECTION 9: GENERAL MAINTENANCE

SUBSECTION 9.01: MAINTENANCE REQUIREMENTS FOR LANDSCAPING

Required landscaping must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all plantings as needed. Any plant that dies must be replaced with another approved plant variety, generally of the same size, that complies with the approved *Landscape Plan* within 90 days after notification by the City.

SUBSECTION 9.01: MAINTENANCE AND INSPECTION REQUIREMENTS FOR FENCES

For information concerning the inspection and maintenance of fences see [Article XI, Fences, of Chapter 10, Building and Building Regulations](#), of the Municipal Code of Ordinances.

SUBSECTION 9.03: UTILITY LINES AND RIGHT-OF-WAY

Any damage to utility lines resulting from the negligence of the property owner, his agents, or employees in the installation and maintenance of required landscaping in a utility easement is the responsibility of the property owner. If a public utility disturbs a landscaped area in a utility easement, it shall make every reasonable effort to preserve the landscaping materials, and return them to their prior locations after the utility work. If, nevertheless, some plant materials die, it is the obligation of the property owner to replace the plant materials.

ARTICLE X, PLANNED DEVELOPMENT REGULATIONS, UDC

SECTION 1: GENERAL

SUBSECTION 1.01: PURPOSE

The purpose of this article is to provide for the creation of planned development zoning districts ("PD Districts"). PD Districts are intended to provide for the development of land as an integral unit for single or mixed use in accordance with a PD concept plan that may include uses, regulations and other requirements that vary from this Unified Development Code or from other ordinances, rules or regulations of the city. PD Districts are intended to implement the goals and objectives of the city's comprehensive plan, but may be accompanied by specific amendments to provisions of the comprehensive plan, the parks and open space plan or the thoroughfare plan. PD Districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- To provide for a superior design of lots or buildings;
- To provide for increased recreation and/or open space opportunities for public use;
- To provide amenities or features that would be of special benefit to the property users or community;
- To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes or hills and view corridors;
- To protect or preserve existing historical buildings, structures, features or places; or
- To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services.

(Ord. No. 10-14, § 55, 7-6-2010)

SUBSECTION 1.02: NATURE OF PD DISTRICTS

Each Planned Development (PD) District is intended to be a freestanding zoning district in which land uses and intensities of land use may be tailored to fit the physical features of the site and to achieve compatibility with existing and planned adjacent uses. In order to ensure that a PD District implements the policies of the comprehensive plan, and to further ensure that the PD District is in accordance with a comprehensive plan of zoning regulation, it is necessary to establish minimum standards for residential and nonresidential uses proposed for the PD District that must be incorporated within an ordinance adopted by the council (the "PD ordinance").

SUBSECTION 1.03: PD PLANS REQUIRED

There are three types of plans that may be required as part of the development process within a PD District. Each successive plan may modify the previous plan provided that it does not substantially change the general intent of the original PD district. Each successive plan becomes part of the zoning ordinance governing the property and replaces the previously approved plan.

- (A) PD concept plan. The PD concept plan is mandatory and is intended to be used as the first step in the PD development process. It establishes the most general guidelines for the PD District by identifying the land uses and intensities, thoroughfare locations, and open space boundaries (including public trail systems). It may include images of intended style and type of development. The concept plan illustrates the integration of these elements into a master plan for the whole PD District. The PD concept plan establishes the development standards for the PD district.
- (B) PD development plan. A PD development plan is optional and is intended to be used where appropriate as the second step of the PD development process. It may be required by the PD ordinance, or it may be submitted voluntarily by the property owner. A PD development plan constitutes an amendment to the approved PD concept plan and PD ordinance and may be used where the developer requests, or the council requires, certain standards for the PD District to be specified after initial establishment of the PD District. A PD development plan includes more detailed information as to the specific development standards and land uses, including their boundaries. The purposes of a PD development plan are to allow flexibility in the development process by deferring specification of all development standards at the time of PD District creation and to enable developers to satisfy conditions imposed on creation of the District prior to submittal of a PD site plan.

(C) PD site plan. A PD site plan is mandatory and is the final step of the PD development process. The purposes of a PD site plan are to ensure that the development of individual building lots, parcels, or tracts within the PD District are consistent with the approved concept plan and development plan, if any, and to ensure that the standards applicable within the PD District are met for each such lot, parcel or tract. A PD site plan shall continue to be valid for a period of two years after it is approved by the commission; however, such period may be extended by the council upon recommendation of the planning commission.

(1) The site plan shall be accompanied by building elevations and landscape and master sign plans, which shall be reviewed by the architectural review board for consistency with the overall objectives of the district. The board's recommendation shall be forwarded to the planning and zoning commission for consideration in their recommendation to city council, if applicable.

(2) A PD site plan shall terminate at the end of a two-year period (or more with an extension approved by the city council) unless, within such period, a preliminary or master plat as required by the city's subdivision ordinance has been filed with the city for all of the land covered by the PD site plan. In which case, the site plan will remain valid as long as there is an approved plat for the property. If a PD site plan terminates, development of the land covered by the terminated plan cannot occur until a new PD site plan has been approved for the land as provided by this article.

(Ord. No. 06-14, 4-17-2006)

SUBSECTION 1.04: PD COMPLIANCE WITH APPROVED PLANS

Except as otherwise provided by the subdivision provisions of this Unified Development Code, no development shall begin and no building permit shall be issued for any land within a PD District until a PD site plan that is consistent with the PD concept plan and applicable PD development plan has been approved. Each PD District shall be developed, used, and maintained in compliance with the approved PD site plans for the district. Compliance with the PD ordinance shall be construed as a condition precedent to granting of certificates of occupancy.

(Ord. No. 10-14, § 58, 7-6-2010)

SECTION 2: PLANNED DEVELOPMENT DISTRICT STANDARDS

SUBSECTION 2.01: GENERAL STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS

All Planned Development (PD) District ordinances shall conform to the following general standards:

(A) *Size and Acreage Requirements.* A Planned Development (PD) District requires a minimum of 15 contiguous acres for non-residential PD Districts, and 25 contiguous acres for residential PD Districts; however, PD Districts may be less than the stated acreages when the Director of Planning and Zoning determines that the PD District will be in conformance with the policies and guidelines contained in the City's Comprehensive Plan or will serve the public's interest.

(B) *Permitted Land Uses.* Unless otherwise provided by the Planned Development (PD) District ordinance, only those uses authorized by [Article IV, Permissible Uses](#), shall be permitted within a PD District.

(C) *Base Zoning.* All Planned Development (PD) District ordinances shall reference an appropriate base zoning district that can provide standards for density and dimensional requirements not specifically addressed in the PD District ordinances. If the standards of the base zoning district are amended, then the amended standards shall apply to a PD District unless the standards are specifically addressed in the PD District ordinance. Any amendments to a base zoning district that affect a PD District do not require special notice to be provided to the properties within the PD District.

SUBSECTION 2.01: MINIMUM STANDARDS FOR RESIDENTIAL PLANNED DEVELOPMENT DISTRICTS

The minimum requirements for residential Planned Development (PD) Districts shall be in accordance with [Section 3, Residential Districts, of Article V, District Development Standards](#), unless otherwise specified below. If the subject property is situated within an established overlay district -- as noted in [Section 6, Overlay Districts, of Article V, District Development Standards](#) --, and a particular use or standard conflicts with the below minimum requirements then the more restrictive standard would apply.

- (A) *Density*. Residential Planned Development (PD) Districts shall allow for density in conformance to the density guidelines contained in the Comprehensive Plan or as otherwise approved by the City Council upon a recommendation from the Planning and Zoning Commission.
- (B) *Roof Pitch*. A minimum of an 8:12 roof pitch is required on all structures with the exception of sunrooms and porches, which shall have a minimum of a 4:12 roof pitch. Rear elevations may have a minimum of 6:12 roof pitch.
- (C) *Fencing Standards*. The fence standards contained in a Planned Development (PD) District ordinance shall -- *at a minimum* -- conform to the requirements contained in [Section 8, Fence Standards, of Article VIII, Landscape and Fence Standards](#).
- (D) *Landscape and Hardscape Standards*.
- (1) *Landscape Buffer*. A minimum of a 30-foot landscape buffer shall be provided adjacent to all perimeter roadways (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm and shrubbery along the entire length of the frontage. Berms shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage.
 - (2) *Street Trees*. The Homeowner's Association (HOA) shall be responsible for the maintenance of all street trees and will be required to maintain a minimum of 14-foot vertical clearance height for any trees overhanging a public right-of-way.
 - (3) *Hardscape*. Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the *PD Site Plan*.
- (E) *Open Space*. A minimum of 20 percent of the gross land area within the entire Planned Development (PD) District shall be devoted to public and private open space. Floodplains shall be counted towards open space requirement at a rate of ½-acre for every acre of dedicated floodplain. Open space for PD Districts may be satisfied by either public, private, or a combination of public and private open space. Open space requirements specified in this subsection are in addition to the requirements for site landscaping and buffering. Public open space shall be dedicated to the City. In addition, open space in a PD District shall adhere to the following:
- (1) *Preservation of Natural Areas*. Floodplain areas shall be preserved and maintained as open space. Significant stands of native trees and shrubs shall be preserved and protected from destruction or alteration.
 - (2) *Multi-Phase Developments*. Open space requirements shall be satisfied for each phase of a multi-phased residential development. If open space is not to be provided proportionally among phases of the development, the applicant must execute a reservation of open space in a form that will assure the City that such open space will be provided. The City may require that all open space within the district be provided prior to completion of development within the Planned Development (PD) District.
- (1) *Open Space Proximity Requirements*. In a residential Planned Development (PD) Districts, all lots less than 12,000 SF shall be located within 800-feet of a neighborhood-oriented park or open space (*i.e. private or public*). All open space areas shall be landscaped and serve as a visual amenity and/or gathering place for socializing with neighbors.
- (F) *Lighting Standards*. Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and positioned to contain all light within the developed area.
- (G) *Buried Utilities*. New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. Temporary power-lines constructed across undeveloped portions of the *Subject Property* necessary to facilitate development phasing and looping may be allowed above ground, but shall not be considered *existing lines* at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.
- (H) *Homeowner's Association (HOA)*. A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the *Subdivision Regulations* contained within the Municipal

Code of Ordinances of the City of Rockwall. The HOA shall also maintain all neighborhood parks, trails, open space and common areas (*including drainage facilities*), irrigation, landscaping, amenity center, screening fences and neighborhood signage associated with this development.

- (I) *Variances*. The variance procedures and standards for approval that are set forth in [Section 9, Exceptions and Variances, of Article XI, Development Applications and Review Procedures](#) shall apply to all Planned Development (PD) Districts.

SUBSECTION 2.01: MINIMUM STANDARDS FOR NON-RESIDENTIAL PLANNED DEVELOPMENT DISTRICTS

Unless otherwise specified in the Planned Development (PD) District ordinance, the minimum standards for all non-residential development shall conform to the minimum standards for overlay districts, which are outlined in [Subsection 6.02, General Overlay District Standards, of Article V, District Development Standards](#). In cases where the standards differ by overlay district, the most restrictive standard shall apply.

SECTION 3: PLANNED DEVELOPMENT PROCEDURES

SUBSECTION 3.01: ESTABLISHMENT OF A PD DISTRICT

- (A) *Zoning amendment*. An application for the establishment of a PD District shall be made to the [planning and zoning] commission. The application shall:

- (1) Be accompanied by a PD concept plan;
- (2) Be accompanied by a list of proposed PD District development standards;
- (3) Identify the city's then-current zoning district which shall apply to the extent not otherwise provided by the PD concept plan or by the proposed PD District development standards;
- (4) Be accompanied by a concept plan informational statement, and traffic impact analysis unless waived by the council.

- (a) Except to the extent provided by the PD concept plan and the PD ordinance, development within the PD District shall be governed by all of the ordinances, rules, and regulations of the city in effect at the time of such development (including the standards of the city's zoning district so identified in the application). In the event of any conflict between:

- (1) The PD concept plan and the PD ordinance; and
- (2) The then-current ordinances, rules, and regulations of the city;
- (3) the terms, provisions, and intent of the PD concept plan and PD ordinance shall control. In addition, prior to action by the commission on the establishment of the PD District, the applicant shall submit a traffic impact analysis.

- (B) PD concept plan. A PD concept plan (or, at the applicant's option, a PD development plan) shall be processed simultaneously with the zoning amendment application, and if the zoning amendment application is approved, the PD concept plan (or PD development plan) shall be incorporated as part of the PD ordinance. The graphic depictions contained on a PD concept plan shall be considered as regulatory standards. Each PD concept plan shall be prepared on one or more standard sheets of sizes of 30 inches by 42 inches or 24 inches by 36 inches and at an engineering scale of one inch equals 100 feet or larger. If multiple sheets are required, an overall plan shall be submitted as well (which may be to any scale). Unless waived by the council on recommendation of the zoning administrator, each PD concept plan shall graphically depict the following:

- (1) A diagram or drawing of the boundaries of the proposed PD District;
- (2) Proposed and existing land uses by category (including, if applicable, proposed and existing land uses by category for any sub-areas to be developed within the PD District);
- (3) Proposed density by type of residential uses, including the maximum numbers of dwelling units for residential uses other than single-family detached, and lot sizes for single-family detached;
- (4) Proposed estimated total floor area and floor area ratios by category of nonresidential uses, together with residential view analysis, if any;

- (5) Proposed configuration of public and private open space serving the development, showing the relationship to the city's parks and open space plan, including trail system and access points to the trail system, estimated dimensions and approximate area, and areas to be dedicated to the public or to a private maintenance organization, if known;
 - (6) Proposed and existing thoroughfares, boulevards and roadways;
 - (7) To the extent known for adjoining land, existing land uses (by zoning district), existing thoroughfares; and existing open space for such adjoining land; and
 - (8) A general plan for circulation of traffic and pedestrians within and external to the development, including designated points of access.
- (C) Concept plan informational statement. A PD concept plan shall be accompanied by an informational statement containing the information set forth below. If the zoning amendment application is approved, the informational statement shall not be binding on the applicant or the land owner and shall not be considered part of the PD concept plan or the PD ordinance. Informational statements shall be updated concurrently with any amendment to the PD concept plan and with each PD development plan. Each statement shall include the following:
- (1) A general statement setting forth how the proposed PD District will relate to the city's comprehensive plan;
 - (2) The total acreage within the proposed PD District;
 - (3) If the development is to occur in phases, a conceptual phasing plan that identifies the currently anticipated general sequence of development, including the currently anticipated general sequence for installation of major capital improvements to serve the development; and
 - (4) An aerial photograph with the boundaries of the PD concept plan clearly delineated.
- (D) Proposed PD development standards. Proposed PD District development standards shall be processed simultaneously with the zoning amendment application, and if the zoning amendment application is approved, such standards shall be incorporated as part of the PD ordinance. Such proposed development standards may include (but shall not be limited to) uses; density; lot size; lot dimensions; setbacks; coverage; height; landscaping; lighting, fencing, parking and loading; signage; open space; drainage; and utility and street standards. Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD ordinance, shall be considered as regulatory standards.
- (E) Traffic impact analysis. Prior to or simultaneous with submission of an application for the establishment of a PD District, the applicant shall submit to the city's transportation engineer a traffic impact analysis for the proposed PD District, unless waived by council. The analysis must be approved by the council prior to or concurrently with the approval by the council of the PD District. The traffic analysis shall not be considered part of the PD concept plan or the PD ordinance but may be used to condition the density or intensity of uses or the timing of development within the district based upon the existence of a supporting roadway network adequate to accommodate the traffic expected to be generated. The traffic impact analysis shall be updated with each PD site plan.
- (F) Complete application. No application for the establishment of a PD District shall be deemed to be filed with the city until the zoning administrator has determined that the PD concept plan is complete, that the proposed PD District development standards have been identified, a traffic impact analysis has been submitted, and that the informational statement is complete. Fifteen copies of all such materials shall be submitted.
- (G) Commission recommendation. The commission, after notice and public hearing in accordance with this Unified Development Code procedures, shall formulate its recommendation with respect to establishment of a PD District. The recommendation of the commission shall be forwarded to the council for decision.
- (Ord. No. 10-14, § 59, 7-6-2010)*
- (H) Council decision. Following receipt of the commission's recommendation, the council, after notice and public hearing in accordance with this [Unified Development Code] procedures, shall conduct a public hearing and shall approve, approve with conditions, or deny the application for establishment of the PD District.
- (I) Approval criteria. Based upon the PD concept plan, the commission, in making its recommendations to the council, and the council, in determining whether the PD District should be established, shall consider whether the following criteria have been met:
- (1) The plan of development is generally consistent with the city's comprehensive plan (as such plan may be amended prior to or concurrently with approval of the PD District);
 - (2) Proposed uses and the configuration of uses are compatible with existing and planned adjoining uses;

- (3) The general arrangement of streets conforms to the city's thoroughfare plan (as such plan may be amended prior to or concurrently with approval of the PD District);
 - (4) Proposed uses, development densities and intensities, and development regulations are generally consistent with this article;
 - (5) The configuration of the proposed open space serving the development is consistent with the city's parks and open space plan (as such plan may be amended prior to or concurrently with approval of the PD District);
 - (6) The amenities proposed justify proposed densities or intensities;
 - (7) The proposed plan of development furthers the public health, safety and general welfare of the community; and
 - (8) The traffic impact analysis demonstrates that the capacity of the proposed roadways shown on the proposed PD concept plan, together with any roadways within related PD Districts and the supporting roadway network, are adequate to accommodate the traffic expected to be generated by the uses, densities and intensities of use shown on the PD concept plan in and authorized in the PD ordinance in a timely and efficient manner.
- (J) Conditions. The commission may recommend, and the council may require, such conditions to the establishment of a PD District and to the approval of a PD concept plan as are reasonably necessary to ensure that the purposes of the district and the approval criteria for the PD concept plan are met. Such conditions may include the requirement of a PD development plan.
- (K) Adopting ordinance. The PD ordinance shall include the PD concept plan as an exhibit to [this article] and shall include the following:
- (1) A statement of the purpose and intent of the PD District;
 - (2) A metes and bounds description of the land within the PD District;
 - (3) A list of the specific land uses permitted within the PD District, together with a description of the sub-areas, if any, in which such uses are allowed;
 - (4) The maximum density or intensity of each permitted land use;
 - (5) A list of all the PD District development standards, together with necessary graphic illustrations;
 - (6) Identification of the city's then-current zoning district standards that shall apply to the extent not otherwise provided by the PD concept plan or PD ordinance;
 - (7) Identification of the development standards, if any (whether in the PD ordinance or in the then-existing ordinances, rules, or regulations of the city), that may be deferred for specification until approval of a PD development plan or that may be varied by the council as part of the approval process for a PD site plan;
 - (8) Unless otherwise identified on the PD concept plan, the general location and size of open space serving the development, including any proposed dedication of open space to the public or to a maintenance organization;
 - (9) Provisions governing amenities, if any, to justify densities or intensities;
 - (10) Such additional conditions as are established by the council to ensure that the PD District and PD concept plan are consistent with the purposes of the district and the approval criteria for the concept plan.

SUBSECTION 3.02: PD DEVELOPMENT PLANS

If the council requires as a condition of establishing the PD District and approving a PD concept plan that PD development plans be submitted prior to submittal of a PD site plan, a PD development plan may be prepared and submitted for the entire development at one time or for individual phases of development. Each required copy of the PD development plan shall be accompanied by (i) a development plan informational statement and (ii) a preliminary drainage study for the area covered by the proposed plan. If deemed necessary by the city's transportation engineer or zoning administrator, the applicant for a PD development plan shall also submit an updated traffic impact analysis prior to commission action.

(A) Submittal requirements for PD development plans.

- (1) Approximations of the following: site boundaries and dimensions, lot lines, site acreage and square footage, and distances to the nearest cross streets;
- (2) Location map, north arrow, title block and site data summary table;
- (3) Existing land uses and zoning classifications on adjacent properties;
- (4) Preliminary tree survey;
- (5) Any features omitted from the PD concept plan upon council authorization; and
- (6) Such additional features as are necessary to ensure compliance with conditions established by the council to be satisfied by the development plan.

- (B) PD development standards. Development standards that were not specified in the PD ordinance, as authorized by the council, shall be submitted and approved as an amendment to the PD ordinance and incorporated therein, in conjunction with approval of the PD development plan.
- (C) Development plan informational statement. Each PD development plan shall be accompanied by an informational statement containing the information set forth below. Informational statements shall be updated concurrently with any amendment to a PD development plan and with each PD site plan. Each informational statement shall include the following:
- (1) Name and address of landowner and date of preparation of the PD development plan;
 - (2) Name and address of architect, landscape architect, planner, engineer, surveyor, or other persons involved in the preparation of the PD development plan;
 - (3) A table listing the specific permitted uses proposed for the property, and, if appropriate, the boundaries of the different land uses and the boundary dimensions;
 - (4) Development standards for each proposed land use, as follows:
 - (a) Minimum lot area;
 - (b) Minimum lot width and depth;
 - (c) Minimum front, side, and rear yard areas;
 - (d) Maximum height of building; and
 - (e) Maximum building coverage;
 - (5) A list of the development standards, if any (whether in the PD ordinance or in the then-existing ordinances, rules, or regulations of the city that apply to development within the PD District), for which the applicant is seeking amendment by the council as part of the PD development plan approval process;
 - (6) If council approval of any height increase is being requested, a view analysis of the impact of such requested variance on adjacent residential areas of the city;
 - (7) Preliminary and approximate building locations and building footprints;
 - (8) Preliminary elevations and perspectives to show the relationship of building heights to surrounding topography;
 - (9) Location of parking areas and structures for multi-family and nonresidential uses, including areas for off-street parking;
 - (10) A detailed description of how open space serving the development will be satisfied for the phase of development represented by the PD development plan, including any proposed dedications of open space to the public or to a private maintenance organization;
 - (11) If the PD development plan is a phase of the project (as described in the applicant's original informational statement submitted with the PD concept plan), depiction of the area subject to the development in relation to the then-current phasing plan, together with any updates of the then-current phasing plan that was submitted as part of the applicant's original informational statement; and
 - (12) A list identifying each proposed addition or amendment to the PD ordinance.
- (D) Preliminary drainage study. Each PD development plan shall be accompanied by a preliminary drainage study for the area covered by the study. The study shall be prepared by a professional engineer licensed in the State of Texas and experienced in the study of drainage issues.
- (1) Purpose. The purposes of the drainage design policies are to prevent flooding of adjacent properties, owned by third parties and to regulate water surface elevations and peak discharges. Development within the PD District shall not produce any increase in the water surface elevation (either upstream or downstream) due to a five-year, ten-year, 50-year, or 100-year storm. If the discharge from the area proposed for development would increase the water surface elevation above predevelopment conditions on any property owned by third parties due to any of such storms, then such peak discharge must be regulated to the extent necessary to eliminate the increased water surface elevation. The regulation of discharges to eliminate such increases may be achieved using either on-site or off-site stormwater management facilities (such as detention areas, retention areas, and infiltration and sedimentation ponds).
 - (2) Content. The preliminary drainage study shall:
 - (a) Contain a topographical map of the area proposed for development to a scale not smaller than one inch equals 200 feet;
 - (b) Generally describe how the proposed development will comply with the drainage design policies set forth below;

- (c) Include all information deemed necessary by the preparing engineer to support his determination that the proposed development will comply with the drainage design policies; and
- (d) Include all information reasonably requested by the city engineer to support his review of the preliminary drainage study.

(E) Updated traffic impact analysis. If deemed necessary by the city's transportation engineer or if required by the PD ordinance, the applicant for a proposed PD development plan shall submit an updated traffic impact analysis prior to action by the commission. The purpose of the updated analysis is to determine whether the traffic estimated to be generated by the development shown on the proposed PD development plan will necessitate specific on-site or adjacent traffic improvements (e.g., turn lanes, stacking lanes, signalization, etc.) and to determine whether conditions attached to the concept plan based on the original traffic impact analysis have been met.

(F) Commission recommendation. The commission, after notice and public hearing in accordance with this Unified Development Code procedures, shall recommend to the council whether to approve, approve with conditions, or disapprove each PD development plan, together with each proposed amendments to the PD ordinance.

(Ord. No. 10-14, § 60, 7-6-2010)

(G) Council decision. Upon receipt of the commission's recommendation, the council, after notice and public hearing in accordance with this Unified Development Code procedures, shall approve, approve with conditions, or disapprove each PD development plan and each proposed addition or amendment to the PD ordinance.

(Ord. No. 10-14, § 60, 7-6-2010)

(H) Approval criteria. The commission, in making its recommendation to the council, and the council, in acting upon each PD development plan and proposed addition or amendment to the PD ordinance, shall determine whether the proposed PD development plan and ordinance addition or amendment meets the following criteria:

- (1) The plan generally is consistent with the approved PD concept plan (including open space, trails, and thoroughfares);
- (2) The plan generally is consistent with the development standards set forth in the PD ordinance;
- (3) The plan satisfies any conditions established by the council in the PD ordinance relating to development plan approval;
- (4) The plan is generally consistent with the standards and conditions of this Unified Development Code and of other ordinances, rules and regulations of the city (to the extent that such standards and conditions are applicable to development within the PD District);
- (5) The traffic estimated to be generated by the plan is generally consistent with the original, council approved traffic impact analysis and any conditions to be satisfied at the time of the development plan approval have been met;
- (6) The plan includes the necessary on-site or adjacent traffic improvements to accommodate traffic generated by the plan (e.g., turn lanes, stacking lanes, signalization, etc.); and
- (7) The preliminary drainage study for the plan indicates that the proposed development can be achieved without increasing the upstream or downstream water surface elevation on property owned by third parties and that detention and drainage areas can be improved in a natural manner.

(Ord. No. 10-14, § 61, 7-6-2010)

(I) Conditions. The commission may recommend, and the council may require, such conditions to the approval of a PD development plan as are reasonably necessary to ensure that the approval criteria are met.

(J) Approving ordinance. The development plan shall be incorporated within an ordinance amending the PD ordinance and the concept plan. The amending ordinance shall set forth all standards necessary for development of the land subject to the development plan that were not included in the PD ordinance. The amending ordinance also shall repeal or amend any conditions that were attached to the PD ordinance that have been satisfied as a result of approving the development plan and associated amendments.

SUBSECTION 3.03: PD SITE PLANS

(A) Delegation to commission. The commission hereby is delegated the authority to approve, conditionally approve, or deny PD site plans and all amendments thereto, subject to appeal to the council. Any site plan subject to a request for

variances or other modifications that are reserved for the council by these PD regulations shall be decided by the council upon recommendation of the commission.

(B) Submittal requirements. The following requirements apply to each application for PD site plan approval:

(4) Size. PD site plans shall be prepared on one or more standard sheets of sizes of 30 inches by 42 inches or 24 inches by 36 inches and at an engineering scale of one inch equals 100 feet or larger. If multiple sheets are required, an overall plan shall be submitted as well (which may be to any scale). PD site plans shall be prepared by a registered engineer, architect, or landscape architect.

(5) General information.

- (a) North arrow;
- (b) Total site acreage;
- (c) Submission date;
- (d) Scale (written and graphic);
- (e) Vicinity map;
- (f) Names, addresses, and telephone numbers of designer, engineer, developer, and owner;
- (g) A boundary survey of the site with the location of proposed land uses;
- (h) Adjacent subdivision names and property lines; and
- (i) Adjacent land uses and structures.

(6) Structures.

- (a) Location, dimensions, and use of all existing facilities and proposed building sites;
- (b) Setback and separation distances between building sites;
- (c) Proposed construction type and facade materials for all multi-family and nonresidential buildings (the commission may require elevations and perspective drawings);
- (d) Proposed density of each use;
- (e) Proposed location of screening along public roadways shown on the PD concept plan;
- (f) Location and types of signs, including lighting and heights;
- (g) Elevation drawings citing proposed exterior finish materials; and
- (h) Location of solid waste collection facilities.

(7) Streets and sidewalks.

- (a) Location and width of all rights-of-way and easements;
- (b) Location and dimensions of all pavement and curbing;
- (c) Location and width of all sidewalks;
- (d) Location and width of all ingress/egress points;
- (e) Location and width of all medians and median breaks;
- (f) Location of any special traffic regulation facilities;
- (g) Location of fire lanes; and
- (h) Street names on proposed streets.

(8) Off-street parking and loading areas.

- (a) Number, location, and dimension of spaces;
- (b) Type of surface material of parking facility;
- (c) Dimension of aisles, driveways, maneuvering areas, and curb return radii;
- (d) Distance between spaces and adjacent rights-of-way;
- (e) Location of all existing and proposed fire lanes and hydrants; and
- (f) Proposed lighting diagram.

(9) Landscaping.

- (a) Location and size of major tree groupings and existing hardwood trees of four inches caliper or greater, and other protected trees as specified in article IX, Tree Preservation, noting whether they are to be removed or retained;

(Ord. No. 06-14, 4-17-2006)

- (b) Location and size of proposed plant materials, including paving, together with type and species of plants;
- (c) Number and type of each landscape element;
- (d) Height and type of all fencing or buffering;
- (e) Height of all planters, sculptures, and decorative screens;
- (f) Location and type of trash receptacle screening;
- (g) Location and type of lighting for streets, signage, and parking areas; and
- (h) Location of visibility triangles, where required.

(10) Drainage.

- (a) Direction of water flow;
- (b) Quantity of on-site and off-site water generation;
- (c) Topographic contours at a minimum of five-foot intervals;
- (d) Points of concentrated water discharge;
- (e) Areas where special design and construction may be necessary due to slope or soil conditions;
- (f) Location and design of all water detention and drainage areas; and
- (g) Drainage ways, creeks, and limits of the 100-year floodplain and floodway as shown on current FEMA mapping or the city's master drainage plan, including location and acreage, together with a general plan for accommodating flood waters and drainage.

(11) Preliminary service plan.

- (a) A preliminary drainage plan of the area showing the size and location of each existing and proposed drainage way and retention or detention area. If no development plan has been required and approved by the council, the drainage plan shall incorporate the requirements of the preliminary drainage study;
- (b) The proposed method of providing water and sewer service; and
- (c) If no development plan has been required and approved by the council, an updated traffic impact analysis.

(12) Special exceptions. A list of the development standards, if any (whether in the PD ordinance or in the then-existing ordinances, rules, or regulations of the city that apply to development within the PD District), for which the applicant is seeking a special exception by the council as part of the PD site plan approval process.

(C) Commission decision. The commission shall approve, approve subject to conditions, or deny each PD site plan.

(Ord. No. 06-14, 4-17-2006)

(D) Approval criteria. The commission, in approving, conditionally approving, or denying a PD site plan, shall consider the following criteria:

- (1) The plan complies with the applicable PD concept plan or development plan, if any, and with the PD ordinance, expressly including conditions attached to the concept plan, development plan or PD ordinance;
- (2) The plan complies with the standards and conditions of this Unified Development Code and other ordinances, as well as other rules and regulations of the city (to the extent that such standards and conditions are applicable to development within the PD District);
- (3) If no development plan was required and approved by the council, the traffic estimated to be generated by the plan is generally consistent with the original council-approved traffic impact analysis;
- (4) If no development plan was required and approved by the council, the plan includes the necessary on-site or adjacent traffic improvements to accommodate traffic generated by the plan (e.g., turn lanes, stacking lanes, signalization, etc.);
- (5) If no development plan was required and approved by the council, the preliminary drainage study for the plan indicates that the proposed development can be achieved without increasing the upstream or downstream water surface elevation on property owned by third parties and that detention and drainage areas can be improved in a manner approved by the council; and
- (6) Landscaping promotes continuity and unity consistent with the landscape plan for the development and encourages views to public open space and public landmarks.

(Ord. No. 10-14, § 62, 7-6-2010)

- (E) Conditions. The commission, or the council on appeal, may establish such conditions to the approval of a PD site plan as are reasonably necessary to ensure that the approval criteria are met.
- (F) Appeal from commission action. If the commission approves a PD site plan with conditions or if it disapproves a PD site plan, the applicant may appeal the decision to the council by filing a written request with the city secretary within ten days after the commission's decision.
- (G) Variances. The granting of variance for Planned Development District regulations shall be the purview of city council, not the board of adjustment. If the applicant requests a variance from PD ordinance standards or other ordinance requirements, the variance request will be forwarded to the council with the commission's recommendation for decision. Procedures and criteria for approval shall be those applicable to special exceptions under article II, section 8.5, Criteria for Granting Special Exceptions.

(Ord. No. 06-14, 4-17-2006)

SUBSECTION 3.04: AMENDMENT OF PD PLANS

- (A) PD concept plans. PD concept plans (excluding informational statements) are considered part of the PD ordinance. Any amendment to a PD concept plan shall be considered a zoning change, and the provisions of V.T.C.A., Local Government Code ch. 211 relating to notices, public hearings, and written protests for changes in zoning districts or regulations shall apply. If a PD District is established subject to approval of PD development plans, the provisions of this subsection 2.4.A shall apply to such PD development plan.
- (B) PD site plans. PD site plans are not considered part of a PD ordinance. Except as otherwise provided, any amendment to an approved PD site plan must be approved by the commission. However, "minor modifications" to any PD site plan may be approved by the zoning administrator. If the zoning administrator believes that a request for minor modification entails a significant change in the site plan, he may refer the request to the commission for determination. A "minor modification" to a PD site plan is defined as any modification that does not:
 - (1) Alter the basic relationship of proposed development to adjacent property;
 - (2) Change the uses permitted;
 - (3) Increase the maximum density, floor area, or height;
 - (4) Decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to [article] requirements; or
 - (5) Reduce the minimum yards or setbacks.

SUBSECTION 3.05: PERIODIC REVIEW

- (A) Applicability. Each tract of land not yet fully developed, for which (PD) Planned Development District zoning has been granted, shall be reviewed by the planning and zoning commission in order to make inquiry and ascertain the following:
 - (1) Whether a preliminary plan and/or development plan can reasonably be expected to be filed;
 - (2) If a preliminary plan and/or development plan can be reasonably expected to be filed at any time within the two-year interval as set out herein;
 - (3) Whether the granted uses for the tract of land under consideration continues to have a desired relationship with the surrounding area; and
 - (4) If such density and other design standards originally granted are in accordance with the current community growth patterns and values.
- (B) Determination. If, upon inquiry and review, the planning and zoning commission finds that a particular tract of land zoned (PD) Planned Development is not reflective of current community growth patterns or community design policies, or is not in accordance with the comprehensive plan, it may request the city council to initiate hearings on the particular tract of land to consider:
 - (1) Reform or modification of the PD District on the particular tract; or
 - (2) Change the zoning to a more suitable land use classification.
- (C) Frequency. The planning and zoning commission shall review each tract of land for which Planned Development zoning has been granted beginning in January of each year, at least on two year intervals. The planning and zoning commission

may review certain tracts (for which Planned Development zoning has been granted) more frequently if it determines such review is necessary.

SECTION 4: EFFECT ON EXISTING PDS

SUBSECTION 4.01: DISTRICT AMENDMENTS

If an amendment is proposed after the effective date of [the ordinance from which] this article [is derived] to any concept plan, development plan, site plan or planned development ordinance approved prior to the effective date of the ordinance from which this article is derived under prior development regulations, the provisions of this article shall apply to those amendments.

SUBSECTION 4.02: SITE PLANS

For any PD District established under prior planned development regulations for which at least one site plan has been approved pursuant to such prior regulations, the provisions of this article shall not apply, except that procedures related to approval of PD site plans pursuant to this [article] shall apply to any application for PD site plan approval submitted more than 30 days after the effective date of this article.

SECTION 5: AMENDMENTS TO APPROVED PD APPLICATIONS

SUBSECTION 5.01: PROCESSING AMENDMENTS

- (A) Amendments to all applications and approvals shall be processed in the same manner as the original application. However, the applicant shall submit a summary of all elements that are proposed to be changed along with the revised plans and application.
- (B) Notwithstanding the above, the zoning administrator may approve minor modifications in an approved site plan or PD site plan administratively, provided that they do not:
 - (1) Alter the basic relationship of proposed development to adjacent property;
 - (2) Change the uses permitted;
 - (3) Increase the maximum density, floor area, or height;
 - (4) Decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to [article] requirements;
 - (5) Reduce the minimum yards or setbacks; or
 - (6) Detrimentally change or alter the characteristics of the elevation drawings or site plan as approved, but rather allow for some flexibility in minor modification to same.

ARTICLE XI, DEVELOPMENT APPLICATIONS AND REVIEW PROCEDURES, UDC

SECTION 1: GENERAL

SUBSECTION 1.01: PRE-APPLICATION MEETING

An applicant proposing to [1] establish a land use requiring a Specific Use Permit (SUP) on a property or properties, [2] the subdivision or assembly of property or properties, [3] the change in zoning classification of a property or properties, or [4] any other development related activity in the City of Rockwall is encouraged to request a *Pre-Application Meeting* with the Development Review Committee (DRC). Prior to a *Pre-Application Meeting*, the applicant should submit a *Pre-Application Meeting Request* form and provide a concept plan showing the proposed development activities in as much detail as possible. Based on the information provided by the applicant, the DRC will provide initial comments concerning the merits of the proposed development and inform the applicant of any additional requirements that will need to be addressed in the preparation of a development application.

SUBSECTION 1.02: SUBMISSION OF AN APPLICATION

(A) *Authority to Submit an Application.* Unless otherwise stated in this Article, the following shall apply when submitting an application for a request:

(1) *Development Application.* All zoning, site plan, platting, and miscellaneous cases shall be initiated by the owner of the affected property or his/her authorized representative who files a *Development Application* and pays the appropriate fee.

(2) *Historic Preservation Advisory Board Application.* All Certificate of Appropriateness (COA), small matching grant, and building permit fee waiver requests shall be initiated by the owner of the affected property or his/her authorized representative who files a *Historic Preservation Advisory Board Application*.

(3) *Board of Adjustments Application.* All variance and special exceptions to be considered by the Board of Adjustments (BOA) shall be initiated by the owner of the affected property or his authorized representative or any aggrieved party who files the required application and pays the appropriate fee, or by any person aggrieved by the decision of an administrative officer with authority over any matter that can be appealed to the Board of Adjustments (BOA) per [Subsection 4.03, Jurisdiction, of Article II, Development Review Authority](#), by an officer of the City, or appropriate board/commission of the City.

(B) *Ownership.* In the event that the ownership stated on an application is different than the ownership shown on the City's *Certified Tax Roll*, the Director of Planning and Zoning may require additional written proof of ownership be provided with an application.

(C) *Submission Development Application.* All application requests to be considered by the Historic Preservation Advisory Board (HBAP), Board of Adjustments (BOA), Planning and Zoning Commission and/or the City Council, shall be initiated by filing an application with the Director of Planning and Zoning or his/her designee. All applications shall be required to be submitted on the official submittal date. Applications received on a date other than an official submittal date shall not be accepted and shall be returned to the applicant.

(D) *Completed Application.* To ensure the submission of adequate information, the Director of Planning and Zoning is hereby empowered to maintain and distribute a list of specific submittal requirements that constitutes a completed application. Any application that does not provide all items required by the Director of Planning and Zoning shall be considered to be incomplete, and shall not be accepted by the City. These requirements may be modified by the Director of Planning and Zoning as deemed necessary.

(E) *Plans and Exhibits*. All plans, surveys, plats, and/or other exhibits submitted as part of any application shall be prepared by a registered architect, engineer, landscape architect, surveyor, planner, or other design professional.

SUBSECTION 1.03: APPLICATION WITHDRAWAL

Any request for the withdrawal of an application must be submitted in writing to the Director of Planning and Zoning or his/her designee. If an application requires notice to be published in the newspaper and/or notifications of a public hearing sent to affected property owners, such request for withdrawal of an application must be placed on the public hearing agenda and acted upon by the applicable body. In all requests for withdraw, application fees will not be refunded except in cases where the Director of Planning and Zoning determines that an application was [1] submitted in error, or [2] the fee paid exceeds the amount due under the provisions of [Section 10, Fee Schedule](#). In cases where the fee paid exceeds the amount due, only the amount of the overpayment may be refunded.

SUBSECTION 1.04: DENIAL OF AN APPLICATION

Unless otherwise stated in this Article, if an application for site plan, plat, miscellaneous case, Certificate of Appropriateness (COA), small matching grant, or building permit fee waiver is denied *with prejudice* by the Historic Preservation Advisory Board (HPAB), Planning and Zoning Commission, or City Council, a new application for the same request may *not* be submitted for the same lot or tract of land -- *or any portion thereof* - for a period of one (1) year unless the request is deemed to be more restrictive or less intense than the previously denied request. A failure to indicate that a denial is *with* or *without* prejudice, in making a motion to deny, shall be consider a *denial with prejudice*.

SUBSECTION 1.05: REAPPLICATION

A request for site plan, plat, miscellaneous case, Certificate of Appropriateness (COA), small matching grant, or building permit fee waiver which has been previously denied *with prejudice* by the Historic Preservation Advisory Board (HPAB), Planning and Zoning Commission, or City Council may be resubmitted within one (1) year if there is: [1] An actual change in condition relating to the lot or tract of land -- *or any portion thereof* -- or any surrounding properties, or [2] the new request is more restrictive or less intense than the previous request. In this event, the applicant must submit a written request to the Director of Planning and Zoning detailing the change in condition or the more restrictive/less intense request. The Director of Planning and Zoning or his/her designee will review the claim and report to the Planning and Zoning Commission whether or not such request meets the aforementioned criteria. Upon hearing this report, the Planning and Zoning Commission shall either grant or deny the request to refile an application for site plan, plat, miscellaneous case, Certificate of Appropriateness (COA), small matching grant, or building permit fee waiver.

SECTION 2: ZONING

SUBSECTION 2.01: AUTHORITY

(A) *Authority to Amend the Zoning Map and Unified Development Code (UDC)*.

The City Council may from *time-to-time* -- *on its own motion or at the request of the Planning and Zoning Commission or Director of Planning and Zoning* -- direct the Director of Planning and Zoning to prepare amendments, changes, and/or supplements to the regulations contained in the Unified Development Code (UDC), and/or the boundaries or designations specified on the City's Zoning Map.

(B) *Authority to Request Changes to the Zoning Map*. A request that proposes a change to the City's Zoning Map (*i.e. zoning changes and Specific Use Permits*) may be requested by the:

- (1) City Council;
- (2) Planning and Zoning Commission;
- (3) Director of Planning and Zoning;
- (4) Owner of real property located within the corporate boundaries of the City of Rockwall; or
- (5) Authorized representative of an owner of real property located within the corporate boundaries of the City of Rockwall.

(C) *Authority to Order Changes to the Unified Development Code.* Changes to the Unified Development Code (UDC) may be ordered by the:

- (1) City Council;
- (2) Planning and Zoning Commission; or
- (3) Director of Planning and Zoning.

SUBSECTION 2.02: SPECIFIC USE PERMITS (SUP)

(A) *Purpose.* The purpose of a Specific Use Permit (SUP) is to allow discretionary consideration of certain uses that would typically be considered incompatible within certain locations of a zoning district, but may become compatible with the addition of special provisions, conditions or restrictions. A SUP does not change the base zoning; it allows a particular use that would not normally be permitted in that zoning district. The SUP requirement for any land use is identified in the *Permitted Land Use* table contained in Article IV, *Permissible Uses*, of this Unified Development Code. The discretionary SUP procedure is designed to enable the Planning and Zoning Commission and the City Council to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure, and to deny requests for a SUP when it is apparent that a proposed use or structure will or may occasionally harm the community or cause injury to the value, lawful use, and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.

(B) *Operational Conditions.* In considering a SUP, staff and/or the Planning and Zoning Commission may recommend and the City Council may adopt additional conditions and operational constraints to ensure compatibility with adjacent land uses. These additional conditions and operational constraints will be incorporated into the SUP ordinance, and may relate to: [1] a property's specific site conditions, [2] increased performance standards, [3] compatibility with adjacent properties, [4] mitigation of potentially negative or adverse effects of a request, and [5] anything that could have a negative impact on the public's health, safety and general welfare.

(C) *Compliance.*

- (1) In considering a special use permit application, the planning and zoning commission may recommend, and the city council may impose such conditions, safeguards and restrictions upon the premises benefited by the special use as may be necessary to avoid, minimize, or mitigate any potentially injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of this ordinance. Such conditions shall be set out in the ordinance approving the SUP.
- (2) Prior to a SUP being issued, the property owner of the affected property shall agree, comply and be bound to the conditions and operational constraints approved by the City Council and contained in the SUP ordinance.
- (3) A SUP is considered to be transferable from property owner to property owner for a specific property; however, the conditions and operational constraints of the SUP shall remain in effect and be applicable to the new property owner(s) and/or occupant(s). SUPs cannot be transferred from property to property.

(D) *Abandonment, Expiration and Revocation of a Specific Use Permit (SUP).*

- (1) *Abandonment.* A SUP approved by the City Council that remains vacant or inactive for a period of one (1) year shall be deemed to be abandoned and shall automatically expire. Vacancy or inactivity can be determined by the following:

- (a) The water and/or electrical services have been disconnected or discontinued on the property; and/or
- (b) The subject property (*e.g. lease space, parcel or parcels of land, lot, tract etc.*) is unoccupied; and/or
- (c) The use is abandoned due to the issuance of a Certificate of Occupancy (CO) for a use other than (and exclusive from) the use approved with the SUP.

(2) *Expiration.* A Specific Use Permit (SUP) shall automatically expire due to inactivity if:

- (a) A building permit has not been issued within one (1) year of the approval date of the SUP ordinance, and/or a Certificate of Occupancy (CO) has not been issued within one (1) year of a building permit due to inactivity on the site (*inactivity in this case is defined as no progress towards construction for six [6] months*), or one (1) year of the approval date of this ordinance if no building permit is necessary; or
- (b) A building permit or Certificate of Occupancy (CO) expires, is terminated or revoked under the requirements of the Codes of the City of Rockwall.

(3) *Revocation.* The City Council reserves the right to revoke or rescind any SUP in which the business, property or property owner operating under the guidelines of the SUP ordinance fails to meet the minimum operation requirements set forth in the Specific Use Permit (SUP) ordinance and/or outlined in the Unified Development Code or the Rockwall Municipal Code of Ordinances. The procedure for revocation or rescinding a Specific Use Permit (SUP) shall be the same procedure for requesting a new Specific Use Permit (SUP).

(E) *Extension of a Specific Use Permit (SUP).* Upon recommendation from the Planning and Zoning Commission, the City Council may grant a one (1) time extension to the expiration requirements stated above for a period not to exceed one (1) year. To apply for an extension a property owner shall file a written request with the Director of Planning or his designee at least ninety (90) days prior to the expiration date. Extension requests shall not require a public hearing. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a SUP.

(F) *Existing Specific Use Permits (SUP) and Conditional Use Permits (CUP).* Specific Use Permits (SUP) and Conditional Use Permits (CUP) in existence at the time this section was adopted by the City Council shall automatically terminate one (1) year from the adoption date of this section if a building permit -- *or a Certificate of Occupancy (CO) if no building permit is necessary* -- has not been issued or an extension is not requested under [Subsection 2.02\(E\)](#).

SUBSECTION 2.03: PROCEDURES FOR ZONING APPLICATIONS

All zoning applications (*i.e. zoning changes, Specific Use Permits, and text amendments*) shall be subject to the following procedures:

(A) *Notice of Public Hearing.*

(1) *Notice of Public Hearing for Zoning Changes and Specific Use Permits (SUP's).* Written notice of all public hearings for zoning changes and Specific Use Permits (SUP's) shall be sent to all property owners listed on the certified tax roll, and to the actual property address if the property owner does not reside at the physical address, for properties within a distance of at least 500-feet from the boundaries of the subject property at least ten (10) days prior to the public hearing date. Such notice shall be sent via first class mail and display a stamp on the outside of the envelope with the wording *Zoning Change Requested*. In cases that require notices to be sent to a multi-family property, written notice shall be sent to the property owner and the leasing office of the housing complex or apartment building (*i.e. individual notices to each unit are not required*). In addition, written notice shall be sent to all known Homeowners Association (HOA) representative(s) within 1,500-feet of the subject property at least ten (10) days prior to the public hearing date.

- (2) *Newspaper Notice for Zoning Changes and Specific Use Permits (SUP's)*. Notice of all public hearing for zoning changes and Specific Use Permits (SUP's) shall be published in a newspaper of general circulation in the City announcing the time and date of the public hearing a minimum of ten (10) days prior to the date of the public hearing.
- (3) *Newspaper Notice for Text Amendments*. Notice of all public hearing for a text amendment to the Unified Development Code (UDC) shall be published in a newspaper of general circulation in the City announcing the time and date of the public hearing a minimum of 15-days prior to the date of the public hearing.

(B) *Conduct of a Public Hearing*. Subject to the presiding officer's inherent authority to conduct a meeting, a public hearing shall generally be conducted in the following manner:

- (1) A report outlining the details of the request shall be given from the Director of Planning and Zoning or his/her designee.
- (2) The presiding officer shall open the public hearing.
- (3) The applicant will be asked to provide a presentation or comment on the proposed request.
- (4) The presiding officer will ask for public comment, questions, and/or testimony.
- (5) The applicant will be given a rebuttal to address the public's comments, questions, and/or testimony.
- (6) The presiding officer will close the public hearing.
- (7) The Planning and Zoning Commission or City Council will be given a chance to discuss the request and ask questions of the Director of Planning and Zoning or his/her designee and/or the applicant.
- (8) The Planning and Zoning Commission or City Council will deliberate, make a motion and vote on the request.

(C) *Postponement, Recess, and Continuation of a Public Hearing*.

- (1) *Postponement*. A public hearing that was noticed in the manner prescribed by [Subsection 2.03\(A\)](#) may be postponed by announcing the postponement at the time and place of the noticed public hearing. The postponement of a public hearing shall be to a specific time and date no later than 30-days from the first or most recent public hearing. A postponed public hearing shall be presumed to be held in the same location as the initial public hearing, unless a different location is announced. The announcement of a postponement at a public hearing shall be sufficient notice and no additional notice is required.
- (2) *Recess*. A public hearing may be recessed by the Planning and Zoning Commission or City Council any time after the public hearing has commenced.
- (3) *Continuation*. A public hearing may be continued by the Planning and Zoning Commission or City Council any time after the public hearing has commenced. The continuation of a public hearing shall be to a specific time and date no later than 30-days from the first or most recent public hearing. A continued public hearing shall be presumed to be held in the same location as the initial public hearing, unless a different location is announced. The announcement of a continuation at a public hearing shall be sufficient notice and no additional notice is required.

(D) *Submitting Additional Information*. New matters of evidence not presented to the Planning and Zoning Commission shall not be heard or considered by the City Council with relation to public hearing for zoning changes, Specific Use Permits (SUP), or text amendments. In the event new evidence develops between the date of the public hearing by the Planning and Zoning Commission and the hearing of the City Council on any zoning change, Specific Use Permit (SUP), or text amendment, or if for any other valid reason a person wishes to present new evidence to the City Council -- *which was not presented to the Planning and Zoning Commission* -- the City Council shall refer the zoning change, Specific Use Permit (SUP), or text amendment back to the Planning and Zoning Commission for a further public hearing to consider the new evidence. Nothing contained herein shall be construed to prohibit anyone from speaking in a public hearing related to a zoning change, Specific Use Permit (SUP), or text amendment.

(E) *Failure to Appear at a Public Hearing*. If an applicant is not present at a meeting where a public hearing is scheduled, the Planning and Zoning Commission or City Council may deny the request.

(F) *Joint Public Hearings.* The City Council may hold a public hearing -- *after publishing the required notice* -- jointly and with any public hearing required to be held by the Planning and Zoning Commission; however, the City Council shall not act until it has received a recommendation from the Planning and Zoning Commission.

(G) *Protest of a Zoning Change.* Property owners adjacent to and within a radius of 200-feet of a property for which a zoning change or Specific Use Permit (SUP) is being considered have the right to file a written protest against the request. The land area of this 200-foot radius includes public right-of-way, open space and parkland. Whenever such written protest is signed by the owners of 20% or more of the area of the lots or land included in the request, or of the lots or land immediately adjoining the same and within the above mentioned 200-foot radius, or if such change is recommended for denial by the Planning and Zoning Commission, such zoning change or Specific Use Permit (SUP) shall require a supermajority vote (*i.e. a three-fourths vote of those members present*), with a minimum of four (4) votes in the affirmative required for approval. For purposes of determining representation on this written protest, the written protest of any one (1) owner of land owned by two (2) or more persons shall be presumed to be the protest of all owners.

SUBSECTION 2.04: PLANNING AND ZONING COMMISSION RECOMMENDATION

(A) *Consideration of a Zoning Change or Specific Use Permit (SUP).* When considering a request for a zoning change or Specific Use Permit (SUP), the Planning and Zoning Commission shall consider the following:

- (1) Whether the land uses proposed with the zoning change or Specific Use Permit (SUP) are consistent with the *Future Land Use Plan* contained in the Comprehensive Plan.
- (2) Whether the proposed zoning change or Specific Use Permit (SUP) is in accordance with any existing or proposed plans for providing streets, water, wastewater, and/or other utilities or public facilities.
- (3) The availability of existing infrastructure to properly serve any development proposed with the zoning change or Specific Use Permit (SUP), and the timing of the development compared to the City's Capital Improvements Plan (CIP).
- (4) The findings of any studies (*e.g. Traffic Impact Analysis [TIA] or Infrastructure Study*) submitted with the zoning change or Specific Use Permit (SUP).
- (5) The amount of vacant land that is currently designated for similar zoning/land uses in the vicinity of the zoning change or Specific Use Permit (SUP) or elsewhere in the City.
- (6) The rate at which land is being developed and the rates conformance with the policies and goals of the Comprehensive Plan.
- (7) The zoning change or Specific Use Permit's (SUP's) anticipated impact on the environment with regard to floodplains, topography, vegetation, drainage and detention.
- (8) The requests consistency with the Unified Development Code (UDC), Comprehensive Plan, Parks and Recreation Master Plan, and the Municipal Code of Ordinances.
- (9) Any other factors which will substantially affect the health, safety, and/or general welfare of the community.

(B) *Consideration of a Text Amendment.* When considering a request for a text amendment, the Planning and Zoning Commission shall consider the following:

- (1) Whether the proposed text amendment is in conformance with the goals and policies contained in the Comprehensive Plan.
- (2) How the proposed text amendment will affect the City's ability to attract and retain high quality development consistent with the City's existing community character.
- (3) The impact of the text amendment to the City's environment with regard to floodplains, topography, vegetation, drainage and detention.
- (4) The requests consistency with the Unified Development Code (UDC), Comprehensive Plan, Parks and Recreation Master Plan, and the Municipal Code of Ordinances.

(C) *Recommendation to the City Council.* In making a recommendation to the City Council on a zoning application (*i.e. zoning change, Specific Use Permit, or text amendment*), the Planning and Zoning Commission may recommend:

- (1) That the zoning change, Specific Use Permit (SUP) or text amendment be approved or enacted;
- (2) That the zoning change, Specific Use Permit (SUP) or text amendment be approved or enacted as modified to a more restrictive classification or subject to appropriate conditions as permitted by law; or
- (3) That the zoning change, Specific Use Permit (SUP) or text amendment be denied.

(D) *Justification for Denial.* If the Planning and Zoning Commission approves a motion to deny a zoning change, Specific Use Permit (SUP), or text amendment, it shall offer reasons for the denial that can be provided to the City Council.

(E) *Failure to Approve a Motion.* If the Planning and Zoning Commission fails to approve a motion by a majority vote for any zoning application (*i.e. zoning change, Specific Use Permit, or text amendment*), then a recommendation for denial shall be forwarded to the City Council.

SUBSECTION 2.05: CITY COUNCIL ACTION

(A) *Recommendation from the Planning and Zoning Commission.* The City Council shall not act upon any zoning change, Specific Use Permit (SUP), or text amendment prior to a recommendation being forwarded from the Planning and Zoning Commission.

(B) *Action by the City Council.* After the public hearing is closed the City Council shall take one (1) of the following actions with regard to a zoning application (*i.e. zoning change, Specific Use Permit, or text amendment*):

(1) *Approval.* The City Council may approve a request for a zoning change, Specific Use Permit (SUP), or text amendment either as requested or in a more restrictive form as subject to such appropriate conditions allowed by law. Such approval of any request for a text amendment to the Unified Development Code (UDC), or zoning change or Specific User Permit (SUP) as a map amendment shall be granted only if the City Council determines that the request or amendment is consistent with the Comprehensive Plan and/or the Unified Development Code (UDC). In the event of approval of any zoning change, Specific Use Permit (SUP), or text amendment, the City Council shall enact an ordinance amending the Unified Development Code (UDC) or official zoning map (*whichever is applicable*).

(2) *Denial.* The City Council may deny a request for a zoning change, Specific Use Permit (SUP), or text amendment *with* or *without* prejudice. If a request or amendment is denied *with* prejudice, a new application may not be submitted for the same lot or tract of land -- *or any portion thereof* -- for a period of one (1) year unless the request is for a more restrictive or less intense land use than the previously denied request and is submitted in conformance with [Subsection 2.05\(C\)](#). If a request or amendment is denied without prejudice, no restrictions on resubmitting an application shall apply (*i.e. an application for the same request may be filed at the applicant's discretion*). A failure to indicate a denial is *with* or *without* prejudice in making a motion to deny a request or amendment shall be consider a *denial with prejudice*.

(C) *Reapplication.* A request for a zoning change, Specific Use Permit (SUP), or text amendment which has previously been denied with prejudice by the City Council may be resubmitted within one (1) year if there is:

- (1) An actual change in conditions relating to the lot or tract of land -- *or any portion thereof* -- or any surrounding properties; or,
- (2) The new request is for a more restrictive or less intense land use that the previously denied requested.

In this event, the applicant must submit a written request to the Director of Planning and Zoning detailing the change in condition or the more restrictive/less intense land use. The Director of Planning and Zoning or

his/her designee will review the claim and report to the Planning and Zoning Commission whether or not such request meets the aforementioned criteria. Upon hearing this report, the Planning and Zoning Commission shall either grant or deny the request to refile an application for a zoning change, Specific Use Permit (SUP), or text amendment.

SECTION 3: SITE PLANS

SUBSECTION 3.01: PURPOSE

The purpose of a site plan is to ensure compliance with the City's development standards, and/or other regulations enforceable by the City of Rockwall that may apply to a particular property. Site plans are also intended to be reviewed to promote the safe, efficient, and harmonious use of land through the application of the City's Unified Development Code (UDC), the Comprehensive Plan, City adopted design guidelines, and the Municipal Code of Ordinances.

(Ord. No. 10-14, § 64, 7-6-2010)

SUBSECTION 3.02: APPLICABILITY

(A) *Site Plan.* A Site Plan shall be required to be submitted for all new development within the City of Rockwall with the exception of single-family and/or duplex land uses, temporary land uses not requiring a Specific Use Permit (SUP), and agricultural buildings or structures for non-commercial land uses.

(B) *Amended Site Plan.* An Amended Site Plan shall be required for:

- (A) All expansions of an existing non-residential building or structure that increases the existing floor area by 30% or that adds 2,000 SF of floor area.
- (B) All expansions of non-residential parking lots that increase the existing impervious area by 30% or that adds 2,000 SF of impervious coverage.

(C) *Waiver of a Required Site Plan or Amended Site Plan.* In certain circumstances the Director of Planning and Zoning or his/her designee may waive the site plan or amended site plan requirements when it is determined that requiring a site plan [1] is not necessary for the development of a property, and/or [2] it does not serve the public's interest.

SUBSECTION 3.03: GENERAL

(A) *Notification.* No public notification is required for the consideration of a site plan or an amended site plan, beyond posting an agenda for the Planning and Zoning Commission meeting.

(B) *Engineering Plans.* No engineering plans shall be submitted for a project prior to the approval of a site plan except when waived by the City Engineer or his/her designee.

(C) *Building Plans.* No building plans shall be submitted for a project prior to the approval of a site plan except when waived by the Director of Planning and Zoning or his/her designee.

(D) *Construction Permits.* No building, fence, or sign permits shall be issued for a property without an approved site plan being approved.

SUBSECTION 3.04: SITE PLAN SUBMITTAL REQUIREMENTS

(A) *Site Plan Content.* The Director of Planning and Zoning shall establish forms outlining the information, standards, content, and formatting required to constitute a complete application submittal for a site plan or amended site plan.

(B) *Additional Requirements.* When deemed necessary by the Director of Planning and Zoning or the Planning and Zoning Commission, the following plans may be required prior to the approval of a site plan:

- (1) Traffic Impact Analysis
- (2) Traffic Circulation Study
- (3) Infrastructure Study
- (4) Flood Study

SUBSECTION 3.04: SITE PLAN REVIEW

(A) *Procedure.* All site plans and amended site plans shall be subject to the following review procedures unless otherwise indicated within this Article:

- (1) *Architectural Review Board (ARB).* All site plans that [1] propose alterations to the exterior of an existing building, [2] propose the construction of a new building, or [3] that request approval of a variance or exception shall be subject to review and recommendation by the Architectural Review Board (ARB). In reviewing these site plans, the Architectural Review Board (ARB) shall recommend approval, approval with conditions, or denial of the site plan based on the merits of what is being proposed and the conformance of the site plan with the City's Unified Development Code (UDC).
- (2) *Planning and Zoning Commission.* The Planning and Zoning Commission may approve, approve with conditions, or deny a Site Plan -- *upon recommendation from the Architectural Review Board (ARB) if necessary* -- based on the approval criteria listed in [Section 3.04\(B\)](#). The Planning and Zoning Commission shall not approve a site plan prior to review and recommendation by the Architectural Review Board (ARB) if necessary.

(B) *Criteria for Approval of a Site Plan.* In approving, approving with conditions, or denying a site plan, the following criteria shall be considered:

- (1) The extent to which the site plan fulfills the goals, objectives and standards in the City's Comprehensive Plan, Parks and Open Space Master Plan, and the Unified Development Code (UDC).
- (2) Safety of the motoring and pedestrian public using the facility and the area surrounding the site.
- (3) Safety from fire hazards and measures of fire control.
- (4) Protection from flooding and water damage.
- (5) Noise and lighting glare effects on adjacent neighbors.
- (6) Relations of signs to traffic control and their effect on adjacent properties.
- (7) Adequacy of streets to accommodate the traffic generation of the proposed development.
- (8) Adequacy of off-street parking and loading facilities for the uses specified.
- (9) Landscaping and screening provisions appropriately placed per code requirements.
- (10) Position of structures and other improvements relative to required setbacks, height limitations, and other density and dimensional requirements.
- (11) The impact of the proposed development on slopes, protected vegetation, the open space system, and adjacent properties.
- (12) Such other measures as might secure and protect the public health, safety, morals and general welfare.

SUBSECTION 3.05: EFFECT OF SITE PLAN APPROVAL

(A) *Site Plan Expiration.* If development of a lot or tract with an approved site plan has not been completed within two (2) years, or more with an extension, of its final approval, the site plan shall be deemed to have expired and a new review and approval of a site plan for development of the property shall be undertaken, and this new approval shall be required before a building permit is issued for development. This review and approval shall be evaluated according to the standards of the Unified Development Code (UDC), taking into account all changes to the Unified Development Code (UDC) which have occurred subsequent to the prior site plan approval.

(B) *Phasing Plan Expiration*. If the site plan is submitted in conjunction with an approved phasing plan for the development of the lot or tract, the site plan shall be deemed to have expired if any phase is not completed within the time period approved for such phase. No site plan phase may be planned to exceed three (3) years unless specifically authorized by the Planning and Zoning Commission when demonstrated that due to the size or complexity of the site the three (3) year time period would create a hardship. If any phase is not completed within the time period approved, the entire remaining uncompleted site plan shall be deemed to have expired and the provisions of [Subsection 3.05\(A\)](#) above shall be followed.

(C) *Extension of Site Plan*. Extension of an approved site plan may be granted by the Planning and Zoning Commission upon submission of a request for such extension by the property owner at least 90 days prior to the expiration of the plan. The Planning and Zoning Commission shall take into consideration any changes that have occurred in the Unified Development Code (UDC) subsequent to original approval of the plan and the property owner may be required to bring such plan into compliance with the current requirements. The period of time approved for any such extension shall be indicated in any approval, but in no case, shall the period for extension exceed three (3) years.

SUBSECTION 3.06: AMENDED SITE PLAN

Minor modifications to a site plan may be approved by the Director of Planning and Zoning or his/her designee after the submission of a development application, application fee, and updated plans in accordance with [Subsection 1.02, Submission of an Application](#). In the event the Director of Planning and Zoning determines that the modifications entail a significant change in the site plan, the Director of Planning and Zoning may defer the approval of the site plan to the Planning and Zoning Commission.

SECTION 4: PLATS

SUBSECTION 5.01: SUBDIVISION ORDINANCE

For the City of Rockwall's platting requirements within the corporate limits and the Extraterritorial Jurisdiction (ETJ) refer to [Chapter 38, Subdivisions, of the Municipal Code of Ordinances](#).

SECTION 5: MISCELLANEOUS CASE

(A) *Purpose*. The purpose of a *Miscellaneous Case* is to allow certain requests (e.g. *variances, exceptions, Tree Preservation Plans, etc.*) to be considered by the Planning and Zoning Commission and/or City Council independent of a site plan for the purpose of facilitating development.

(B) *Procedures*. Unless otherwise specified in the Unified Development Code (UDC), *Miscellaneous Cases* shall be subject to the procedures provided for in [Section 9, Exceptions and Variances](#).

SECTION 6: CERTIFICATES OF APPROPRIATENESS (COA)

SUBSECTION 6.01: GENERAL.

(A) *Applicability*. Any person carrying out any work that requires a building permit for exterior alteration, restoration, reconstruction, new construction, moving or demolition of a property within a historic district that is visible must first obtain a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB) as provided for in [Subsection 6.2, Historic Overlay District, of Article V, District Development Standards](#).

- (B) *Criteria for the Approval of a Certificate of Appropriateness (COA)*. The Historic Preservation Advisory Board (HPAB) shall follow the design guidelines as adopted by the City Council in its consideration of all applications for a Certificate of Appropriateness (COA). These standards shall be made available to the property owners of historic landmarks or within a historic district. The Historic Preservation Officer (HPO) shall coordinate with the appropriate City Departments on all Certificate of Appropriateness (COA) applications.
- (C) *Permits*. No building or fence permits shall be issued for site improvement or other construction until a Certificate of Appropriateness (COA) has been approved by the Historic Preservation Advisory Board (HPAB).

SUBSECTION 6.02: SUBMITTAL REQUIREMENTS.

The procedures and requirements for a Certificate of Appropriateness (COA) are outlined in [Subsection 6.2, Historic Overlay District, of Article V, District Development Standards](#).

(Ord. No. 06-14, 4-17-2006)

SECTION 7: BUILDING PERMIT FEE WAIVER

SUBSECTION 7.01: PURPOSE

The *Building Permit Waiver and Reduction Program* was established for eligible properties located within the City's Historic Districts for the purpose of encourage development and redevelopment within these districts. The program will be administered by the City's Historic Preservation Advisory Board (HPAB) under the direction of the Planning and Zoning Department of the City of Rockwall.

SUBSECTION 7.02: ELEGIBILITY

The *Building Permit Waiver and Reduction Program* is eligible for the following properties:

(A) Commercial Property.

- (1) Commercial properties located within the Old Town Rockwall (OTR) Historic District, Planned Development District 50 (PD-50), the Southside Residential Neighborhood Overlay (SRO) District, and the Downtown (DT) District are eligible for a 50% reduction in building permit fees for projects that include a substantial rehabilitation involving a minimum investment of \$50,000.00 that involves work that 1) changes the use of the property (*i.e. residential to commercial*) or 2) includes an addition, alteration or change that necessitates accessibility requirements to be met. New development projects shall not be eligible for fee reductions or waivers.
- (2) *Landmarked Properties* shall be eligible for a full waiver of building permit fees for projects that include a substantial rehabilitation involving a minimum investment of \$25,000.00 that involves work that 1) changes the use of the property (*i.e. residential to commercial*) or 2) includes an addition, alteration or change that necessitates accessibility requirements to be met.
- (3) To be eligible for the program, a project must include exterior improvements. Interior work may be included in the overall permitting cost; however, exterior improvements of a substantial nature are required.

(B) Residential Property.

- (1) Residential properties located within the Old Town Rockwall (OTR) Historic District or the Southside Residential Neighborhood Overlay (SRO) District are eligible for a 50% reduction or a full waiver of building permit fees for projects involving a minimum investment of \$5,000.00 that are associated with the rehabilitation or restoration of a property. New development projects shall not be eligible for fee reductions or waivers.

- (2) Properties classified as *Non-Contributing* shall be eligible for a 50% reduction of the require building permit fees.
- (3) Properties classified as *Contributing (i.e. High, Medium or Low Contributing)* shall be eligible for a full waiver of building permit fees.
- (4) To be eligible for the program, a project must include exterior improvements. Interior work may be included in the overall permitting cost; however, exterior improvements of a substantial nature are required.

SUBSECTION 7.03: APPLICATION

All applications shall be submitted to City staff in accordance with the Historic Preservation Advisory Board's (HPAB's) submittal deadlines prior to or concurrently with the submittal of a building permit. Once a building permit has been issued for a project, that project is no longer eligible for the program. The HPAB may review the application concurrently with a building permit submittal; however, no building permit can be issued while a program application is in process. The HPAB has the ability to approve, deny or modify a request at their discretion. A complete application for the program will consist of 1) the application form, 2) a list of all improvements associated with the project, and 3) any additional information deemed necessary for the HPAB to make a determination. It shall be the Planning and Zoning Department's policy not to accept incomplete applications.

SECTION 8: SMALL MATCHING GRANTS

SUBSECTION 8.01: PURPOSE

Purpose. The *Small Matching Grants Program* was established for eligible properties located within the City's Historic Districts for the purpose of encouraging small improvement and beautification projects. The program will be administered by the City's Historic Preservation Advisory Board (HPAB) under the direction of the Planning and Zoning Department of the City of Rockwall.

SUBSECTION 8.02: ELIGIBILITY

The *Small Neighborhood Matching Grants Program* is eligible for the following properties:

(A) Residential Property.

- (1) Residential properties located within the Old Town Rockwall (OTR) Historic District or the Southside Residential Neighborhood Overlay (SRO) District are eligible for the program. The programs shall provide matching funds up to 50% of the total project cost.
- (2) Properties classified as *Non-Contributing* shall be eligible for a total grant amount up to \$500.00.
- (3) Properties classified as *Contributing (i.e. High, Medium or Low Contributing)* or as a Landmarked Property shall be eligible for a grant amount up to \$1,000.00.
- (4) Regardless of a properties status no matching grant shall be approved for an amount of less than \$100.00 (*i.e. a project minimum of \$200.00*).
- (5) Only projects proposing improvements to the exterior of a property that will be visible from the street shall be eligible for the program. Examples of these projects include but are not limited to landscaping, painting, replacement of windows, replacement of sidewalks and/or driveways, and etcetera.

SUBSECTION 8.03: APPLICATION

All applications shall be submitted to City staff in accordance with the Historic Preservation Advisory Board's (HPAB's) submittal deadlines prior to the commencement of the proposed project. Once a project has commenced, that project or the portion of project that has commenced shall no longer be eligible for grant monies. The HPAB has the ability to approve, deny or modify a request at their discretion. A complete

application for the program will consist of 1) the application form, 2) a list of all improvements associated with the project, and 3) any additional information deemed necessary for the HPAB to make a determination. It shall be the Planning and Zoning Department's policy not to accept incomplete applications.

SUBSECTION 8.04: CERTIFICATION AND VERIFICATION PROCESS

Applications for the Small Neighborhood Matching Grants pursuant to [Subsection 8.03](#) of this resolution shall be filed with the Planning and Zoning Department. Upon receipt of a completed application, City staff shall process the request, verify that the improvements have not commenced, and prepare a memorandum to the Historic Preservation Advisory Board (HPAB) outlining the request. Within 60 days of the receipt of an application, the HPAB shall act to approve, deny or modify a request based on the requirements of this resolution. Upon action by the HPAB work may commence on the proposed project.

Once a proposed project has been completed, the applicant shall be required to submit a sworn statement of completion acknowledging that the project has been completed in accordance with the application submitted and approved by the HPAB. In addition, the applicant will be required to submit all receipts for the cost of the project. Within 15 days of the receipt of the sworn statement of completion, City staff shall verify that the improvements have been completed as required by the HPAB and document the improvements for the City's records. If the improvements have been completed as approved, staff will issue a check request in the applicant's name to the Finance Department for half the amount depicted on the receipts up to the full amount approved by the HPAB.

SECTION 9: EXCEPTIONS AND VARIANCES

SUBSECTION 9.01: EXCEPTIONS TO THE GENERAL STANDARDS

Unless otherwise specified by the Unified Development Code (UDC), an applicant may request the Planning and Zoning Commission grant an exception to the provisions contained in the Unified Development Code (UDC), where unique or extraordinary conditions exist or where strict adherence to the technical requirements of the Unified Development Code (UDC) would create an undue hardship. In cases where an exception or exceptions is/are being requested, the applicant shall provide compensatory measures that directly offset the requested exception. These may include -- *but are not limited to* -- any two (2) of the following options:

- (A) Increased landscape buffer.
- (B) Increased landscaping (*i.e. additional canopy trees, accent trees, landscaping percentage, etc.*).
- (C) Increased open space.
- (D) The provision of trails above and beyond the requirements of the City's Master Trail Plan.
- (E) Increased building articulation.
- (F) The provision of four (4) sided architecture (*where not already required*).
- (G) Masonry building materials in percentages equal to or greater than surrounding properties. Where there are no properties adjacent to the subject property the percentage shall be 90% masonry (*i.e. brick, stone, or cultured stone*).
- (H) The inclusion of 20% natural or cultured stone.
- (I) Increased architectural elements (*i.e. canopies, awnings, porticos, arcades, peaked roof forms, arches, outdoor patio/plaza space, display windows, articulated cornice lines, varied roof heights, etc.*).
- (J) Undergrounding existing overhead utility lines.
- (K) Compliance with the General Overlay District Standards detailed in [Section 6, Overlay Districts, of Article V, District Development Standards](#).
- (L) Other additional standards that are above and beyond the general standards that appropriately offset the requested exception or exceptions.

In requesting an exception or exceptions, the applicant shall provide a written appeal to the Director of Planning and Zoning or his/her designee outlining [1] the reason or reasons for the exception or exceptions being

requested, [2] the unique or extraordinary condition that exist and/or the undue hardship created by strict adherence to the technical requirements, and [3] the proposed compensatory measures as detailed above.

If the Planning and Zoning Commission denies a request for an exception, the applicant may appeal the decision to the City Council by filing a written appeal to the Director of Planning and Zoning or his/her designee. Approval of any exception to the requirements of this section by the Planning and Zoning Commission or City Council shall require a supermajority vote (*i.e. a three-fourths vote of those members present*), with a minimum of four (4) votes in the affirmative required for approval.

SUBSECTION 9.02: VARIANCES TO THE GENERAL OVERLAY DISTRICT STANDARDS

Unless otherwise specified by the Unified Development Code (UDC), an applicant may request the Planning and Zoning Commission grant a variance to any provision contained in [Section 6.02, General Overlay District Standards](#), where unique or extraordinary conditions exist or where strict adherence to the technical requirements of this section would create an undue hardship. In cases where a variance or variances is/are being requested, the applicant shall provide compensatory measures that directly offset the requested exception. These may include -- *but are not limited to* -- any two (2) of the following options:

- (A) Increased landscape buffer.
- (B) Increased landscaping (*i.e. additional canopy trees, accent trees, landscaping percentage, etc.*).
- (C) Increased open space.
- (D) The provision of trails above and beyond the requirements of the City's Master Trail Plan.
- (E) Increased building articulation.
- (F) Masonry building materials in percentages equal to or greater than surrounding properties. Where there are no properties adjacent to the subject property the percentage shall be 90% masonry (*i.e. brick, stone, or cultured stone*).
- (G) The inclusion of 20% natural or cultured stone.
- (H) Increased architectural elements (*i.e. canopies, awnings, porticos, arcades, peaked roof forms, arches, outdoor patio/plaza space, display windows, articulated cornice lines, varied roof heights, etc.*).
- (I) Undergrounding existing overhead utility lines.
- (J) Other additional standards that are above and beyond the general standards that appropriately offset the requested exception or exceptions.

In requesting a variance or variances, the applicant shall provide a written appeal to the Director of Planning and Zoning or his/her designee outlining [1] the reason or reasons for the variance or variances being requested, [2] the unique or extraordinary condition that exist and/or the undue hardship created by strict adherence to the technical requirements, and [3] the proposed compensatory measures as detailed above.

If the Planning and Zoning Commission denies a request for a variance, the applicant may appeal the decision to the City Council by filing a written appeal to the Director of Planning and Zoning or his/her designee. Approval of any variance to the requirements of this section by the Planning and Zoning Commission or City Council shall require a supermajority vote (*i.e. a three-fourths vote of those members present*), with a minimum of four (4) votes in the affirmative required for approval.

SUBSECTION 9.03: CRITERIA FOR GRANTING A VARIANCE OR EXCEPTION

In reviewing a request for a variance or an exception, the Planning and Zoning Commission should review the request to determine:

- (A) If the proposed compensatory measures sufficiently offset the requested variance or exception.
- (B) If such a request will substantially or permanently injure the appropriate use of adjacent property.
- (C) If such a request will adversely affect the health, safety, and/or general welfare of the public.
- (D) If such a request will be contrary to the public interest.
- (E) If such a request will authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located.

- (F) If such a request will be in harmony with the spirit and intent of the Unified Development Code (UDC), Comprehensive Plan, and/or other City policies.
- (G) If such a request will alter the essential character of the district in which the subject property is located.
- (H) If such a request will substantially weaken the general purpose of the zoning requirements established for the district in which the subject property is located.

SECTION 10: FEE SCHEDULE

(A) *Establishment of Fees.* Fees for all development related applications in the City of Rockwall shall be established by the City Council upon recommendation of the City Council. Such fees shall be for the sole purpose of recovering the administrative cost of processing development applications, advertising zoning requests, and holding public hearings required by this Article. Such fee shall not be designed to generate revenue for the City other than recovery of actual administrative costs.

(B) *Fees.* The fees for development related applications in the City of Rockwall shall be as follows:

(1) *Platting.*

- (a) Master Plat: \$100.00 + \$15.00/Acre
- (b) Preliminary Plat: \$200.00 + \$15.00/Acre
- (c) Final Plat: \$300.00 + \$20.00/Acre
- (d) Replat: \$300.00 + \$20.00/Acre
- (e) Amending or Minor Plat: \$150.00
- (f) Plat Reinstatement Request: \$100.00

(2) *Site Plan.*

- (a) Site Plan: \$250.00 + \$20.00/Acre
- (b) Amended Site Plan: \$100.00

(3) *Zoning.*

- (a) Zoning Change: \$200.00 + \$15.00/Acre
- (b) Specific Use Permit (SUP): \$200.00 + \$15.00/Acre
- (c) Planned Development District (PD): \$200.00 + \$15.00/Acre

(4) *Miscellaneous Case.*

- (a) Variance/Special Exception: \$100.00
- (b) Tree Removal: \$75.00
- (c) All Other Miscellaneous Cases: \$0.00

(5) *Historic Preservation Advisory Board.*

- (a) Certificate of Appropriateness (COA): \$0.00
- (b) Small Matching Grants: \$0.00
- (c) Building Permit Fee Waiver: \$0.00

(C) *Calculation of Fees.* Fees that have a scaled fee structure (*i.e. that are based on the acreage of the property*) are calculated by multiplying the acreage of the property by the scalable fee and adding the base fee. For example, a 5.25-acre property that is requesting a zoning change would be calculated as follows:

$$5.25\text{-acres} \times \$15.00/\text{Acres} = \$78.75 + \$200.00 [\text{Base Fee}] = \$278.75 [\text{Fee Due}]$$

Properties that are less than one (1) acre in total size shall be calculated as one (1) acre. No other rounding methods shall be used in the calculation of a fee.

ARTICLE XIII, DEFINITIONS

SECTION 1: GENERAL

SUBSECTION 1.01: USAGE

For the purposes of this Unified Development Code (UDC), certain terms and/or words are used and interpreted as defined below. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular. The word shall wherever used in this article will be interpreted in its mandatory sense and the word may shall be deemed as permissive. The word building includes the word structure unless otherwise indicated in the definition. The word lot also means plot or tract. The term used for includes the meaning designed for or intended for.

SECTION 2: WORDS, TERMS, AND LAND USES DEFINED

SUBSECTION 2.01: GENERAL DEFINITIONS

- (1) Adopted Policies. A written administrative directive discussed at a public meeting and officially adopted by a majority vote of the city council.
- (2) Agriculture. The planting, cultivating, harvesting and storage of grains, hay or plants, or vineyards, commonly grown in Rockwall County. The raising and feeding of livestock and poultry shall be considered an agricultural venture if the area in which the livestock or poultry is kept is three acres or more in area, and if such raising of livestock and poultry is incidental or supplemental to the raising of crops and is not primarily for the raising or fattening of livestock. A feed lot exclusively for the fattening of livestock is not considered an agricultural use.
- (3) Alley. A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street; it is also public space or way, 20 feet or less in width, which has been dedicated or deeded for public use.
- (4) Alteration. Any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building, or change or modification in construction or occupancy.
- (5) Apartment. A room or suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single-family or group of individuals living together as a single housekeeping unit and who do their cooking therein. (See Dwelling unit.)
- (6) Apartment house or building. A building arranged, intended or designed for more than two families. (See Dwelling unit, "multiple.")
- (7) Associated recreation. Recreational uses which are an integral part of a common ownership or associated with high density residential development (example: homeowners association with a private club, swimming pool, and tennis courts).
- (8) Authorized agent. An architect, builder, developer, or other person empowered to act on behalf of other persons.
- (9) Bar, cocktail lounge, tavern, saloon, cantina. An establishment where alcoholic beverages are sold for on-premises consumption, other than a restaurant as defined in this section.
- (10) Basement or cellar. A story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purposes of height measurement.

- (11) **Block**. A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the building official shall determine the outline of the block.
- (12) **Boardinghouse or lodginghouse**. A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.
- (13) **Buffer**. A visual screen constructed of wood, concrete block, masonry, or landscape material including earthen berms in such a manner that adjacent property will be screened from the use contemplated, so noise, solid waste, or other objectionable influences will be avoided. Such buffer shall be horizontal to the ground, opaque, and a minimum of six feet in height.
- (14) **Buildable area**. The “buildable area” of the lot is the maximum amount of allowable space upon which a structure or building may be erected, after meeting the coverage, yard and other requirements of this [Unified Development Code].
- (15) **Building**. An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals, or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breeze way shall be deemed as one building. Parking structures shall not be considered as buildings when calculating building coverage.
- (16) **Building area**. The building area of the lot is the gross area covered by the structures when placed on the lot.
- (17) **Building coverage**. Percentage of the lot that is occupied by the building area, including parking structures and accessory buildings.

(Ord. No. 06-14, 4-17-2006)

- (18) **Building height**. The height of the building shall be measured from the average elevation of the finished grade along the front of the building to the highest point of the roof or parapet of the building if it is a flat, mansard or shed roof; or to the midpoint of the roof if it is gable, hip or gambrel roof.
- (19) **Building official**. The duly authorized employee or representative of the city charged with implementation, inspection and enforcement of the building codes.
- (20) **Building, principal**. A principal building is one in which a main use of the lot on which it is located is conducted.
- (21) **Building setback line**. A line defining an area on the building lot between the street right-of-way line and all other property lines and the building line within which no building or structure shall be constructed (also referred to as a “yard”), encroach or project except as specifically authorized in an adopted ordinance of the City of Rockwall. In the GR, C, DT, HC, RT, LI, [and] HI districts, underground parking garages shall not be required to meet side or rear setback requirements, but may be constructed from lot line to lot line.

(Ord. No. 10-14, § 69, 7-6-2010)

- (a) **Front building setback line (defining a front yard)**. A line parallel to the street right-of-way line which the building faces, and takes its primary access from. Where lots have multiple frontages on one or more streets, the required front yard shall be provided on each street (see examples).

(Ord. No. 06-14, 4-17-2006)

(b) Side building setback line (defining a side yard). A line parallel to an adjacent lot which the building sides up to.

(Ord. No. 06-14, 4-17-2006)

(c) Rear building setback line (defining a rear yard). A line parallel to an adjacent lot or alley, which the building backs up to and has its rear or secondary access from.

(Ord. No. 06-14, 4-17-2006)

(22) Caliper. The diameter of the trunk measured six inches above ground level up to and including four inch caliper size, and measured 12 inches above ground level if the measurement taken at six inches above ground level exceeds four inches. If a tree is of a multi-trunk variety, the caliper of the tree is the total caliper of all of its trunks at the elevation being measured.

(23) Canopy or shade tree. A species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity.

(24) Carport. A structure which is open on at least 2 sides, covered with a roof and constructed specifically for the storage of one or more automobiles; utility room may be included.

(25) Certificate of occupancy. A certificate issued by the zoning administrator or his authorized representative stating that the proposed use of the land and/or building conforms to the requirements of this [Unified Development Code].

(26) City. The City of Rockwall, Texas.

(27) Clinic. An institution, public or private, or a station for the examination and treatment of outpatients by a group of doctors, dentists, opticians, ophthalmologists, orthopedists, or other similar professional physicians.

(28) Cluster development. A method of development of land that permits variation in lot sizes without an increase in overall density of population or development. The use of permanent, open space may be one method used to offset the increased density of smaller residential lots.

(29) Commercial Development. Any development on private land that is not classified as industrial or residential development (*i.e. that consists of development being performed within the Residential Office [RO], Neighborhood Services [NS], General Retail [GR], Heavy Commercial [HC], or Commercial [C] Districts and that is based in office, retail, personal services, or similar land uses*).

(30) Commission. The planning and zoning commission of the City of Rockwall, Texas.

(31) Comprehensive plan. The comprehensive plan of the City of Rockwall and includes any unit or a part of such unit separately adopted and any amendment to such plan or parts thereof.

(32) Condominium. A multi-family dwelling unit, within which designated dwelling units are conveyed fee simple title, with an undivided interest in the building's common elements, to include, but not be limited to, halls, stairs, elevators, roof, parking space, and the land when the building is not constructed on leased land.

(33) Court. An open unoccupied space, other than a yard, on the same lot with a building and which is bounded on two or more sides by the building.

(34) Curb level. The level of the established curb in front of the building measured at the center of such front, or in the case of a corner lot, along the abutting street where the mean curb level is the highest. Where

no curb has been established, the city engineer shall establish such curb or its equivalent for the purpose of this [Unified Development Code].

- (35) Density. The ratio of dwelling units per gross acre of platted area being developed.
- (36) District. A zone or geographic area within the municipality within which certain zoning or development regulations apply.
- (37) Dwelling unit. Any building or portion thereof which is designed for or used primarily for residential occupancy, but not including hotels, boardinghouses or mobile homes, trailers, motor coaches or other recreational vehicles.
- (a) Triplex. A building designed for and/or occupied exclusively by three families living independently of each other.
- (b) Fourplex. A building designed for and/or occupied exclusively by four families living independently of each other.
- (c) Multiple. A building designed for and/or occupied exclusively by five or more families living independently of each other.
- (d) The determination of whether one family is living independently of another is based on one or more of the following criteria:
- (1) Separate sanitary facilities.
 - (2) Separate kitchen facilities.
 - (3) Separate entrances.
 - (4) Separate utilities.
- (38) Dwelling unit, minimum square footage. The minimum square footage required in each zoning district shall not include garages, porches, patios, eaves and/or other areas not part of the main, air-conditioned living space of the dwelling unit.
- (Ord. No. 06-14, 4-17-2006)
- (39) Enhanced pavement. Any permeable or non-permeable decorative pavement material intended for pedestrian or vehicular use. Examples of enhanced pavement include brick or stone pavers, grass paver, exposed aggregate concrete, and stamped and stained concrete.
- (40) Evergreen tree or shrub. A tree or shrub of a species which normally retains its leaves throughout the year.
- (41) Family. One or more persons who are related by blood, adoption or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit, cost-sharing basis.
- (42) Fence. Any wall or structure of any material for which the purpose is to provide protection from intrusion, both physical and visual, to prevent escape, mark a boundary, enclose, screen, restrict access to, or decorate any lot, building, or structure.
- (43) Floor area ratio. The relationship of the gross floor area of all buildings on a lot to the total lot area. Parking structures shall be excluded in the calculation of the floor area ratio.
- (44) Frontage. All the property abutting on one side of a street between two intersecting streets, measured

along the street line.

- (45) Garage apartment. A dwelling unit attached to a private garage.
- (46) Garage, community. A building or portion thereof, other than a public, private or storage garage as defined below, providing storage for motor vehicles with facilities for washing, but no other services, such garage to be in lieu of private garages within a block or portion of a block.
- (47) Garage, public. A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.
- (48) Garage, storage. A building or portion thereof, except those defined as private, a public, or a community garage providing storage for more than four motor vehicles, with facilities for washing but no other services.
- (49) Ground cover. Natural mulch or plants of species which normally reach a height of less than two feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.
- (50) Height of yard or court. The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.
- (51) Impervious cover. Roads, parking areas, buildings and other impermeable construction covering the natural land surface that prevent absorption of the water. Water quality basins, swells and other conveyances for overland drainage shall not be calculated as impervious cover.
- (52) Industrial Development. Any development on private land that is not classified as commercial or residential development (*i.e. that consists of development being performed within the Light Industrial [LI] or Heavy Industrial [HI] Districts and that is based in warehouse, research/technology, light or heavy manufacturing, or similar land uses*).
- (53) Institutional use. A nonprofit organization or building, public or private, for the benefit of the public including YMCA, YWCA, Boys Clubs, Scouts; educational facilities and schools, including day care centers and kindergartens; churches, temples, cemeteries, mausoleums or crematories for the deposit of the human dead; hospitals, civic clubs, private parks, private libraries, museums, etc.
- (54) Kindergarten. A school for more than five children of preschool age, in which constructive endeavors, object lessons or educational games are prominent features of the curriculum.
- (55) Landscape architect. A person licensed to practice or teach landscape architecture in the State of Texas pursuant to state law.
- (56) Landscape buffer. A strip of land:
 - (a) Which serves a buffer function on the perimeter of a building site adjacent to another building site or to a public or private street or alley; and
 - (b) At least 80 percent of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening).
- (57) Landscaping. Trees, shrubs, ground cover, earthen berms, vines, grass, water, decorative features such as fountains, or other material approved by the city council.
- (58) Large shrub. A shrub which normally reaches a height of six feet or more upon maturity.
- (59) Large tree. A tree of a species which normally reaches a height of 30 feet or more upon maturity.

- (60) Legislative or governing body. The city council of the City of Rockwall, Texas.
- (61) Loading space. A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks and having a minimum dimension of 12 [feet] by 65 feet and a vertical clearance of at least 14 feet.
(Ord. No. 06-14, 4-17-2006)
- (62) Lot. An undivided tract or parcel of land having frontage on a public street, or upon an approved open space, having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.
- (63) Lot area, minimum. Includes internal sidewalks, recreation areas, floor space, parking area, open space and utility easements, but does not include any public right-of-way street easements or alley easements.
- (64) Lot, corner. A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the building official, or as specified on an approved plat.
- (65) Lot depth. The length of a line connecting the midpoints of the front and rear lot lines.
- (66) Lot[,] double frontage[,] or through lot. A lot abutting on two nonintersecting public streets as distinguished from a corner lot.
- (67) Lot, frontage. The length of street frontage between property lines.
- (68) Lot, interior. A lot whose side lot lines do not abut upon any street.
- (69) Lot, irregular. Any lot not having equal front and rear lot lines, or equal side lot lines; a lot, the opposite lot lines of which vary in dimension and the corners of which have an angle of either more or less than 90 degrees. A lot fronting on a sharp curve or cul-de-sac.
- (70) Lot lines. The lines bounding a lot as defined herein.
- (a) Front lot line. The property line between the front yard(s) and the contiguous street right-of-way boundary.
(Ord. No. 06-14, 4-17-2006)
- (b) Rear lot line. The boundary line which is opposite and most distinct from the front street line; except that in the case of uncertainty the building inspector shall determine the rear line.
- (c) Side lot line. The property line between two adjacent lots. Where lots have multiple frontages on one or more streets, the required front yard shall be provided on each street.
(Ord. No. 06-14, 4-17-2006)
- (71) Lot of record. A parcel of land which is part of a subdivision, the map or plat of which has been recorded in the office of the county clerk of Rockwall County; or a parcel of land not a part of an urban or town lot subdivision, the deed of which has been recorded in the office of the county clerk of Rockwall County prior to the adoption date of the ordinance from which this Unified Development Code is derived which has not been divided since recording.
- (72) Lot, reverse corner. A corner lot whose front line faces at right angles to the front lot lines of the interior lots or whose rear lot line abuts the side lot lines of interior lots.
- (73) Lot width. The horizontal distance between side property lines, measured at the front setback line.

(74) Lots in separate ownership at the time of the passage of this [Unified Development Code]. A lot whose boundary lines, along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the county clerk of Rockwall County on or before the date of the adoption of the ordinance from which this Unified Development Code was derived.

(75) Maneuvering space. The space entirely on private property required for maneuvering vehicles in such a manner as to preclude the backing of any vehicle into any street right-of-way.

(76) Manufactured home or HUD-code manufactured home. A dwelling structure meeting the definitions and requirements specified in chapter 1201 of the State of Texas Occupational Code.

(Ord. No. 10-14, § 71, 7-6-2010)

(77) Masonry. Masonry construction shall be defined as construction composed of materials in the categories listed below and shall not include hollow clay tile or exposed lightweight block such as cinder block.

(78) Modular.

(a) Brick.

(b) Natural or quarried stone.

(c) Cast or cultured stone.

(d) Glass block or glass.

(e) Tile.

(f) Custom concrete masonry units (normal or heavy weight blocks with an integral color that is sandblasted, burnished or has a split face).

(79) Mobile home. A dwelling structure meeting the definitions and requirements specified in chapter 1201 of the State of Texas Occupational Code.

(Ord. No. 10-14, § 72, 7-6-2010)

(80) Modular homes. Any permanent, single-family dwelling unit which has been prefabricated or factory constructed as a single unit or in sections or modules, and assembled at the factory or construction site and moved to a permanent location as a unit or in sections or modules, as a permanent single-family dwelling unit placed on a permanent foundation at such site and connected with all required utility services.

(81) Municipal uses. Facilities owned or controlled by the City of Rockwall, including, but not limited to, office buildings, maintenance shops, treatment plants; community centers.

(82) Nonconforming use, building or yard. A use, building or yard, which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated. It is a legal nonconforming use if established prior to the passage of this [Unified Development Code].

(83) Non-permeable coverage. Coverage with non-permeable pavement.

(84) Parking area. Space used exclusively for the parking of vehicles and where no other business is conducted paved to city specifications.

(85) Parking space. Area, not closer than six feet from the back edge of the curb, the width and length of which shall exceed by a minimum of two feet the dimensions of the type of vehicle normally to be parked in the space, and connected to a street or alley by a driveway affording satisfactory ingress and egress. The minimum dimension of a parking space shall be in accordance with the adopted ordinances of the City of Rockwall regarding off-street parking.

- (86) Patio home. A single-family, residential dwelling unit that is most often a one-story L-shaped or U-shaped home utilizing the entire lot with an enclosed garden court for open space area. Fire retardant walls are utilized and additional open space is often provided by clustering the units.
- (87) Paving. Material which provides an all-weather surface for the parking of vehicles. All required paving shall meet the standards specified by applicable city specifications.
- (88) Permitted use. A use specifically allowed in one or more of the various districts without the necessity of obtaining a use permit.
- (89) Person. Any individual, association, firm, corporation, governmental agency or political subdivision.
- (90) Place. An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.
- (91) Planned development (PD). Includes a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity, and comply with provisions of the ordinances governing planned developments.
- (92) Planned shopping center. A group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as one operating unit related in its location, size, and type of shops to the trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores.
- (93) Planning consultant. A private practitioner in planning, who is a member of the American Institute of Certified Planners (AICP).
- (94) Plat. A map of a subdivision or site plan that represents a tract of land, showing the boundaries and location of individual properties and streets.
- (95) Recreational vehicle or travel trailer. A vehicle which is:
- (a) Built on a single chassis;
 - (b) 400 square feet or less when measured at the largest horizontal projections;
 - (c) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(Ord. No. 10-14, § 73, 7-6-2010)

- (96) Residential Development. Any development on private land that is not classified as industrial or commercial development (*i.e. that consists of development being performed within the Agricultural [AG], Single-Family Estate 1.5 [SFE-1.5], Single-Family Estate 2.0 [SFE-2.0], Single-Family Estate 4.0 [SFE-4.0], Single-Family 1 [SF-1], Single-Family 16 [SF-16], Single-Family 10 [SF-10], Single-Family 8.4 [SF-8.4], Single-Family 7 [SF-7], Zero Lot Line [ZL-5], Two-Family [2F], or Multi-Family 14 [MF-14] Districts that is based in residential land uses*).
- (97) Restaurant (limited service). A building or portion of a building, where the primary business is the on-premises sale of prepared food where patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to customers' location. Drive-through "pickup/order" window permitted provided that there is no public address system or speakers.
- (98) Retail. The sale of goods directly to a consumer. Engaged in, pertaining to, or relating to the sale of merchandise at retail. To sell by individual items or by the piece, directly to a consumer.

- (99) Retail food store. A retail establishment selling meats, fruits, vegetables, bakery products, light hardware, and other similar items which are purchased for use and consumption off the premises (may be drive-in or supermarket type).
- (100) Right-of-way line. A dividing line between a lot, tract, or parcel of land and the public right-of-way.
- (101) Screening. Screening that complies with the construction and maintenance regulations in section 5, Mandatory Provisions, except as those regulations may be expressly modified in this article.
- (102) Semi-public uses. Public facilities including sanitary landfills, water treatment and supply facilities, and wastewater treatment facilities, but not including facilities owned or controlled by the city.
- (103) Setback. See Building setback line.
- (104) Sign. A name, identification, image, description, display or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs.
- (105) Site. A combination of continuous lots that may or may not be owned separately, that will be developed under one unified plan, as if it were a single parcel of land.
- (106) Site plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplain, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.
- (107) Small tree. A tree of a species which normally reaches a height of less than 30 feet.
- (108) Soil. A medium that plants will grow in.
- (109) Space. A plot of ground within a mobile home or recreational vehicle park designated for the accommodation of one mobile home or one recreational vehicle, together with such open space as required by this chapter.
- (110) Storage. The accumulation, stocking, or depositing of materials or items. These may include materials for the eventual use or sale in a commercial enterprise, but does not include the storing of a personal car or truck on an individual residential lot.
- (111) Story. That part of a building included between the surface of one floor and the surface of the floor next above, or, if there be no floor above, that part of the building which is above the surface of a floor and the ceiling next above. A top story attic is a half-story, when the main line of the eaves is not above the middle of the interior height of such story. The first story is a full story when over 50 percent of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting entrance of daylight and outside air.
- (112) Street. A public or approved private thoroughfare which affords the principal means of access to abutting property, excluding alleys, and as defined in the city's thoroughfare plan.
- (113) Street line. The dividing line between the street right-of-way and the abutting property.

- (114) Structural alterations. Any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.
- (115) Structure. Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, signs, and excluding utility poles, fences and retaining walls.
- (116) Subdivision. The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.
- (117) Urban Agriculture. An industry located within or on the fringe of a town, a city or metro-area, which grows and raises, processes and distributes a diversity of food and non-food products, using largely human and natural resources, products and services found in and around the urban area, and in turn supplying human and material resources, products and services largely to the urban area.
- (118) Variance. Relief from or variation of the provisions of these regulations, other than use regulations, as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter in powers and duties of the board of adjustment.
- (119) Visibility Triangle. The term “visibility triangle” as defined in article V, section 1.9 of this Unified Development Code.
- (120) Wall, exterior. Any wall or element of a wall, or any member or group of members, which defines the exterior boundaries or courts of a building and which has a slope of 60 degrees or greater with the horizontal plane.
- (121) Wholesale. The sale of commodities for the purpose of resale, as to retailers or jobbers rather than to consumers directly; opposed to retail. Of, pertaining to, or engaged in sale at wholesale.
- (122) Xeriscaping. A type of landscaping design that uses a combination of native plants and grasses, approved hardscapes and drought tolerant ground covers and planting materials for the purpose of conserving water and protecting the local environment.

SUBSECTION 2.02: LAND USE DEFINITIONS

(A) Agricultural and Animal Related Land Uses.

- (1) Agricultural Uses on Unplatted Land. Any area used for growing farm products, vegetables, fruits, trees, and grain and/or for the raising of farm animals (e.g. horses, cattle, sheep, etc.) -- including the necessary accessory uses for raising, treating, and storing products raised on the premises -- , but not including the commercial feeding, cultivation of offal (i.e. entrails or internal organs) to swine or other animals and not including any type of agriculture or cultivation that is specifically prohibited by this federal, state, or local law.
- (2) Animal Boarding/Kennel. Any premises in which more than three (3) dogs or three (3) cats or three (3) of any other domesticated animal over the age of three (3) months -- not including livestock or farm animals -- are housed, boarded, raised or trained as a commercial enterprise. This definition does not include pet shops.
- (3) Animal Clinic for Small Animals without Outdoor Pens. An establishment where small animals and pets are admitted for examination, medical treatment, and boarding of animals is limited to short-term care incidental and subordinate to the clinic use.
- (4) Animal Hospital or Clinic. A facility for the diagnosis, treatment, or hospitalization of animals.

- (5) *Animal Production or Husbandry*. An agricultural operation specifically concerned with the raising of animals for meat, milk, eggs, or other products. *Animal Production or Husbandry* includes the *day-to-day* care, selective breeding and the raising of livestock.
- (6) *Animal Shelter or Loafing Shed*. An agricultural structure that is typically built inside a pasture or paddock area that provides livestock with shade, water, and/or food.
- (7) *Barn or Agricultural Accessory Building*. A barn or agricultural accessory building is a building that is located on a property that is a minimum of ten acres in size, zoned Agricultural (AG) District, and is intended to be used to store agricultural equipment used for animal production, crop production and/or other agricultural related uses.
- (8) *Crop Production*. An area for raising or harvesting agricultural crops such as wheat, field forage, and other plant crops intended to provide food or fiber.
- (9) *Commercial Horse Corral or Stable*. A facility or area where horses, mules, or other domestic animals are kept, housed, boarded, lodged, fed, hired, trained, sold, or bred as a commercial activity. The definition includes accessory uses such as riding lessons, clinics, and similar activities.
- (10) *Private Horse Corral or Stable*. A facility or area where horses, mules, or other domestic animals are kept, housed, boarded, lodged, fed, trained, or bred for the private use of the property owner.
- (11) *Community Garden*. A use in which an area of land is managed and maintained by a group of individuals to grow and harvest food and/or horticultural products for personal or group consumption or for sale or donation. A community garden area may be divided into separated garden plots for cultivation by one or more individuals, or may be farmed collectively by members of the group. A community garden may include common areas (e.g., *hand tool storage sheds*) maintained and used by the group.
- (12) *Urban Farm*. A use in which plants are grown for sale as products, and in which the plants or their byproducts are sold at the lot where they are grown or off-site, or both, and in which no other items are sold (e.g. *flower and vegetable raising, orchards and vineyards, etc.*).
- (13) *Wholesale Nursery (i.e. without Retail Sales On-Site)*. An establishment for the cultivation and propagation, display, storage and wholesale of large plants, shrubs, trees and other materials used in the indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape materials as an accessory use.

(B) *Residential and Lodging Land Uses.*

- (1) *Residential Accessory Building or Structure*. A subordinate building having a use customarily incidental to and located on the lot occupied by the main building; or a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.
- (2) *Bed and Breakfast*. A single-family owner-occupied house offering rooms with breakfast on a nightly basis for a fee.
- (3) *Caretakers Quarters/Domestic or Security Unit*. A residence located on premises with a main residential or non-residential use and occupied only by a caretaker or guard employed on the premises.
- (4) *Convent, Monastery, or Temple*. A facility or building occupied by a community of monks, nuns, priests, or similar sects living under religious vows.

- (5) Duplex. A building designed and/or occupied exclusively by two (2) families living independently of each other on one (1) lot or parcel of land.
- (6) Commercial Garage. Any premises and/or structures used for housing more than three (3) motor vehicles or where any vehicles are kept for remuneration, hire, or sale and where a retail service station may be maintained as a secondary use.
- (7) Residential Garage. A residential accessory building used for the storage motor vehicles. These structures are typically attached to the primary structure; however, they may also be a detached structure.
- (8) Guest Quarters/Secondary Living Unit. An accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration and is not rented or otherwise used as a separate domicile.
- (9) Home Occupation. A commercial use customarily carried on in the home by members of the occupant family without structural alterations in the principal building or any of its rooms, without offering any commodity or service for sale on premises, without the installations of machinery or additional equipment other than that customary to normal household operations, without the employment of additional persons, without the use of a sign to advertise the occupations, and which does not cause the generation of other than normal noise, and pedestrian and vehicular traffic.
- (10) Limited-Service Hotel. A building or group of buildings used as a temporary dwelling place for individuals in exchange of financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Hotel room units are accessed through doorways into an internal hallway, courtyard, or lobby. Financial consideration for hotel room units is generally calculated on a nightly basis.
- (11) Full-Service Hotel. A building or group of buildings designed for and occupied as a temporary dwelling place. Access to guestrooms shall be restricted exclusively to interior corridors, that shall be accessed via the main lobby of the building or entryways individually equipped with some form of security-controlled access system. Customary hotel services such as linen, maid service, telephone, and other guest amenities are provided and may also contain various personal service shops.
- (12) Residence Hotel. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Residence hotel room units are designed to be suitable for long-term occupancy with financial consideration being calculated on a nightly, weekly, and/or monthly basis. Typical residence hotel attributes include, but are not limited to, kitchen facilities, two-story design, and external doorways into room units.
- (13) Motel. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Each motel room unit has direct access to the outside. Financial consideration for motel room units is generally calculated on a nightly basis.
- (14) Multi-Family Structure or Development. A development consisting of at least three (3) single-family dwelling units grouped into a single building or multiple buildings on an individual parcel of land. Examples of a *Multi-Family Development* include Triplexes, Quad or Fourplexes, apartments, condominiums, and etcetera.
- (15) Portable Building. A temporary building that may or may not have a foundation and is transportable.

- (16) Residential Infill in or Adjacent to an Established Subdivision. The new development of a single-family home or duplex on an existing vacant or undeveloped parcel of land or the redevelopment of a developed parcel of land for a new single-family home or duplex within an established subdivision that is mostly or entirely built-out.
- (17) Single-Family Attached Structure. A single-family residential structure that is occupied by one (1) family and shares a common wall or walls with another single-family residential structure, but that is on an individual lot and can be conveyed individually (*i.e. one [1] dwelling unit per lot*).
- (18) Single-Family Detached Structure. A single-family residential structure that is occupied by one (1) family, is situated on a single parcel of land, does not share a common wall or wall with any adjacent structures, and can be conveyed individually (*i.e. one [1] dwelling unit per lot*).
- (19) Single-Family Zero Lot Line Structure. A single-family detached structure that has a wall or walls that comes up to, or very near to, the edge of the property line on one (1) side of the property.
- (20) Private Swimming Pool. A swimming pool constructed for the exclusive use of the property owner and/or residents of a single-family, duplex, multi-family structure or development. A private swimming pool shall not be operated as a business.
- (21) Private Tennis Court. A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for night play in residential areas except as may be otherwise permitted.
- (22) Townhouse. A single-family residential structure that is occupied by one (1) family and shares a common wall or walls with another single-family residential structure, but that is on an individual lot and can be conveyed individually (*i.e. one [1] dwelling unit per lot*). These units are typically constructed in a series or group of units.
- (23) Urban Residential. A development situated within the City's Downtown (DT) District -- *which is also referred to as the urban core* -- that allows for multiple single-family dwelling units grouped into a single building. This type of structure typically contains a mix of office, retail, and residential land uses.

(C) *Institutional and Community Service Land Uses.*

- (1) Assisted Living Facility. A facility that is licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code that furnishes -- *in one (1) or more buildings* -- food, shelter, and limited assistance to persons who are unrelated to the proprietor of the establishment, and also provides personal care services.
- (2) Blood or Plasma Donation Center. A facility that allows for a person or persons to donate or sell blood or plasma for use in medical or other products.
- (3) Cemetery/Mausoleum. A land used intended to be used for the burial of the human or animal remains and dedicated for cemetery purposes, including crematories, mortuaries and funeral chapels if operated in connection with and within the boundaries of such cemetery.
- (4) Church/House of Worship. A facility or area where people gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence.

- (5) College, University, or Seminary. An institution established for educational purposes offering courses for study beyond the secondary education level. This land use shall exclude *Trade Schools*.
- (6) Convalescent Care Facility/Nursing Home. A facility providing primarily inpatient health care, personal care, or rehabilitative services on a 24-hour basis over a long period of time to persons chronically ill, aged, or disabled who need ongoing health supervision, but not hospitalization.
- (7) Congregate Care Facility/Elderly Housing. A facility for long-term residence -- *exclusively for persons 62 years of age or older* -- who may need limited assistance with daily living activities, and which includes at a minimum each of the following amenities and personal care services: [1] private living quarters that are designed for a maximum of double occupancy and which no full kitchen facilities are permitted (i.e. no dishwasher or oven); [2] daily prepared meals in a common dining area; [3] housekeeping, laundry service, and private bus transportation service; [4] dedicated areas for social activities; and [5] dedicated areas for indoor and outdoor recreation activities.
- (8) Crematorium. A facility licensed, or qualified to be licensed, by the State of Texas for the cremation of human remains.
- (9) Daycare with Seven (7) or More Children. A state licensed facility -- *other than a public, parochial, or private school* -- providing care for seven (7) or more children under the age of 14 years old for less than 24-hours per day (*typically daytime hours only*) at a location other than a residence.
- (10) Emergency Ground Ambulance Services. A facility that houses Emergency Medical Service (EMS) motor vehicles or ambulances that are dispatched to offer emergency paramedic services that require an urgent medical response.
- (11) Group or Community Home. A home for disabled persons whose ability to care for themselves, perform manual tasks, learn, work, walk, see, hear, speak or breath is substantially limited because the person has an orthopedic, visual, speech, or hearing impairment, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness.
- (12) Government Facility. An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to: City services/offices, employment offices, police and fire stations, and/or motor vehicle licensing and registration services.
- (13) Halfway House. A facility where persons are aided in readjusting to society following a period of imprisonment, hospitalization, homelessness, or institutionalized treatment.
- (14) Hospice. A facility designed to provide a centralized program for palliative and supportive services to dying persons and their families in the form of physical, psychological, social, and spiritual care either directly or on a consulting basis.
- (15) Hospital. An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.
- (16) Public Library, Art Gallery, or Museum. An institution for the collection, display and distribution of objects of art, science, or library sciences and which are sponsored by a public or quasi-public agency that is open to the general public.
- (17) Mortuary or Funeral Chapel. A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of a deceased for burial and/or the display of the deceased through ceremonies prior to burial or cremation.

- (18) Local Post Office. A local branch of the United States Postal Services or a private commercial venture engaged in the distribution of mail, packages, and incidental services.
- (19) Regional Post Office. A branch of the United States Postal Services or a private commercial venture engage in the regional distribution of mail and packages to local post offices.
- (20) Prison/Custodial Institution. A facility responsible for the incarceration of adults that provides 24-hour supervision by professionals. These types of facilities include prisons, jails, and probation facilities.
- (21) Public or Private Primary School. A school that is either owned and operated by the independent school district or a private commercial organization for children from five (5) to 11-years of age to receive their primary or elementary education.
- (22) Public or Private Secondary School. A school that is either owned and operated by the independent school district or a private commercial organization for children from 11 to 18-years of age to receive their secondary or high school education.
- (23) Temporary Education Buildings for a Public or Private School. A temporary building for classrooms, recreation and administrative needs for the independent school district or a private commercial organization as defined by Section 1202, *Industrialized Housing and Buildings*, of the Texas Occupations Code.
- (24) Rescue Mission or Shelter for the Homeless. A non-profit housing shelter operating as an accessory use to a religious facility, providing temporary free lodging for indigent individuals or families with no regular home or residential address. A *Rescue Mission or Shelter for the Homeless* shall house a maximum of 15 individuals for a period not to exceed a maximum of 30-days.
- (25) Social Service Provider (Except Rescue Mission or Shelter for the Homeless). Any organization operating under a non-profit charter, the activities of which are devoted exclusively to charitable, benevolent, patriotic, employment related, or educational purposes not currently listed elsewhere in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(D) *Office and Professional Land Uses.*

- (1) Financial Institution. A facility that is open to the public for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds and that is licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. Accessory uses may include automatic teller machines, drive through service, offices, and parking. This excludes bail bonds, pawnshops, payday advance/loan businesses, and motor vehicle title loan businesses.
- (2) Office Building. A facility that provides executive, management, administrative, or professional services not specifically listed elsewhere in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#), but not involving the sale of merchandise except as incidental to a permitted use. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

(E) *Recreation, Entertainment and Amusement Land Uses.*

- (1) Temporary Carnival, Circus, or Amusement Ride. A temporary, traveling show or exhibition that has no permanent structure or installation, and is intended to attract people to a site where there may or may not be an admission charge. These activities include: carnivals, circuses, rides, entertainment,

gaming booths, food stands, exhibitions, and animal displays. Outdoor or indoor commercial amusement provided on a temporary basis.

- (2) Indoor Commercial Amusement/Recreation. Any enterprise whose main purpose is to provide the general public with a variety of amusing or entertaining activities, including such activities as skating rinks, bowling alleys, video arcades, billiard tables and similar enterprises, but does not include theaters and auditoriums.
- (3) Outdoor Commercial Amusement/Recreation. An amusement enterprise that offers entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open.
- (4) Public or Private Community Recreation Club as an Accessory Use. (1) Public: A facility or area that is owned and/or operated by a nonprofit organization and that provides for sports, leisure, and recreation activities operated for the general public. (2) Private: A recreation facility operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.
- (5) Private Country Club. A facility or area laid out for recreational, athletic, and social purposes, with limited membership, and the use of which is primarily restricted to members and their guests. A golf course may be included as an additional principal use. Accessory uses may include retail sales, a club house, and other recreational facilities.
- (6) Golf Driving Range. An area improved with trees, greens, fairways, hazards, and which may include a clubhouse, dining room, and accessory recreational uses.
- (7) Temporary Fundraising Events by Non-profit. An event sponsored by a recognized legal nonprofit organization, intended to attract people to a site where there may or may not be an admission charge.
- (8) Gun Club with Skeet or Target Range. A facility or area for the sport of shooting at targets to test accuracy in rifles, pistols, or archery practice, owned or operated by a corporation, association, or persons.
- (9) Health Club or Gym. A public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include -- *but are not limited to* -- game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.
- (10) Private Club, Lodge or Fraternal Organization. (1) Private Club. Private quarters for a private organization, a principal purpose of which is the preparation and service of food and/or drink for members and their guests only and falling within the definition of and permitted by Chapter 32, Private Club Registration Permit, of the Texas Alcoholic Beverage Code. (2) Lodge or Fraternal Organization. A facility or area for a special purpose organization or for the sharing of sports, arts, literature, politics, or other similar interests, but not primarily for profit or to render a service that is customarily carried on as a business, excluding churches, synagogues, or other houses of worship or religious assembly.
- (11) Private Sports Arena, Stadium, and/or Track. An athletic field or stadium that is not owned or operated by a public agency such as a city or school and operated for the exclusive use of its members and their guests and not the general public
- (12) Public Park or Playground. A facility or area for recreational, cultural, or aesthetic use owned or operated by a public agency and available to the general public. This definition may include -- *but is*

not limited to -- lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, pavilions, wooded areas, and water courses.

- (13) Sexually Oriented Businesses. See [Article XI, Sexually Oriented Businesses, of Chapter 12, Businesses and Sales, of the Municipal Code of Ordinances.](#)
- (14) Tennis Courts (i.e. Not Accessory to a Public or Private Country Club). A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances. This would be the primary use for a property and not attached to a Public or Private Country Club.
- (15) Theater. A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

(F) *Retail and Personal Service Land Uses.*

- (1) Antique/Collectible Store. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.
- (2) Astrologer, Hypnotist, or Psychic. An establishment providing predictions or readings of the future based on intuitive or mental powers, astrology, card or tea reading, crystal gazing, palmistry, or spiritual reading.
- (3) Banquet Facility/Event Hall. An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.
- (4) Portable Beverage Service Facility. A portable beverage service facility is an establishment that sells beverages from a structure that can be moved from place to place but that stays at one location during a normal business day; food sales are prohibited in these facilities.
- (5) Brewpub. A brewpub is a restaurant that incorporates a craft or microbrewery as an accessory use. The craft or microbrewery in conjunction with the restaurant allows for the manufacturing of beer -- *in limited quantities* -- for both on-premise and off-premise consumption.
- (6) Business School. A business organized to operate for profit that offers instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.
- (7) Catering Service. A food establishment without on-site banquet facilities that provides, prepares, and/or serves food at off-site locations for groups, where all food and service expenses are paid by the group and not for individual sale.
- (8) Temporary Christmas Tree Sales Lot and Similar Uses. A building or land area that provides seasonal uses such as the sale of Christmas trees, pumpkins, and other temporary uses which occur at certain times of the year.
- (9) Copy Center. An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

- (10) Craft/Micro Brewery, Distillery and/or Winery. A craft/microbrewery is a small-scale brewing facility designed for the production of malt liquors such as beer and ale, using grains such as oats, hops, rice, wheat, and barley, designed and managed to brew no more than 75,000 barrels of beer per year. A distillery and/or winery is a small-scale facility designed for the manufacture, bottling, labeling, packaging, and sale of wine containing not more than 24% alcohol by volume, distilled spirits and other liquors.
- (11) Incidental Display. An outdoor retail sale or commercial promotion, not in excess of thirty (30) days during any 12-month period, adjacent to an existing permanent business operated in the city where the products displayed or sold outdoors are the same as those sold inside the existing permanent business and where such activity is incidental to the normal conduct of business operated by the same merchant or his employer in an on-site building for which a valid Certificate of Occupancy (CO) exists and when permitted by the City.
- (12) Food Truck/Trailer. A food truck or trailer is a mobile food vendor that sells food and/or beverages that are either pre-packaged or prepared in the confines of a portable truck/trailer, which can be moved from place to place, but is typically in a fixed location for extended periods of time.
- (13) Garden Supply/Plant Nursery. An establishment for the cultivation and propagation, display, storage and sale (*i.e. retail and wholesale*) of large plants, shrubs, trees and other materials used for in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use.
- (14) General Personal Service. Establishments primarily engaged in providing services generally involving the care of the person and/or his/her apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and reducing salons/health clubs.
- (15) General Retail Store. A facility or area for the retail sale of general merchandise or food to the public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel; equipment for hobbies or sports; gifts; flowers and household plants; dry goods; groceries, convenience, and specialty foods; toys; furniture; books and stationery; pets; drugs; hardware; and similar consumer goods. This use does not include uses that are specifically addressed in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).
- (16) Hair Salon and/or Manicurist. A business that provides customers with beauty treatments including -- *but not limited to* -- haircuts, manicures, pedicures, and other similar treatments.
- (17) Laundromat with Dropoff/Pickup. A personal service shop that specializes in cleaning clothes that may or may not include coin-operated washing machines and dryers for public use.
- (18) Self-Service Laundromat. A facility where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.
- (19) Massage Therapist. Any building, room, place, or establishment other than where regularly licensed non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by a licensed massage therapist, physician, surgeon, dentist, occupational or physical therapist, chiropractor, or osteopath, with or without the use of therapeutic, electrical, mechanical, or bathing devices.
- (20) Private Museum or Art Gallery. An institution for the collection, display and distribution of objects of art or science, and which is sponsored by a public or quasi-public agency in a facility that is open to the general public.

- (21) Night Club, Discotheque, or Dance Hall. An establishment, facility, or room that offers or provides entertainment of any kind for remuneration, whether through fees, ticket sales, cover charges, membership, dues, or portion of funds generated in any other manner, usually collected at the time of customer entry into the establishment. Such establishments may provide accommodations for patron dancing; dispense alcoholic beverages for consumption on the premises; provide live, recorded, or televised music or comedy performances; and/or serve food as an ancillary service. *Night Club* shall not include indoor theaters, auditoriums and stadiums with fixed row seating, private clubs, bars, teen clubs, banquet halls, or establishments defined elsewhere in [Section 1, Land Use Schedule](#).
- (22) Pawn Shop. A retail operation which provides for the lending of money with personal items held as collateral, or the purchasing, or the repurchasing of gold, silver, jewelry, watches, and gems in addition to other merchandise.
- (23) Permanent Cosmetics. A cosmetic technique which employs permanent pigmentation of the dermis as a means of producing designs that resemble makeup, such as eye-lining and other permanent enhancing colors to the skin of the face, lips, and eyelids.
- (24) Pet Shop. A *Pet Shop* is a retail business which sells different kinds of animals to the public. A variety of animal supplies and pet accessories are also sold in *Pet Shops*. The products typically sold in these establishments include -- *but are not limited to* -- food, treats, toys, collars, leashes, cat litter, cages and aquariums.
- (25) Temporary Real Estate Sales Office. *Temporary on-site Real Estate Sales Offices* located on property being sold, shall be limited to the period of sale of the lots with a two (2) year initial period and one (1) year extensions being authorized by the Chief Building Official.
- (26) Rental Store without Outside Storage and/or Display. A retail business that sells, rents, or leases tools, equipment, or other goods on a short-time basis to customers to the extent that the item is actually used by the customer.
- (27) Restaurant with Drive Through or Drive-In. A place of business whose primary source of revenue is derived from the sale of prepared food to the general public for consumption on-premise or off-premises and/or in a personal vehicle or where facilities are provided on the premises that encourages the serving and consumption of food in a personal vehicle on or near the restaurant premises. The term shall not include a bakery, pastry shop, meat market, or ice cream parlor if on-premises consumption of food is not allowed.
- (28) Restaurant without Drive Through or Drive-In. A place of business whose primary source of revenue is derived from the sale of prepared food to the general public for consumption on-premise or off-premise and does not provide facilities that allow the serving and consumption of food in personal vehicles on or near the restaurant premises. The term shall not include a bakery, pastry shop, meat market, or ice cream parlor if on-premises consumption of food is not allowed.
- (29) Retail Store with Gasoline Sales. An establishment that engages in the sale of fuel, lubricants, and/or accessories for motor vehicles, and that may have ancillary retail sales of convenience goods. A dispenser in a *Retail Store with Gasoline Sales* is assumed to serve two (2) standard motor vehicles.
- (30) Second Hand Dealer. An establishment for the sale of any goods, materials, or other articles of merchandise that are not new (e.g. *consignment stores*). This definition includes items that have been used or worn previously by another.
- (31) Art, Photography, or Music Studio. A workplace for the teaching, preparation, or practice of an art such as animation, ceramics, dance, graphic design, music, painting, photography, pottery, scrapbooking, and sculpture.

- (32) Tailor, Clothing, and/or Apparel Shop. An establishment engaged in custom making, altering, or the repair of clothing.
- (33) Tattoo and/or Body Piercing. An establishment whose principal business activity, either in terms of operation or as provided to the general public, is the practice of one (1) or more of the following: [1] placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin, by means of the use of needles or other instruments designed to contact or puncture the skin; [2] creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.
- (34) Taxidermist Shop. A facility engaged in the preserving of an animal's body via mounting or stuffing for the purpose of display or study.

(G) *Commercial and Business Services Land Uses.*

- (1) Bail Bonds. An establishment that solicits, negotiates, and executes bonds or other security to guarantee the appearance in court of a person accused of a crime.
- (2) Building and Landscape Material. An establishment for the sale of materials customarily used in the construction of buildings and other structures, including sales of lumber, drywall and similar construction materials.
- (3) Building Maintenance, Service, and Sales. A facility or area for contracting services such as building repair and maintenance; the installation of plumbing, electrical, air conditioning, and heating equipment; janitorial services; and exterminating services. The retail sale of supplies is permitted as an accessory use.
- (4) Commercial Cleaners. A facility or area for cleaning items in bulk quantities such as clothes and linens. This definition includes cleaning for hospitals, restaurants, hotels, diaper cleaning services, and other similar accounts, as well as rug and dry-cleaning plants where on-premise retail services to individual households are incidental to the operation of the plant.
- (5) Custom and Craft Work. A facility or area in which finished, personal, or household items that are either made to order or that involve considerable handwork are produced. Examples include but are not limited to textiles, pottery, furniture repair or refinishing, wood working, upholstery, sculpting, and other work or wood products on an individualized single item basis. Cabinetmaking and cabinet assembly shops are not included in this definition. The use of mechanized assembly line production is excluded from this definition.
- (6) Electrical, Watch, Clock, Jewelry, and Similar Repair. An establishment that designs, makes, sells or repairs small consumer goods.
- (7) Feed Store, Ranch Supply. An establishment for the selling of corn, grain, and other food stuffs for animals and livestock, and including other implements and goods related to agricultural processes, but not including farm machinery.
- (8) Furniture Upholstery/Refinishing and Resale. A furniture upholstery refinishing or resale business is a business that engages in the act of reupholstering, repairing, stripping, refinishing, restoring or rebuilding furniture for the purpose of retailing the finished good.
- (9) Gunsmith Repair and Sales. An establishment that specializes in the repair and/or sale of small fire arms (e.g. handguns and shotguns) for individuals.
- (10) Heavy Machinery and Equipment Rental, Sales, and Service. A building or open area, other than a right-of-way or a public parking area, used for the display, sale, rental, and storage of heavy

machinery, either machines in general or as a functioning unit. Heavy machinery includes -- *but is not limited to* -- tractors, farm machinery, bulldozers, street graders, and paving devices.

- (11) Locksmith. A business that works with locks, keys and security systems.
- (12) Machine Shop. A shop wherein there are facilities and tools, which are utilized in the shaping and forging, welding or fabricating of metal products and/or related items.
- (13) Medical or Scientific Research Lab. A facility or area for conducting medical or scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition also includes labs for the manufacture of dentures and prostheses.
- (14) Manufactured Homes Sales. The offering for sale, storage, or display of new and/or used manufactured homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
- (15) Research and Technology/Light Assembly. An indoor facility that includes laboratories and experimental equipment for medical testing, prototype design and development, and product testing.
- (16) Shoe and Boot Repair and Sales. A business that specializes in the sale and repair of shoes and boots.
- (17) Trade School. Establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art, or occupation.
- (18) Temporary On-site Construction Office. A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

(H) *Auto and Marine-Related Land Uses Conditions.*

- (1) Major Auto Repair Garage. Major repair, rebuilding or reconditioning of engines, transmissions, or other major components for motor vehicles; collision services including body, frame, or fender straightening or repair; customizing; overall painting or paint shop; automotive glass and upholstery; those uses listed under Automobile repair, minor, and other similar uses. All repair work shall be performed inside an enclosed building. Vehicles shall not be stored on site no longer than 90-days.
- (2) Minor Auto Repair Garage. Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil spark plugs, and filter changing; tire alignment; tune-ups, emergency road service; replacement of starters, alternators, hoses, brake parts, mufflers; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air-conditioning systems, and similar minor services for motor vehicles except heavy land vehicles, but not including any operation named under Automobile repair, major, or any other similar use. All work must be performed inside an enclosed building. Vehicles shall not be stored on site for longer than 14 days.
- (3) Automobile Rental. A business that engages in the rental of light load motor vehicles for short periods of time for a fee. This use excludes the truck and heavy equipment rental.
- (4) Boat and Trailer Dealerships (New and Used). A business that buys and sell boats and boat trailers that are both new and used.
- (5) Car Wash. A facility or area for the cleaning or steam cleaning, washing, polishing, or waxing of passenger vehicles by machine or hand-operated facilities. A car wash may be [1] a single unit type

that has a single bay or a group of single bays with each bay to accommodate one vehicle only; or [2] a tunnel type that allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

- (6) New and/or Used Indoor Motor Vehicle Dealership/Showroom. The indoor storage of operable automobiles in a fully enclosed building for the purpose of holding such vehicles for sale, lease, distribution, or storage.
- (7) Motor Vehicle Dealerships for Cars and Light Trucks. Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles within an area or enclosed building.
- (8) Commercial Parking Lot. An area or structure intended for parking that is operated as a business enterprise with a service charge or fee being paid to the owner or operator for the storage or parking of privately-owned vehicles, and is not reserved or required to accommodate occupants, clients, customers, or employees of a particular establishment or premises.
- (9) Non-Commercial Parking Lot. An area, structure, or shared area that is open to the general public for the temporary parking of operable personal and light commercial vehicles.
- (10) Recreational Vehicle (RV) Sales and Service. An establishment that engages in the sale and/or leasing of new and/or used recreation vehicles (including as an accessory use) and the repair and service of these vehicles.
- (11) Service Station. An establishment where gasoline and other petroleum products are sold as the principal use of the property. Light maintenance activities such as engine tuneups, lubrication, and minor repairs may also be provided if incidental to such principal use.
- (12) Towing and Impound Yard. Any lot that two (2) or more motor vehicles of any kind of for the purpose of holding such vehicles in reserve or incapable of being operated due to condition or lack of license have been placed for the purpose of obtaining parts for recycling or resale.
- (A) Conditional Standards.
- (13) Towing Service without Storage. Establishment that provides for the removal of vehicles but does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles.
- (14) Truck Rental. The display and rental of new or used heavy commercial vehicles or trucks in operable condition.
- (15) Truck Stop with Gasoline Sales and Accessory Services. An area for parking heavy commercial vehicles and/or trucks for storage purposes including the retail dispensing and/or sales of truck and automobile fuels, lubricants and/or accessories as an accessory use and not including automotive repair services.

(I) *Industrial and Manufacturing Land Uses.*

- (1) Asphalt or Concrete Batch Plant. A permanent manufacturing facility for the production of concrete or asphalt.
- (2) Temporary Asphalt or Concrete Batch Plant. A temporary manufacturing facility for the production of concrete or asphalt during construction of a project and to be removed when the project is completed.
- (3) Bottle Works, Milks, or Soft Drinks. A facility for food or beverage processing that uses mechanized assembly line production for canned or bottled goods.

- (4) Brewery or Distillery. A brewery or distillery is an industrial facility where the primary purpose of the facility is the manufacturing of malt, brewed and/or distilled beverages produced on the premises for sale or distributed for off-premise consumption.
- (5) Carpet and Rug Cleaning. A personal service business that specializes in the cleaning of carpet and rugs in both residential and non-residential structures.
- (6) Environmentally Hazardous Materials. Any solid, liquid, or gaseous matter which is present in sufficient quantities to endanger health, safety, or comfort of persons in the vicinity or which may cause injury or damage to property.
- (7) Food Processing with No Slaughtering. A facility or area in which food for human consumption in its final form, such as candy, baked goods, tortillas, and ice cream is produced, and the food is distributed to retailers or wholesalers for resale on or off the premises. Food or beverage processing using mechanized assembly line production of canned or bottled goods is excluded from this definition. Sales may either be retail or wholesale, and are generally made to businesses rather than to individual households.
- (8) Light Assembly and Fabrication. A business where parts, manufactured elsewhere, are assembled with the assistance of power-driven machines and materials-handling equipment, and manipulated primarily by hand which produces low dust and fiber, and all materials are assembled and stored within an enclosed building.
- (9) Heavy Manufacturing. A facility or area for generally mass-producing goods usually for sale to wholesalers or other industrial or manufacturing uses. A heavy manufacturing use is one which employs the following or similar types of processes: [1] the milling of grain as retail sales and service; [2] producing animal food and tanning animal hides; [3] production of large durable goods such as but not limited to motorcycles, cars, manufactured homes, or airplanes; [4] canning or bottling of food or beverages for human consumption using a mechanized assembly line; [5] manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents, and other chemical products, and use of a foundry for metals; [6] production of items made from stone, clay, metal, or concrete; and, [7] tire recapping or retreading.
- (10) Light Manufacturing. A facility or area for producing goods without the use of chemical processing of materials. Light manufacturing activities include -- *but are not limited to* -- the following activities: [1] assembly, finishing, and/or packaging of small items from component parts made at another location (examples include but are not limited to cabinetmaking, or the assembly of clocks, electrical appliances, or medical equipment); [2] production of items made from materials derived from plants or animals, including but not limited to leather, pre-milled wood, rubber, paper, wool, or cork, or from textiles or plastics; [3] electrical component manufacturing; [4] reproduction, cutting, printing, or binding of written materials, drawings, or newspapers on a bulk basis using lithography, offset printing, blue printing, and other similar methods; [5] machine or welding shop where material is processed by machining, cutting, grinding, welding, or similar processes; and, [6] spray painting or motor vehicle conversion.
- (11) Metal/Electro Plating. The process that uses an electric current to reduce dissolved metal cations so that they form a thin coherent metal coating on an electrode.
- (12) Mining and Extraction (Sand, Gravel, Oil and Other). The process of extracting natural resources from the earth that includes -- *but is not limited to* -- sand, gravel, stone, and petroleum.
- (13) Printing and Publishing. An establishment whose primary service is long-run printing including -- *but not limited to* -- book, magazine, and newspaper publishing.

- (14) Indoor Salvage or Reclamation of Products. An indoor facility for storing, keeping, selling, dismantling, or salvaging scrap or discarded material or equipment not listed elsewhere in this Code. The term “scrap or discarded materials” includes but is not limited to metal, paper, rags, tires, bottles, inoperable or wrecked motor vehicles, motor vehicle parts, machinery, structural steel, equipment, and appliances. This definition includes indoor facilities for recycling recoverable resources, such as newspapers, magazines, books, and other paper products; glass, metal cans, and other products, to return such products to a condition in which they may again be used for production.
- (15) Outdoor Salvage of Products. An outdoor or partially outdoor facility or area for storing, keeping, selling, dismantling, or salvaging scrap or discarded material or equipment not listed elsewhere in this Code. The term “scrap or discarded materials” includes but is not limited to metal, paper, rags, tires, bottles, inoperable or wrecked motor vehicles, motor vehicle parts, machinery, structural steel, equipment, and appliances. This definition includes outdoor or partially outdoor facilities for recycling recoverable resources, such as newspapers, magazines, books, and other paper products; glass, metal cans, and other products, to return such products to a condition in which they may again be used for production.
- (16) Sheet Metal Shop. A company that specializes in the creation of metal structures by cutting, bending and assembling processes.
- (17) Tool, Dye, Gauge, and Machine Shop. A workshop where metal fabrication tools, including but not limited to lathes, presses, and mills, are used for making finishing, or repairing machines or machine parts.
- (18) Welding Repair. A technique in which a cracked material is removed by arc gouging and the element is welded to re-join the material on either side of the crack.
- (19) Winery. A winery is the industrial manufacturing, bottling, labeling and packaging of wine in accordance with the Texas Local Government Code (TLGC).

(J) *Wholesale, Distribution and Storage Land Uses.*

- (1) Cold Storage Plant. A commercial establishment where foods are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or other commercial businesses. There is no slaughtering of animals on the premises.
- (2) Heavy Construction/Trade Yard. A land or structure used primarily for the storage of equipment, vehicles, machinery, building materials, paint, piping, or electrical components being used by the owner or occupant of the premises in the conduct of a building trade.
- (3) Landfill. A tract of land used for the burial of farm, residential, institutional, or commercial waste that is not hazardous, medical, or radioactive.
- (4) Mini-Warehouse. A *Mini-Warehouse (or self-storage facility)* is an enclosed storage facility containing independent, fully enclosed bays that are generally leased to individuals for long-term storage of their household goods or personal property.
- (5) Outside Storage and/or Outside Display. The permanent or continuous keeping, displaying, or storing of unfinished goods, material, merchandise, equipment, service vehicles or heavy vehicles outside of a building on a lot or tract overnight of for more than 24-hours.
- (6) Recycling Collection Center. An enclosed trailer used for the collection and temporary storage of empty beverage containers, aluminum, glass, plastic, paper, clothing, or similar materials for recycling purposes. This definition includes automated can banks that crush cans as they are deposited. This definition does not include donation boxes for clothing, toys, household goods, and similar items.

- (7) Warehouse/Distribution Center. A building used primarily for the storage and distribution of goods, merchandise, supplies, and equipment including wholesalers which display, sell, and distribute merchandise to business representatives for resale but excluding *Truck Terminal*.
- (8) Wholesale Showroom Facility. An establishment that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall be incidental to the primary use and shall not exceed 50% of the total floor area.

(K) *Utilities, Communications, and Transportation Land Uses.*

- (1) Airport, Heliport, or Landing Field. An area used or intended for use for the landing and takeoff of aircraft and other aviation uses; An appurtenant area used or intended for use for an airport building or other airport facility or right-of-way, including a building or facility for the shelter, supply, repair, and maintenance of aircraft and related purposes; An airport building or facility located on an appurtenant area; Facilities for the fueling of aircraft; Buildings for office use; and Related uses and buildings and other uses and buildings incidental to any of the foregoing.
- (2) Accessory Antenna. Any structure or device used to collect, receive, transmit, or radiate electromagnetic waves. Antennae may be mounted on towers or on buildings, and may be concealed or unconcealed.
- (3) Commercial Antenna. Any antenna system that provides the transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.
- (4) Antenna for Amateur Radio. Any antenna system that provides the transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain.
- (5) Antenna Dish. An antenna that is parabolic or bowl-shaped and that receives and/or transmits signals in a specific directional pattern
- (6) Commercial Freestanding Antenna. A self-supporting, tubular-shaped antenna support structure which consists of a single vertical pole fixed into the ground and/or attached to a foundation.
- (7) Mounted Commercial Antenna. Any exterior transmitting or receiving device mounted on or within a support structure, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, television signals, or other communications signals.
- (8) Bus Charter and Service Facility. A facility for the loading and discharging of train or bus passengers.
- (9) Helipad. An area of land or water or a structural surface which is used, or intended for use, for the landing and taking-off of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.
- (10) Non-Municipally Owned or Controlled Utilities. The use of land for lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity, which are non-municipally owned or controlled.
- (11) Municipally Owned or Controlled Facilities, Utilities, and Uses. The use of land for lines and facilities

related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity, which are municipally owned or controlled.

- (12) Private Streets. A private vehicular access way shared by and serving 2 or more lots, which is not dedicated to the public and is not publicly maintained. Private streets and alleys may be established only under the terms of the Subdivision Ordinance. The term “private street” shall be inclusive of alleys.
- (13) Radio Broadcasting.
- (14) Railroad Yard or Shop. A facility used for the storage of railway cars, boxcars and engines and related equipment.
- (15) Recording Studio. A facility that provides an environment for the purposes of writing, collaborating, performing, instruction, preparing, or completing audio recordings.
- (16) Satellite Dish.
- (17) Solar Energy Collector Panels and Systems. A ground- or building-mounted solar collection system consisting of solar photovoltaic cells, panels, or arrays and related equipment that relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation, and that supplies electrical power independently of an electrical production and distribution network.
- (18) Transit Passenger Facility. Any premises for the loading and unloading of passengers by a public or private transit company including the temporary parking of transit vehicles between routes or during stop overs and excluding overnight parking, storage, and maintenance of transit vehicles. This definition shall not include bus stops along rights-of-way.
- (19) Trucking Company. An area and building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.
- (20) TV Broadcasting and Other Communication Services. The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.
- (21) Franchise Utilities. A non-public utility requiring special facilities in residential areas or on public property such as heating, cooling, or communications not customarily provided by the municipality or public utilities.
- (22) General Utility Installation. Permanent facilities and structures operated by companies engaged in providing transportation and utility services including -- but not limited to -- railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.
- (23) Utility/Transmission Lines. Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the city or private utility company.
- (24) Wireless Communication Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennae that transmit information (audio, video, data) in the form of electromagnetic signals to one or more receivers without the use of a physical connection between the transmitting and receiving source. The term includes but is not limited to lattice towers, guyed towers, and monopole towers. The term does not include a clock tower, bell tower, steeple, light pole, power

pole, water tower, or similar structure that incidentally supports antennae. Towers may be freestanding or building-mounted, and may be concealed or unconcealed.

ARTICLE XI, FENCES, CHAPTER 10, BUILDING AND BUILDING REGULATIONS, MUNICIPAL CODE OF ORDINANCES

DIVISION 1: GENERALLY

SECTION 10-402: DEFINITIONS

For the purposes of this article, the term “fence” means any wall or structure of any material, the purpose of which is to provide protection from intrusion, both physical and visual, to prevent escape, mark a boundary, enclose, screen, restrict access to, or decorate any lot, building or structure.

DIVISION 2: CONSTRUCTION STANDARDS

SECTION 10-424: FENCE STANDARDS

For Fence Standards see [Section 8, Fence Standards, of Article VIII, Landscape and Fence Standards.](#)

SECTION 10-425: SWIMMING POOL, SPA AND HOT TUB/BARRIER REQUIREMENTS

- (a) The top of the barrier shall be at least 48 inches (1,219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches (102 mm).
- (b) Openings in the barrier shall not allow passage of a four-inch-diameter (102 mm) sphere.
- (c) Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- (d) Placement of members.
 - (1) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1,143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
 - (2) Exception. Boards with a minimum 60-degree angle, cut and placed at the top of the horizontal fence members, may be used on existing fences that will become pool barriers. This exception does not apply to fences adjacent to public right-of-way.
- (e) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1,143 mm) or more, spacing between vertical members shall not exceed four inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
- (f) Maximum mesh size for chainlink fences shall be a 2.25-inch (57 mm) square unless the fence is provided with slats fastened at the top or the bottom, which reduce the openings to not more than 1.75 inches (44 mm).
- (g) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).
- (h) Access gates shall comply with the requirements of subsections (a) through (g) of this section, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device.

Where the release mechanism of the self-latching device is located less than 54 inches (1,372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

- (1) The release mechanism shall be located on the pool side of the gate at least three inches (76 mm) below the top of the gate; and
 - (2) The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
- (i) Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
- (1) The pool shall be equipped with a powered safety cover in compliance with ASTM F1346;
 - (2) All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within seven seconds and sound continuously for a minimum of 30 seconds immediately after the door and/or its screen, if present are opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Deactivation shall last for not more than 15 seconds. The deactivation switch shall be located at least 54 inches (1,372 mm) above the threshold of the door; or
 - (3) Other means of protection, such as self-closing doors with self-latching devices, which are approved by the city council, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by subsection (i)(1) or (i)(2) of this section.
- (j) Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then:
- (1) The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
 - (2) The ladder or steps shall be surrounded by a barrier which meets the requirements of subsections (a) through (i) of this section. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four-inch-diameter (102 mm) sphere.
- (k) Fence barrier exceptions for spas or hot tubs are as follows:
- (1) Safety covers for spas and hot tubs must comply with ASTM F1346-91.
 - (2) There should be a means of fastening the safety cover to the hot tub or spa, such as key locks, combination locks, special tool, or similar devices.
 - (3) The safety cover should have a label that provides a warning and message regarding the risk of drowning.
 - (4) The cover should have been tested to demonstrate that it is capable of supporting the weight of one child (50 pounds) and one adult (225 pounds).
 - (5) There shall be no openings in the cover itself or at any point where the cover joins the surface of the hot tub or spa that would not allow a four-inch sphere to pass through.
 - (6) Safety covers are to be installed in accordance with the manufacturer's instructions.

(Ord. No. 04-05, § 1(6-128), 1-20-2004; Ord. No. 06-10, § 1(6-128), 3-20-2006; Ord. No. 08-03, § 1(exh. A, art. IX(6-129)), 1-22-2008)

SECTIONS 10-426—10-445: RESERVED

DIVISION 3. - ADMINISTRATION

SECTION 10-446: INSPECTION UPON COMPLETION

Upon completion of a fence constructed under a permit issued by the building official, an inspection shall be made thereof by the building official or his designated representative. If the fence is constructed in accordance with the provisions of this article, the permit, and the application, the building official will issue written notice of acceptance to the permit holder. Any and all fences in the city shall hereafter be constructed under the provisions of this article and existing fences shall be maintained so as to comply with the requirements of this article at all times.

(Ord. No. 04-05, § 1(6-130), 1-20-2004)

SECTION 10-447: RESERVED

SECTION 10-448: MAINTENANCE

- (a) No person owning, leasing, occupying, or having charge of any premises shall maintain or keep a fence in dilapidated condition that, although functional, creates an unsightly condition that substantially detracts from the appearance of the neighborhood.
- (b) Each structural and decorative member of a fence shall be free of deterioration and be compatible in size, material, and appearance with the remainder of the fence. Fences shall not be externally braced in lieu of replacing or repairing posts, columns, or other structural members.
- (c) The fence shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence. Except, however, for fencing four (4) feet or less in height, the vertical alignment shall not be more than six (6) inches from the vertical measured at the top of the fence.
- (d) Upon becoming aware of conditions set forth in subsections (a) through (c) of this section, the Neighborhood Improvement Services Representative shall make a determination as to whether the fence condition is a nuisance and should be abated. If so, the Neighborhood Improvement Services Representative shall give notice to such person having control of the premises to remedy such condition within ten days, unless good cause can be shown that additional time is needed to rectify the condition.

(Ord. No. 04-05, § 1(6-133), 1-20-2004; Ord. No. 17-15, § 1, 3-20-2017)

SECTIONS 10-449—10-465: RESERVED

CITY OF ROCKWALL

ORDINANCE NO. 19-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE MUNICIPAL CODE OF ORDINANCES AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE II, *AUTHORITY AND ADMINISTRATIVE PROCEDURES*, ARTICLE IV, *PERMISSIBLE USES*, ARTICLE V, *DISTRICT DEVELOPMENT STANDARDS*, ARTICLE VIII, *LANDSCAPE STANDARDS*, ARTICLE X, *PLANNED DEVELOPMENT DISTRICT REGULATIONS*, ARTICLE XI, *ZONING RELATED APPLICATIONS*, AND ARTICLE XIII, *DEFINITIONS*, OF THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38], AND ARTICLE XI, *FENCES*, OF CHAPTER 10, *BUILDING AND BUILDING REGULATIONS*, OF THE MUNICIPAL CODE OF ORDINANCES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the City of Rockwall's Unified Development Code [Ordinance No. 04-38] has been initiated by the City Council of the City of Rockwall to amend Article II, *Authority and Administrative Procedures*; Article IV, *Permissible Uses*; Article V, *District Development Standards*; Article VIII, *Landscape Standards*; Article X, *Planned Development Regulations*; Article XI, *Zoning Related Applications*; and Article XIII, *Definitions*, of the Unified Development Code [Ordinance No. 04-38]; and Article XI, *Fences*, of Chapter 10, *Building and Building Regulations*, of the Municipal Code of Ordinances; and,

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [Ordinance No. 04-38] and Municipal Code of Ordinances should be amended as follows:

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

SECTION 1. That Article II, *Authority and Administrative Procedures*, of the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance.

SECTION 2. That Article IV, *Permissible Uses*, of the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'B'* of this ordinance.

SECTION 3. That Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'C'* of this ordinance.

SECTION 4. That Article VIII, *Landscape Standards*, of the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'D'* of this ordinance.

SECTION 5. That Article X, *Planned Development Regulations*, of the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'E'* of this ordinance.

SECTION 6. That Article XI, *Zoning Related Applications*, of the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'F'* of this ordinance.

SECTION 7. That Article XIII, *Definitions*, of the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'G'* of this ordinance.

SECTION 8. That Article XI, *Fences*, of Chapter 10, *Building and Building Regulations*, of the Municipal Code of Ordinances of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'H'* of this ordinance.

SECTION 9. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars (\$2,000.00)* for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 10. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [Ordinance No. 04-38], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 11. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 3RD DAY OF SEPTEMBER, 2019.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: August 19, 2019

2nd Reading: September 3, 2019

Additions: **Highlighted**
Deletions: **Highlighted, Strikeout**
Staff Notes: **Highlighted, Red Text**
Links/References: Blue, Underlined

ARTICLE II, DEVELOPMENT REVIEW AUTHORITY AND ADMINISTRATIVE PROCEDURES, UDC

SECTION 1: SEQUENCE OF REVIEW

~~Where an applicant requests a variance from a provision of this [Unified Development Code] in conjunction with an application for amendment of the official zoning map, the variance shall be considered by the Planning and Zoning Commission and City Council at the same time that they consider the request for the zoning change.~~

SECTION 2. - INITIATION OF ADMINISTRATIVE PROCEDURES [MOVED TO SUBSECTION 1.02 OF ARTICLE XI, UDC]

~~All platting, zoning and site plan requests to be considered by the Planning and Zoning Commission and/or the City Council, shall be initiated by filing an application with the City. All requests for building permits shall be initiated by the filing of an application with the City. The applications required by this section shall be on forms supplied by the City of Rockwall which shall be available in the offices of the City.~~

SECTION 3. - SUBMITTAL AND ACCEPTANCE [MOVED TO SUBSECTION 1.02 OF ARTICLE XI, UDC]

~~No application shall be processed until such application is complete and the fee established in this [Unified Development Code] or ordinances of the City of Rockwall for processing the application has been paid.~~

SECTION 4. - AUTHORITY TO INITIATE A REQUEST [MOVED TO SUBSECTION 1.02 OF ARTICLE XI, UDC]

~~All platting, zoning and site plan requests, and/or requests to amend the comprehensive plan or the thoroughfare plan may be initiated by the owner of the affected property or his authorized representative who files the required application and pays the appropriate fee for the request, or the City Council may direct the director of planning to initiate such a request on behalf of the City.~~

~~Amendments to the text of this [Unified Development Code] shall be initiated only by action of the City Council directing the director of planning to initiate such a request on behalf of the City or by the director of planning's own initiative.~~

~~Variations and special exceptions to be considered by the Board of Adjustments (BOA) may be initiated by the owner of the affected property or his authorized representative or any aggrieved party who files the required application and pays the appropriate fee, or by any person aggrieved by the decision of an administrative officer with authority over any matter appealable to the Board of Adjustments (BOA) per section 11.3 [of this Unified Development Code], or by an officer, or appropriate board of the City.~~

SECTION 5. - APPLICATION WITHDRAWAL [MOVED TO SUBSECTION 1.03 OF ARTICLE XI, UDC]

~~Any request for withdrawal of an application must be submitted in writing to the director of planning.~~

Once an application for a platting, zoning, or site plan request to be considered by the Planning and Zoning Commission and/or City Council, or a variance, special exception or appeal going before the City Council has been published in a newspaper or notifications of public hearing, if any, have been mailed, such request for withdrawal must be placed on the public hearing agenda and acted upon by the applicable body.

Application fees are not refundable except in cases in which the director of planning determines that an application was accepted in error, or the fee paid exceeded the amount due under the provisions of this [Unified Development Code] or the ordinances of the City of Rockwall, in which case the amount of the overpayment may be refunded to the applicant.

SECTION 6: CONDUCT OF PUBLIC HEARINGS

SUBSECTION 6.01: NOTICE OF PUBLIC HEARING [MOVED TO SUBSECTION 2.03 OF ARTICLE XI, UDC]

Written notice of all public hearings on proposed changes in district boundaries shall be sent to all property owners listed on the most current and approved city tax rolls, and to the actual property address if the property owner does not reside at the physical address, for properties within a distance of at least 500 feet from the boundaries of the subject property at least ten days prior to the public hearing date. In addition, written notice shall also be mailed to all known Homeowners Association (HOA) representative(s) within 1,500 feet of the subject property at least ten days prior to the public hearing date. Such notice shall be sent via first class mail and display a stamp on the outside of the envelope with the wording "Zoning Change Requested." In cases that require notices to be sent to a multi-family property written notice shall be sent to the property owner and the leasing office of the housing complex or apartment building.

In addition, notice of such public hearing shall be published one time in a newspaper of general circulation in the City, not less than ten days prior to the date of such hearing, and a four foot by four foot double sided sign giving notice of a proposed zoning change shall be placed on the subject property at least ten days prior to the public hearing.

Notice of hearings on proposed changes in the text of this Unified Development Code shall be accomplished by one publication not less than 15 days prior to the public hearing, in the official newspaper of the City.

(Ord. No. 10-14, § 1, 7-6-2010; Ord. No. 14-18, § 1, 5-5-2014)

SUBSECTION 6.02: PUBLIC HEARING POSTPONEMENT, RECESS, AND CONTINUATIONS [MOVED TO SUBSECTION 2.03 OF ARTICLE XI, UDC]

- A. A public hearing for which notice has been given may be postponed by announcing the postponement at or after the time and place the hearing is scheduled to begin.
- B. A public hearing may be recessed and continued any time after the hearing has commenced.
- C. If a postponement or continuance of a public hearing is to a specific date and time no later than 30 days from the first or most recent hearing, the announcement of the postponement or continuance at the public hearing in which the application has been postponed or continued shall be sufficient notice and no additional notice is required.
- D. Postponed or continued public hearing shall be presumed to be held in the same location, unless a different location for the hearing is announced at the time of the postponement or continuance.
- E. In the event that any request or amendment is being considered, whether or not a public hearing is involved, and it is continued at the request of the applicant more than one time, an additional fee shall be required to cover the reasonable costs to the City, including the cost of any additional advertising cost and the cost of the City's consultants due to the postponement.
- F. If the applicant is not present at a meeting where the request is being considered and the request cannot be considered, then an additional fee, as described in 6.2E above, shall also be required.

(Ord. No. 18-02, § 1, 1-2-2018)

SUBSECTION 6.03: CONDUCT OF PUBLIC HEARING [MOVED TO SUBSECTION 2.03 OF ARTICLE XI, UDC]

Subject to the presiding officer's inherent authority to conduct meetings, the public hearing shall generally be conducted as follows:

- A. Report by the City representative;
- B. Open public hearing;
- C. Presentation by the applicant;
- D. Testimony and questions by the public;
- E. Rebuttal by the applicant;
- F. Closure of the public hearing.

~~SECTION 7: PLANNING AND ZONING COMMISSION AUTHORITY~~ [MOVED TO SUBSECTION 3.04]

~~SUBSECTION 7.01: APPROVAL AUTHORITY~~

The Planning and Zoning Commission shall make decisions, or make recommendations to the City Council, on the following matters:

- (A) ~~Decisions on site plans, building elevations, lighting plans, landscape plans and tree preservation plans as may be required.~~
- (B) ~~Recommendations to City Council on plats as required by the subdivision ordinance, chapter 38 of part II, Code of Ordinances.~~
- (C) ~~Recommendations to City Council on replats, when such public hearing is required by the provisions of V.T.C.A., Local Government Code Chapter 212.~~
- (D) ~~Recommendations to City Council regarding text amendments to this Unified Development Code.~~
- (E) ~~Recommendations to City Council regarding zoning changes and map amendments, including reclassification of the zoning designations on land, specific use permits, and planned developments.~~
- (F) ~~Decisions regarding variances and special exceptions to this Unified Development Code.~~
- (G) ~~Recommendations to City Council regarding amendments to the comprehensive plan.~~
- (H) ~~Recommendations to City Council regarding amendments to the master thoroughfare plan.~~
- (I) ~~Recommendations to City Council regarding amendments to a master open space plan.~~

~~(Ord. No. 18-24, § 1, 5-7-2018; Ord. No. 18-47, § 1, 11-19-2018)~~

~~SUBSECTION 7.02: RECOMMENDATION AUTHORITY~~ [MOVED TO SUBSECTION 2.04 OF ARTICLE XI, UDC]

Upon closure of the public hearing, and when required to make a recommendation to the City Council, the Planning and Zoning Commission may recommend:

- (A) ~~That the request or amendment be approved or enacted; or~~
- (B) ~~That the request or amendment be approved or enacted as modified to a more restrictive classification or subject to appropriate conditions as permitted by law; or~~
- (C) ~~That the request or amendment be denied.~~

~~(Ord. No. 18-24, § 1, 5-7-2018)~~

~~SECTION 8: CITY COUNCIL AUTHORITY~~ [MOVED TO SECTION 2]

~~SUBSECTION 8.01: AUTHORITY~~

The City Council shall hold a meeting, conduct a public hearing—if required by this Unified Development Code—and make determinations on the following matters:

- A. ~~Text amendments to this Unified Development Code.~~

- B. Zoning changes and map amendments, including reclassification of the zoning designations on land, specific use permits, and planned developments.
- C. Appeals related to the Planning and Zoning Commission's decision on special exceptions, variances, or waivers related to site plans for development.
- D. Amendments to the comprehensive plan.
- E. Amendments to the master thoroughfare plan.
- F. Amendments to the master open space plan.
- G. Variances, special exceptions and appeals as set out in this Unified Development Code.

(Ord. No. 06-14, 4-17-2006; Ord. No. 18-24, § 1, 5-7-2018; Ord. No. 18-47, § 1, 11-19-2018)

SUBSECTION 8.02: JOINT PUBLIC HEARINGS [MOVED TO SUBSECTION 2.05 OF ARTICLE XI, UDC]

The City Council may hold a public hearing, after publishing the required notice, jointly and with any public hearing required to be held by the Planning and Zoning Commission, but the City Council shall not take action until it has received a final report from the Planning and Zoning Commission.

(Ord. No. 18-24, § 1, 5-7-2018)

SUBSECTION 8.03: CITY COUNCIL APPROVAL OR DENIAL [MOVED TO SUBSECTION 2.07 OF ARTICLE XI, UDC]

The council may take the following actions concerning the matters outlined in section 8.1:

- A. Approval of an item. The City Council may approve the request or amendment either as requested, or in the form of a more restrictive district, and subject to such appropriate conditions as are allowed by law. Such approval of any request for a text amendment to this Unified Development Code or a zoning change and map amendment shall be granted only if the City Council determines that the request or amendment is consistent with the comprehensive plan and the purposes of this Unified Development Code. In the event the request or amendment concerns a text amendment to this Unified Development Code or a zoning change and map amendment, the City Council shall enact an ordinance amending this Unified Development Code or amending the official zoning map, whichever is applicable.
- B. Denial of an item. The City Council may deny a request or amendment with prejudice. If a request or amendment is denied with prejudice, a new application may be submitted for the same lot or tract of land, or any portion thereof, within one year only if the new request is for a more restrictive or less intense use or development. For applications pertaining to a change of zoning and map amendment, a new proposal may not be submitted unless it is more restrictive or less intense than the previously denied proposal for any tract of land, or any portion thereof, for a period of one year from the denial date. If a request or amendment is denied by the City Council without an indication of "with" or "without" prejudice, then the action shall be considered to be "denied with prejudice."
- C. Denial without prejudice. The City Council may deny the request or amendment without prejudice, in which case an application for the same request may be filed at the applicant's discretion.
- D. Reapplication due to changed conditions. A request or amendment, which has been previously rejected with prejudice by the City Council, may be resubmitted within one year only if there is an actual change in conditions relating to the tract or parcel of land or the property surrounding it. In this event, the applicant must submit to the director of planning and zoning, in writing, a request describing such changed conditions. The director of planning and zoning shall investigate the claim and report to the Planning and Zoning Commission whether or not such change of conditions exist. Upon hearing this report, the Planning and Zoning Commission shall either grant or deny the request to refile the request or amendment.

(Ord. No. 18-24, § 1, 5-7-2018)

SUBSECTION 8.04: PROTEST OF PROPOSED CHANGE IN ZONING [MOVED TO SUBSECTION 2.03 OF ARTICLE XI, UDC]

Property owners adjacent to and within a radius of 200 feet of a property for which a change in zoning is being considered have the right to file a written protest against the request. The land area of this 200-foot radius includes streets, alleys and other public right-of-way.

Whenever such written protest is signed by the owners of 20 percent or more of the area of the lots or land included in such zoning change, or of the lots or land immediately adjoining the same and within the above mentioned 200-foot radius, or if such change is recommended for denial by the Planning and Zoning Commission, such change in zoning shall require a favorable vote of three-fourths of all eligible members of the City Council.

For purposes of determining representation on this written protest, the written protest of any one owner of land owned by two or more persons shall be presumed to be the protest of all owners.

(Ord. No. 06-14, 4-17-2006; Ord. No. 18-24, § 1, 5-7-2018)

Sec. 8.5. – Criteria for granting special exceptions. [MOVED TO SUBSECTION 9 OF ARTICLE XI, UDC]

The City Council may make special exceptions to the standards in this Unified Development Code that are consistent with the general purpose and intent of the Unified Development Code. The Planning and Zoning Commission shall make recommendations on special exceptions.

Special exceptions are subject to appropriate conditions and safeguards to ensure that the special exceptions are consistent with the general purpose and intent of this Unified Development Code and the City's comprehensive plan.

The City Council, pursuant to the powers conferred upon it by state law, the ordinances of the City and this article may grant special exceptions to the provisions of this Unified Development Code upon finding that:

- A. Such special exception will not substantially or permanently injure the appropriate use of adjacent property in the same district;
 - B. Such special exception will not adversely affect the health, safety or general welfare of the public;
 - C. Such special exception will not be contrary to the public interest;
 - D. Such special exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the exception is sought is located, except as provided elsewhere in this Unified Development Code;
 - E. Such special exception will be in harmony with the spirit and purpose of this Unified Development Code;
 - F. Such special exception will not alter the essential character of the district in which the property is located for which the exception is sought;
 - G. Such special exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located; and
- Such special exception is within the spirit and intent of the City's comprehensive plan and other policies.

(Ord. No. 18-24, § 1, 5-7-2018)

SECTION 19: BOARDS, COMMISSIONS, AND ADMINISTRATIVE STAFF AGENCIES – APPOINTMENT, TERM, AND PROCEDURES

All meetings of any Board or Commission shall be open to the public. Each Board or Commission shall keep accurate minutes of each meeting, which shall be forwarded to the City Secretary within ten (10) days following each meeting. Such Board or Commission shall keep an accurate record of the names of the members who are present and absent from their meetings. When public hearings are necessary or required, notice of the public hearings and the conduct of the public hearing same will be in compliance with the requirements of all federal, state and local laws, the Local Government Code and this [Unified Development Code].

Each Board or Commission may establish its own attendance rules, regulations, and method of enforcement unless in conflict with state law, or this Article. Each member of a Board or Commission shall be at least 18 years of age.

SECTION 2: CITY COUNCIL

SUBSECTION 2.01: AUTHORITY

The City Council shall hold a meeting, conduct a public hearing -- *if required by this Unified Development Code* -- and make determinations on the following matters:

- (A) Text amendments to this Unified Development Code.
- (B) Zoning changes and map amendments including the reclassification of zoning designations on land, Specific Use Permits (SUP), and Planned Development Districts.
- (C) Appeals related to the Planning and Zoning Commission's decision on special exceptions, variances, or waivers related to site plans for development.
- (D) Amendments to the Comprehensive Plan.
- (E) Amendments to the Master Thoroughfare Plan.
- (F) Amendments to the Master Open Space Plan Master Plans.

(Ord. No. 06-14, 4-17-2006; Ord. No. 18-24, § 1, 5-7-2018; Ord. No. 18-47, § 1, 11-19-2018)

[MOVED FROM SECTION 8]

SECTION 340: PLANNING AND ZONING COMMISSION

SUBSECTION 340.01: CREATION AND MEMBERSHIP

- (A) *Membership.* The members of the Planning and Zoning Commission shall be appointed for a term of three (3) years on a rotating basis and removable for cause by the City Council. The terms of office shall expire on the last day of July or until their successor has been appointed. Any member of the Planning and Zoning Commission may be reappointed by the City Council upon completion of a full term.
- (B) *Residency.* Each member of the Planning and Zoning Commission shall be a resident of the City of Rockwall at the time of his appointment. A member of the Planning and Zoning Commission ceasing to reside in the City during his term of office shall immediately forfeit the office.
- (C) *Removal.* Any member of the Planning and Zoning Commission may be removed from office for any cause deemed by the City Council to be sufficient for removal of the member. If a vacancy should exist in the **Planning and Zoning** Commission membership due to removal from office, resignation, death, refusal or inability to serve, the City Council shall appoint a new member to fill the vacancy for the unexpired term.

(Ord. No. 10-04, § 1, 2-1-2010; Ord. No. 10-14, § 2, 7-6-2010)

SUBSECTION 340.02: POWERS AND DUTIES

The Planning and Zoning Commission shall have the following powers and duties:

- (A) To advise the City Council and make recommendations concerning adoption of, or amendments to, zoning regulations and the zoning map;
- (B) To advise the council and make recommendations concerning adoption of, or amendments to the City's Comprehensive Plan, **Master** Thoroughfare Plan, and **Parks and Recreation Master Plan open space plan** and implementation thereof;
- (C) To oversee the City's regulations governing the platting and recording of subdivisions, including matters pertaining to the dedication of public facilities, and to advise the council on matters pertaining to public improvements, traffic, utility extensions and the provision of public facilities and services, in order to implement the City's Comprehensive Plan;
- (D) To undertake such actions as are necessary to exercise its delegated powers, as indicated by adopted ordinance;
- (E) To approve certain matters relating to platting and recording of subdivisions as dictated by the City's ordinances and **the Unified Development Code (UDC) this [Unified Development Code];**
- (F) To select a Planning and Zoning Commission Chair;

- (G) To call public hearings to initiate zoning changes; and
- (H) Other duties as may be prescribed by ordinance or state law.

SUBSECTION 340.03: PROCEDURES

- (A) *Attendance.* If a **Planning and Zoning** Commissioner has three (3) consecutive absences that are not excused by the Planning and Zoning Commission, or is absent from more than 25% percent of the meetings, he or she may be removed from the **Planning and Zoning** Commission; however, if absent from 50% percent of the meetings in any calendar year, the member will automatically be removed from the Planning and Zoning Commission.
- (B) *Officers.* Pursuant to the Charter § 9.01, the Planning and Zoning Commission shall elect a chair and vice-chair at the first meeting in August for a term of one (1) year. The vice-chair is to preside in the absence of the chair. Both the chair and the vice-chair shall vote on every item unless prohibited by law. The **zoning administrator Director of Planning and Zoning** shall be secretary of the Planning and Zoning Commission.
- (C) *Meetings.*
 - (1) *Open to the Public.* All meetings of the Planning and Zoning Commission shall be open to the public. The **Planning and Zoning** Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be filed in the office of the commission and shall be a public record. The **zoning administrator Director of Planning and Zoning** of the City of Rockwall shall be the custodian and possessor of the records and minutes of the Planning and Zoning Commission.
 - (2) *Calling of Meetings.* Meetings of the Planning and Zoning Commission may be held as often as necessary to conduct the business coming before the **Planning and Zoning** Commission at the call of the chair and at such other times as the commission may determine.
 - (3) *Quorum.* Any four (4) members shall constitute a quorum for the transaction of the business. The affirmative vote of a majority of those attending any meeting at which there is a quorum present shall be necessary to pass any motion, recommendation or resolution of the Planning and Zoning Commission.

(Ord. No. 10-14, § 3, 7-6-2010)

SUBSECTION 3.04: APPROVAL AUTHORITY

The Planning and Zoning Commission shall make decisions, or make recommendations to the City Council, on the following matters:

- (J) Decisions on Site Plans, Building Elevations, Photometric Plans, Landscape Plans, Tree Preservation Plans (*i.e. Tree Mitigation Plans and Tree Removal Plans*), and Open Space Master Plans as may be required.
- (K) Recommendations to City Council on all plats (*e.g. master plats, preliminary plats, replats, finals plats, etc.*) as required by [Chapter 38, Subdivisions, of the Municipal Code of Ordinances](#).
- (L) Recommendations to City Council regarding text amendments to the Unified Development Code.
- (M) Recommendations to City Council regarding zoning changes and map amendments, including reclassification of the zoning designations on land, Specific Use Permits (SUP), and Planned Development Districts.
- (N) Decisions regarding variances and special exceptions to this Unified Development Code.
- (O) Recommendations to City Council regarding amendments to the Comprehensive Plan.
- (P) Recommendations to City Council regarding amendments to the Master Thoroughfare Plan.
- (Q) Recommendations to City Council regarding amendments to the Parks and Recreation Master Plan.

(Ord. No. 18-24, § 1, 5-7-2018; Ord. No. 18-47, § 1, 11-19-2018)

[MOVED FROM SECTION 7]

SECTION 411: BOARD OF ADJUSTMENTS (BOA)

SUBSECTION 444.01: ORGANIZATION

- (A) *Membership.* The Board of Adjustments (BOA) is created in accordance with the provisions of article 1011g of the Revised Civil Statutes of Texas [V.T.C.A., *Local Government Code* § 211.008]. The Board of Adjustments (BOA) shall consist of five (5) members who are residents and taxpayers of the City, each to be appointed by the City Council for two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made.
- (B) *Alternate Members.* In addition, The City Council shall provide for the appointment of four (4) alternate members of the Board of Adjustments (BOA) who shall serve in the absence of one (1) or more of the regular members. Alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members.
- (C) *Chief Building Official Zoning Administrator.* The Chief Building Official zoning administrator, or his authorized representative, shall be an ex-officio member of the zoning Board of Adjustments (BOA) without power of vote and as an ex-officio member of such board shall act as secretary of the zoning Board of Adjustments (BOA) and shall set up and maintain a separate file for each application for appeal, special exception and variance received and shall record therein the names and addresses of all persons, firms and corporations to whom notices are mailed, including the date of mailing and further keep a record of all notices published as required herein. All records and files herein provided for shall be permanent and official files and records of the City.

Charter reference— Board of Adjustments (BOA), § 9.06.

State Law reference— Board of Adjustments (BOA), V.T.C.A., Local Government Code § 211.008.

SUBSECTION 444.02: PROCEDURES

- (A) *Adopting Procedural Rules.* The Board of Adjustments (BOA), by majority vote, shall adopt such procedural rules as are necessary to execute its duties.
- (B) *Election of Officers.* The Board of Adjustments (BOA) shall annually select one (1) of its members to be the chair, and the vice chair to act in the absence of the chair.
- (C) *Quorum.* All cases before the Board of Adjustments (BOA) must be heard by at least four (4) members.
- (D) *Calling Meetings.* Meetings of the Board of Adjustments (BOA) shall be held at the call of the chair, and at such other times as the Board of Adjustments (BOA) may determine. Such chair, or in his absence the acting chair, shall administer oaths and compel attendance of witnesses.
- (E) *Meetings Open to the Public.* All meetings of the Board of Adjustments (BOA) shall be open to the public.
- (F) *Keeping of Minutes.* The Board of Adjustments (BOA) shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its other official actions, all of which shall be filed in the office of the Board of Adjustments (BOA) and shall be a public record.

The secretary of the Board of Adjustments (BOA) shall forthwith notify in writing the City Council, the Planning and Zoning Commission and the City's Chief Building Official of each decision, interpretation, special exception and variance granted under the provisions of the Unified Development Code this [Unified Development Code].

- (G) *Attendance.* If a member has three consecutive absences that are not excused by the Board of Adjustments (BOA), or is absent from more than 25% percent of the meetings, he may be removed from the Board of Adjustments (BOA); however, if absent from 50% percent of the meetings in any calendar year, the member will automatically be removed from the Board of Adjustments (BOA).

SUBSECTION ~~411.03~~: JURISDICTION

(A) When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustments (BOA) may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following special exceptions to the regulations herein established:

- (1) *Appeal of an Administrative Decision.* Consider an appeal from any person aggrieved by a decision of any administrative officer with authority over any matter regulated by ~~the this~~ Unified Development Code or by any officer, department, board or division of the City affected by any decision of the administrative officer. Such appeal shall be received within 15 calendar days after the decision has been rendered by the administrative officer, by filing with the officer whose decision is being appealed and with the Board of Adjustments (BOA), a notice of appeal specifying the grounds of the appeal and the City's required fee.
- (2) *Appeal of a Code Decision.* Consider an appeal from any person aggrieved by orders, decisions or determinations made by the building official, fire official or city engineer relative to the application and interpretation of the ~~2015~~ International Residential Code, International Building Code, International Plumbing Code, International Mechanical Code, International Energy Conservation Code, International Fuel Gas Code, International Fire Code, International Existing Building Code, and ~~2014~~ National Electrical Code ~~and City of Rockwall Standards of Design and Construction (Engineering Standards).~~

The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustments (BOA), all papers constituting the record from which the action appealed was taken. An appeal shall stay all proceedings of the action which has been appealed, unless the officer from whom the appeal is taken, certifies to the Board of Adjustments (BOA) that a stay would, in the officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed unless there is a restraining order granted by the Board of Adjustments (BOA) or by a court of competent jurisdiction on application, and notice is given to the officer whose decision is the subject of appeal.

- (B) *Odd Shaped Parcels.* Permit such modifications of the height, yard, area, coverage and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification.
- (C) *Non-Conforming Use.* Permit the expansion or enlargement of a building occupied by a non-conforming use on the lot or tract occupied by such building, provided such reconstruction does not prevent the return of such property to a conforming use. Upon review of the facts, the Board of Adjustments (BOA) may establish a specific period of time for the occupancy to revert to a conforming use.
- (D) *Change of Non-Conforming Use.* To authorize a change of use from one non-conforming use to another nonconforming use, provided that such change is to a use of the same or more restricted classification. In the event that a non-conforming use is changed to a nonconforming use of a higher or more restrictive classification, the building or structure containing such nonconforming use shall not later be reverted to the former lower or less restricted classification. The Board of Adjustments (BOA) may establish a specific period of time for the conversion of the occupancy to a conforming use.
- (E) *Discontinuance of a Non-Conforming Use.* Require the discontinuance of nonconforming areas of land or structures under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of ~~the Unified Development Code this [Unified Development Code].~~
 - (1) All actions to discontinue a nonconforming use of land or structure shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of property.

- (2) The Board of Adjustments (BOA) shall from time to time on its own motion or upon cause presented by interested property owners inquire into the existence, continuance or maintenance of any nonconforming use within the City.
- (F) *Structure for a Legal Non-Conforming Use.* Permit the construction, reconstruction, enlargement or addition of a structure occupied by or for a use, normally ancillary to a single-family residential use, when such single-family residential use or structure, is legally nonconforming; provided, however, such construction, reconstruction, enlargement or addition does not prevent the return of such property to a conforming use.
- (G) *Non-Conforming Structure.* To authorize the reconstruction and occupancy of a nonconforming structure, or a structure containing a nonconforming use, where such structure has been damaged by fire or other causes to the extent of more than 50% percent, but less than the total, of the replacement cost of the structure on the date of the damage. Such action by the Board of Adjustments (BOA) shall have due regard for the property rights of the person or person affected, and shall be considered in regard to the public welfare, character of the area surrounding such structure, and the conservation, preservation and protection of property.
- (H) *Expansion of a Non-Conforming Structure.* To authorize the enlargement, expansion or repair of a nonconforming structure in excess of 50% percent of its current value. In such instance, the current value shall be established at the time of application for a hearing before the Board of Adjustments (BOA). If such expansion or enlargement is approved by the Board of Adjustments (BOA), all provisions of the district in which such structure is located shall apply to the new construction on the lot or parcel.
- (I) *Occupation of an Abandoned Non-Conforming Structure.* To authorize the occupancy of an abandoned nonconforming structure. Such action by the Board of Adjustments (BOA) shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare and safety, character or the area surrounding such structure, and the conservation, preservation and protection of property.
- (J) *Violation of Other Ordinances.* The Board of Adjustments (BOA) is not authorized to permit or approve any request that would be in violation of any other ordinances or city regulations that would prohibit such improvement or construction to be made.

(Ord. No. 18-13, § 2, 3-5-2018)

SUBSECTION 444.04: CRITERIA FOR GRANTING VARIANCES

The City's Board of Adjustments (BOA), pursuant to the powers conferred upon it by state law, the ordinances of the City, and this article may grant variances to the provisions of the Unified Development Code this [Unified Development Code] upon finding that:

- (A) Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district;
- (B) Such variance will not adversely affect the health, safety or general welfare of the public;
- (C) Such variance will not be contrary to the public interest;
- (D) Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located, ~~except as provided in section 12.3 [of this Unified Development Code];~~
- (E) Such variance will be in harmony with the spirit and purpose of the Unified Development Code this [Unified Development Code];
- (F) Such variance will not alter the essential character of the district in which is located the property for which the variance is sought;
- (G) Such variance will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located;
- (K) Due to special conditions, a literal enforcement of the Unified Development Code this [Unified Development Code] would result in unnecessary hardship;
- (H) The plight of the owner of the property for which the variance or exception is sought is due to unique circumstances existing on the property, including, but not limited to, the area, shape or slope, and the unique circumstances were not

created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located;

- (I) The variance or exception is not a self-created hardship; and
- (J) The variance is clearly identified as a variance to the City's standards on the concept plan, site plan or text of the Unified Development Code.

(Ord. No. 10-14, § 5, 7-6-2010)

SUBSECTION 411.05: ACTIONS OF THE BOARD

- (A) In exercising its powers, the Board of Adjustments (BOA), may, in conformity with the provisions of the Local Government Code, revise or reform, wholly or partly, or may modify the order, requirement, decisions, or determination appealed from, and shall have all the powers of the officer from whom the appeal is taken including the power to impose reasonable conditions to be complied with by the applicant.
- (B) The concurring vote of four (4) members of the Board of Adjustments (BOA) shall be necessary to revise any order, requirements, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under the Unified Development Code ~~this [Unified Development Code]~~ or to affect any variance in ~~the Unified Development Code this [Unified Development Code]~~.
- (C) Any special exceptions authorized by the Board of Adjustments (BOA), either under the provisions of ~~the Unified Development Code this [Unified Development Code]~~ or under the authority granted to the Board of Adjustments (BOA) under the statutes of the state, shall authorize the issuance of a building permit or a Certificate of Occupancy (CO) or other relief as the case may be for a period of 90-days from the date of the favorable action on the part of the Board of Adjustments (BOA), unless the Board of Adjustments (BOA) in its minutes shall, at the same time, grant a longer period.
- (D) If a building permit or Certificate of Occupancy (CO) has not been applied for or issued within a 90-day period or as the Board of Adjustments (BOA) may specifically grant, the special exceptions shall be deemed waived; and all rights hereunder terminated. The Board of Adjustments (BOA) may grant one or more extensions to this time period upon the applicant's request and if due cause is shown.
- (E) Such termination and waiver shall be without prejudice to a subsequent appeal to the Board of Adjustments (BOA) in accordance with the rules, and regulations regarding appeals.

SUBSECTION 411.06: APPEALS ON SAME MATTER

No appeal to the Board of Adjustments (BOA) shall be allowed concerning the same matter prior to the expiration of six months from a ruling of the Board of Adjustments (BOA) on any appeal to such body unless other rulings on the same or similar subject matter have, within such six-month period, been altered or changed by ruling of the Board of Adjustments (BOA), in which case such change of circumstances shall permit the allowance of an appeal, but shall in no way have force in law to compel the Board of Adjustments (BOA), after a hearing, to grant such subsequent appeal, but such appeal shall be considered on its merits as in all other cases.

SUBSECTION 411.07: EFFECTIVE DATE

A decision on a variance shall be effective upon approval by the Board of Adjustments (BOA).

SUBSECTION 411.08: APPEAL FROM BOARD

Any person aggrieved by any decision of the Board of Adjustments (BOA) or any officer, department, or board of the municipality pursuant to this section, may present to a court of competent jurisdiction, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of such illegality.

Such petition shall be presented to the court within ten days after the filing of the decision complained of in the office of the City secretary and not thereafter.

No appeal from a Board of Adjustments (BOA) decision under its jurisdiction, as set out in ~~the this~~ Unified Development Code, shall be heard by the City Council.

(Ord. No. 10-14, § 6, 7-6-2010)

SECTION 512: HISTORIC PRESERVATION ADVISORY BOARD

SUBSECTION 512.01: ORGANIZATION

(A) *Membership.* There is hereby created a Historic Preservation Advisory Board (HPAB) which shall serve as an advisory body to the City Council. Such board shall consist of seven members to be appointed by the City Council.

(B) *Term of Office; Qualifications.* The members shall be appointed for a term of two (2) years with staggered terms and shall be removable by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term, the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed. The membership shall include:

- (1) An architect, planner or representative of a design profession;
- (2) A member of the Rockwall County Historical Foundation;
- (3) A general contractor;
- (4) An owner of property within a historic district;
- (5) Three citizens of Rockwall interested in historic preservation.

All board members, regardless of background, shall have a known and demonstrated interest, competence of knowledge of historic preservation within the City. All members must be residents of Rockwall County.

(C) *Duties.* The duties of the **Historic Preservation Advisory Board (HPAB)** are as follows:

- (1) Provide professional recommendations to the City Council and Planning and Zoning Commission as required, regarding site plans, building alternatives, and building plans proposed within the City Historic Overlay (HOV) District ~~(HO)~~. The **Historic Preservation Advisory Board (HPAB)** shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission or City Council. The **Historic Preservation Advisory Board (HPAB)** shall prepare a written assessment of the proposed project regarding compliance with approved guidelines for development within the district, and its applicability in preserving and enhancing the history and culture of the district.
- (2) Research, document and maintain in the official files of the City detailed information regarding the original construction and architecture of the district.
- (3) Develop and maintain guidelines regarding development and redevelopment within the district including architectural design, materials selections, building styles and other pertinent design considerations. The proposed guidelines shall be submitted to the Planning and Zoning Commission and City Council for approval.
- (4) Adopt rules and procedures as necessary to provide for the orderly conduct of board meetings.
- (5) Recommend the boundaries of historic districts.
- (6) Increase public awareness of the value of historic, cultural, and architectural preservation by encouraging and participating in public education programs developed by the historic preservation office.
- (7) Provide recommendations to the Planning and Zoning Commission and City Council concerning the historic preservation impact of proposed, announced or commenced actions by federal, state or local authorities that affect streets, alleys, publicly-maintained utilities and any other public spaces, areas, improvements, other features or zoning within, around or through any district.
- (8) Make recommendations to the City for the employment of staff and professional consultants as necessary to carry out the duties of the HPAB.
- (9) Review and take action on the designation of landmarks and the delineation of districts, which shall be ratified by the City Council.

- (10) Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.
 - (11) Review and recommend to City Council and other applicable city boards and commissions all proposed changes to the **Unified Development Code (UDC) zoning ordinance**, building code, general plan or other adopted policies of the City than may affect the purpose of the article.
 - (12) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
 - (13) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the City. Such information shall be maintained securely, made accessible to the public and should be updated at least every ten years.
 - (14) Monitor and report to the Texas Historical Commission all actions affecting any recorded Texas historic landmark, state archaeological landmark, national register property and any locally designated landmark, as deemed necessary.
 - (15) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this article.
 - (16) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPAB and the reasons for taking such actions.
 - (17) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
 - (18) Review and take action on all certificates of appropriateness applications for compliance with adopted design guidelines pursuant to this article.
 - (19) Review and take action on all appeals on action taken by the HPO regarding the administrative review of certificates of appropriateness applications for compliance with adopted design guidelines pursuant to this article.
 - (20) Develop, prepare and adopt specific design guidelines which shall be ratified by the City Council, for use in the review of all certificates of appropriateness applications.
 - (21) Prepare and submit annually to the City Council a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.
 - (22) Provide recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and districts within the City.
 - (23) Recommend to City Council the acquisition of endangered landmarks by demolition where its preservation is essential to the purpose of this article and where private preservation is not feasible.
 - (24) Propose incentive program(s) to City Council for local property owners of historic landmarks or within local districts.
 - (25) Review and take action on all city preservation-related incentive program applications involving work on landmarks and districts for compliance with adopted design guidelines pursuant to this article.
 - (26) Accept on behalf of the City government donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of City Council.
- (D) *Officers.* The **Historic Preservation Advisory Board (HPAB)** shall elect a chair and vice chair at the first meeting in August or at the first meeting thereafter for a term of one **(1)** year. The Historic Preservation Officer shall be secretary of the **Historic Preservation Advisory Board (HPAB)** and an ex-officio member.
- (E) *Voting; meetings.* Each member in attendance shall have a vote on plans submitted to the **Historic Preservation Advisory Board (HPAB)** with that vote reported to the **Planning and Zoning Commission**. Any member professionally or financially involved in matters pending before the **Historic Preservation Advisory Board (HPAB)** shall abstain from any discussion, consideration or vote on that item and shall leave the room during such discussion and consideration. Meetings of the **Historic Preservation Advisory Board (HPAB)** shall be called as needed by the historic preservation officer.
- (F) *Attendance.* If a member has three consecutive absences that are not excused by the Historic Preservation Advisory Board **(HPAB)**, or is absent from more than **25% percent** of the meetings, he or she may be removed from the **Historic Preservation Advisory Board (HPAB)**; however, if absent from **50% percent** of the meetings in any calendar year, the member will automatically be removed from the historic preservation board.

(Ord. No. 10-14, § 7, 7-6-2010; Ord. No. 12-25, § 1, 10-1-2012)

SUBSECTION 542.02: DESIGNATION OF LANDMARKS IN THE CITY

(A) The **Historic Preservation Advisory Board (HPAB)** may recommend to the Planning and Zoning Commission and the City Council that certain properties be “landmark districts” and that specific areas be designated as “historic districts” as provided for in **Subsection 6.2 of Article V, District Development Standards** section 6.2 of this **Unified Development Code**.

(Ord. No. 12-25, § 1, 10-1-2012)

SUBSECTION 542.03: CERTIFICATES OF APPROPRIATENESS (COA)

For requirements concerning Certificates of Appropriateness (COA) see **Section 6, Certificates of Appropriateness (COA), of Article XI, Development Applications and Review Procedures**.

~~(A) Applicability. Any person carrying out any work that requires a building permit for exterior alteration, restoration, reconstruction, new construction, moving or demolition of a property within a historic district visible must first obtain a certificate of appropriateness from the historic preservation advisory board as provided for in article V, section 6.2 of this Unified Development Code.~~

~~(B) Criteria for approval of a certificate of appropriateness. The board shall follow the design guidelines as adopted by the City Council in its consideration of all applications for a certificate of appropriateness. These standards shall be made available to the property owners of historic landmarks or within historic districts. The historic preservation officer shall coordinate with the chief building official, and other appropriate city departments, all certificate of appropriateness applications.~~

(Ord. No. 12-25, § 1, 10-1-2012)

SECTION 613: ARCHITECTURAL REVIEW BOARD

SUBSECTION 613.01: CREATED

There is hereby created an Architectural **Review** Board (ARB) of review which shall serve as an advisory body to the Planning and Zoning Commission. Such board shall consist of seven members to be appointed by the City Council after recommendation of the Planning and Zoning Commission.

SUBSECTION 613.02: TERM OF OFFICE; QUALIFICATIONS

- (A) Term. The members shall be appointed for a term of two years with staggered terms and shall be removable for cause by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed.
- (B) Qualifications. At least one member shall be a registered architect in the State of Texas. Other members are chosen for qualifications and training in related fields such as landscape architecture, interior or exterior design, municipal planning, municipal government and other professions with related disciplines or civic interest.
- (C) Attendance. If a member has three consecutive absences that are not excused by the architectural review board, or is absent from more than 25% percent of the meetings, he may be removed from the **Architectural Review** Board (ARB); however, if absent from 50% percent of the meetings in any calendar year, the member will automatically be removed from the architectural review board.

(Ord. No. 14-52, § 1, 12-1-2014)

SUBSECTION 613.03: DUTIES

The purpose of the **Architectural Review Board (ARB)** is to provide professional recommendations to the Planning and Zoning Commission and the director of planning regarding site plans and building elevations submitted within any zoning district as may be required. Meetings of the **Architectural Review Board (ARB)** shall be called as needed. The **Architectural Review Board (ARB)** shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission. The review shall evaluate compatibility with existing topography, scenic corridors and landscaping, and with the goals and objectives established in the applicable Overlay District and/or Planned Development District, the comprehensive plan and applicable provisions of the urban design guidelines. The **Architectural Review Board (ARB)** shall make recommendations on design changes based on its professional experience and knowledge. The Planning and Zoning Commission shall consider the **Architectural Review Board's (ARB's)** recommendations in its deliberation of the proposed development. The commission may include recommended changes in the proposed building elevations and site plan based upon the recommendations of the **Architectural Review Board (ARB)** in its recommendation to the City Council, if applicable.

(Ord. No. 06-14, 4-17-2006)

SUBSECTION 643.04: OFFICERS

The **Architectural Review Board (ARB)** shall elect a chair and vice chair at the first meeting in August or at the first meeting thereafter for a term of one year. The ~~zoning administrator~~ **Director of Planning and Zoning** shall be secretary of the **Architectural Review Board (ARB)** and an ex officio member.

(Ord. No. 10-14, § 8, 7-6-2010)

SUBSECTION 643.05: VOTING

Each member in attendance shall have a vote on plans submitted to the **Architectural Review Board (ARB)** with that vote being reported to the **Planning and Zoning Commission**. Any member professionally or financially involved in matters pending before the **Architectural Review Board (ARB)** shall abstain from any discussion, consideration or vote on that item and shall leave the room during such discussion and consideration.

SECTION 744: DIRECTOR OF PLANNING/~~ZONING ADMINISTRATOR~~

SUBSECTION 744.01: QUALIFICATIONS

- (A) The Director of Planning **and Zoning** must be a member in good standing of AICP, AIA or PE.
- (B) The Director of Planning **and Zoning** or his/her designee shall serve as the *Zoning Administrator*.

SUBSECTION 744.02: POWERS AND DUTIES

- (A) The Director of Planning **and Zoning** shall have the following powers and duties:
 - (1) To make recommendations and provide assistance to the City Council and Planning and Zoning Commission concerning exercise of their responsibilities under ~~the Unified Development Code~~ **this [Unified Development Code]**;
 - (2) To develop and recommend to the Planning and Zoning Commission, and the City Council, a Comprehensive Plan for the City or any amendments to the plan and to propose actions to implement the plan;
 - (3) To coordinate all planning relating to the City's Comprehensive Plan;
 - (4) To submit recommendations to the Planning and Zoning Commission and **City** Council on request for zoning changes, variances and exceptions;
 - (5) To render such administrative decisions as are required of the Director of Planning **and Zoning** by ~~the Unified Development Code~~ **this [Unified Development Code]**;
 - (6) To perform such other duties as may be prescribed by ordinance or directed by the City Council or Planning and Zoning Commission.

SECTION 845: HISTORIC PRESERVATION OFFICER

SUBSECTION 845.01: APPOINTMENT

The City Manager shall appoint a qualified staff person, to serve as Historic Preservation Officer (HPO). This officer shall administer the historic preservation provisions of this the Unified Development Code and advise the Historic Preservation Advisory Board (HPAB) on matters submitted to it.

(Ord. No. 12-25, § 1, 10-1-2012)

SUBSECTION 845.02: POWERS AND DUTIES

In addition to serving as a representative to the Historic Preservation Advisory Board (HPAB), the Historic Preservation Officer (HPO) shall:

- (A) Coordinate the City's preservation activities with those of state and federal agencies and with local, state, and national non-profit preservation organizations.
- (B) Administer this the Unified Development Code (UDC) and advise the HPAB on matters submitted to it.
- (C) To maintain and hold open for public inspection all documents and records pertaining to the provisions of this article.
- (D) Receive and review all applications pursuant to this article to ensure their completeness.
- (E) Review and take action on all Certificates of Appropriateness (COA) applications subject to administrative review pursuant to this Article.
- (F) Review and forward with any recommendations all applications for certificates of appropriateness subject to review by the HPAB pursuant to this article.
- (G) Ensure proper posting and noticing of all HPAB meetings, schedule applications for HPAB review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all HPAB meetings.
- (H) Review and help coordinate the City's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.

(Ord. No. 12-25, § 1, 10-1-2012)

SECTION 946: CHIEF BUILDING OFFICIAL

SUBSECTION 946.01: QUALIFICATIONS

The Chief Building Official must:

- (A) Be a licensed architect or engineer in good standing; or
- (B) Have a bachelor's degree in urban planning, or related field; supplemented by a minimum six (6) years in a supervisory/management capacity in the field with a municipal or other governmental organization, to include development and implementation of budgetary functions; or an equivalent combination of education, training, and experience which includes the following knowledge, skills, and abilities:
 - (1) Comprehensive knowledge of modern principles and practices of community development administration.
 - (2) Thorough knowledge of the federal, state, and local ordinances, laws and regulations relating to departmental activities.
 - (3) Thorough knowledge of principles of effective administration, to include planning, directing, evaluating, and coordinating.

SUBSECTION 946.02: POWERS AND DUTIES

The Chief Building Official shall have the following powers and duties:

- (1) To issue permits in accordance with the Unified Development Code this [Unified Development Code];
- (2) To issue Certificates of Occupancy (CO) in accordance with the Unified Development Code this [Unified Development Code];
- (3) To enforce the provisions of the Unified Development Code this [Unified Development Code];
- (4) Such other powers and duties as may be lawfully delegated.

The City Council may designate the City Engineer or Director of Planning and Zoning to perform the duties of the Chief Building Official.

~~SECTION 17. — PROCEDURE IN PLANNING AND ZONING CASES — ADDITIONAL INFORMATION SUBMITTED [MOVED TO SUBSECTION 2.03(D) OF ARTICLE XI, UDC]~~

~~New matters of evidence not present to the Planning and Zoning Commission shall not be heard or considered by the council in its public hearings related to amendments to the Unified Development Code and maps to the City.~~

~~In the event new evidence develops between the date of the hearing by the Planning and Zoning Commission and the hearing of the council on any zoning change, or if for any other valid reason a person wishes to present evidence to the council which had not been presented to the Planning and Zoning Commission, the council shall refer the case back to the Planning and Zoning Commission for further hearings to consider the new evidence.~~

~~Nothing contained herein shall be construed to prohibit anyone from speaking in the public hearing related to changes in zoning.~~

~~(Ord. No. 10-14, § 9, 7-6-2010)~~

~~SECTION 18: COMPUTATION OF TIME~~

~~Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, a Sunday or a legal holiday as observed by the City of Rockwall, that day shall be excluded. Whenever a person has the right, or is required to perform some act within the prescribed period after the service of a notice or other paper upon him, and the notice or paper is served by mail, three calendar days shall be added to the prescribed time unless otherwise specifically provided.~~

~~SECTION 19: FEES [MOVED TO SECTION 10 OF ARTICLE XI, UDC]~~

~~Fees for all applications and appeals referred to in this [Unified Development Code] shall be established by the City Council.~~

~~However, the Planning and Zoning Commission, with the concurrence and approval of the City Council, shall determine and set forth a fee schedule for recovering the administrative cost of processing zoning requests and the public hearings called for by this [Unified Development Code]. Such fee shall be paid by the applicant and shall not be designed for restricting an applicant's ability to seek a hearing. In addition, it may not be designed to generate revenue for the City other than recovery of actual administrative costs. Immediately upon receipt of the application and fee, the zoning administrator shall note the date of filing, and make a permanent record.~~

Additions: **Highlighted**
 Deletions: **Highlighted, Strikeout**
 Staff Notes: **Highlighted, Red Text**
 Links/References: Blue, Underlined

ARTICLE IV, PERMISSIBLE USES, UDC

SECTION 1: LAND USE SCHEDULE

SUBSECTION 1.01: USE OF LAND AND BUILDINGS

Buildings, structures, and land uses shall be in conformance with the permitted uses depicted in Subsection 1.02, Land Use Schedule, and in compliance with Subsection 2.03, Conditional Land Use Standards. The following is the legend for the Land Use Schedule contained in Subsection 1.02:

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

~~Buildings, structures and land shall be used only in accordance with the uses permitted in the following "land use schedule," subject to all other applicable requirements of this [Unified Development Code], including article V, Zoning District Development Standards.~~

- (A) The symbol "P" shall mean that the use is permitted as a principal use in that zoning district by right.
- (B) The symbol "S" shall mean that the principal use is permitted in that zoning district only after first obtaining a "specific use permit" as set forth in this article.
- (C) The symbol "A" shall mean that this use is specifically permitted as an accessory use to a main use in the district. This does not exclude other land uses which are generally considered ancillary to the primary use.
- (D) The symbol "+" shall mean that this use is conditional and has special standards or requirements listed in this section, which it must meet in order to be allowed.
- (E) A blank square shall mean that the use is not allowed in that zoning district as a principal use.

Table 1. Land Use Tables (December 12, 2010)

(Ord. No. 06-01, 1-3-2006; Ord. No. 06-14, 4-17-2006; Ord. No. 07-06, 2-5-2007; Ord. No. 07-18, 6-4-2007; Ord. No. 07-41, 10-15-2007; Ord. No. 08-05, 1-22-2008; Ord. No. 08-56, 10-20-2008; Ord. No. 10-14, § 12, 7-6-2010; Ord. No. 10-32, § 1, 12-6-2010; Ord. No. 11-13, § 1, 4-13-2011; Ord. No. 11-29, § 1, 7-5-2011; Ord. No. 11-39, § 1, 9-6-2011; Ord. No. 11-47, § 1, 12-5-2011; Ord. No. 14-52, § 1, 12-1-2014; Ord. No. 15-23, § 1, 8-3-2015; Ord. No. 18-04, § 1, 1-2-2018; Ord. No. 18-26, § 1, 6-14-2018; Ord. No. 18-27, § 1, 6-4-2018; Ord. No. 18-47, § 3, 11-19-2018; Ord. No. 19-12, § 1, 3-4-2019)

SUBSECTION 1.02: LAND USE SCHEDULE

DRAFT
ORDINANCE
08.19.2019

LAND USE SCHEDULE

LEGEND:

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

LAND USES	LAND USE DEFINITION REFERENCE [Reference Article XIII, Definitions]	CONDITIONAL USE REFERENCE Reference Article IV, Permissible Uses	RESIDENTIAL DISTRICTS											MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS COMMERCIAL/INDUSTRIAL					OVERLAY DISTRICTS						
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District	
AGRICULTURAL-RURAL AND ANIMAL RELATED LAND USES	2.02(A)	2.03(A)																								
Agricultural Uses on Unplatted Un-Platted Land	1		P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P				
Animal Boarding/Kennel with Outside Pens	2	1	S	S	S	S																				
Animal Boarding/Kennel without Outside Pens	2	2	P	S	S	S										S	S	P	P	P	P					
Animal Clinic for Small Animals, no without Outdoor Pens	3	3	S													S	P	P	P	P	S					
Animal Hospital, or Clinic	4		S													S	S	P	P	P						
Animal Production or Husbandry	5		S																							
Animal Shelter or Loading Shed	6		S																	P	P					
Barn or Agricultural Accessory Building	7	4	S																							
Crop Production	8		P																							
Commercial Horse Corral or Stable (Commercial)	9	5	P	S	S	S																				
Private Horse Corral or Stable (Private)	10	6	P	P	P	P	S																			
Urban Agriculture - Community Garden	11	7	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				
Urban Agriculture - Urban Farm	12	8	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				
Wholesale Nursery for Growing of Plants, no (i.e. without Retail Sale On-Site)	13		S	S	S	S																				
RESIDENTIAL AND LODGING LAND USES	2.02(B)	2.03(B)																								
Residential Accessory Building or Structure	1	1		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Bed and Breakfast Operation	2	2	S	S	S	S				S					S	P	S									
Caretakers Quarters/Domestic or Security Unit	3														P			P	P	P	P	P				
Convent, or Monastery, or Temple	4		P												P			P	P							
Duplex	5	3													P	P										

LAND USE SCHEDULE

LEGEND:

	Land Use NOT Permitted
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X	Land Use Prohibited by Overlay District
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LAND USES	LAND USE DEFINITION REFERENCE [Reference Article XIII, Definitions]	CONDITIONAL USE REFERENCE Reference Article IV, Permissible Uses	RESIDENTIAL DISTRICTS												MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS COMMERCIAL/INDUSTRIAL					OVERLAY DISTRICTS				
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District
Rescue Mission or Shelter for the Homeless	24																	S	P	P					
Social Service Provider (Except Rescue Mission or Homeless Shelter)	25																	S	P	P	P				
OFFICE AND PROFESSIONAL LAND USES	2.02(D)	2.03(D)																							
Financial Institution with Drive-Through	1	1																S	P	P	P	P	P		
Financial Institution without Drive-Through	1													P				P	P	P	P	P	P		
Office, general														P	P	P	P	P	P	P	P	P			
Office Building less than 5,000 SF	2													P	P	P	P	P	P	P	P	P			
Office Building 5,000 SF or More Greater	2													P	S	S	P	P	P	P	P				
RECREATION, ENTERTAINMENT AND AMUSEMENT LAND USES	2.02(E)	2.03(E)																							
Temporary Carnival, Circus, or Amusement Ride, temporary	1	1													S		S	P	P	P	P	P			
Indoor Commercial Amusement/Recreation (inside)	2	2													S		S	P	P	P	P				
Outdoor Commercial Amusement/Recreation (outside)	3	3															S	S	P	S	P				
Public or Private Community or Recreation Club as an Accessory Use, public or private (accessory)	4		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P		
Private Country Club, private	5		S	S	S	S	S	S	S	S	S	S	S				S	S	S	P	P	P			
Golf Driving Range	6																S	S	S	P	P	P			
Temporary Fundraising Events by Non-Profit, indoor or outdoor, temporary	7	4	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Indoor Gun Club with Skeet or Target Range (indoor)	8	5																S	P	P	P	P			
Outdoor Gun Club with Skeet or Target Range (outdoor)	8		S																			S			
Health Club or Gym	9													A	P		S	P	P	P	P	P			
Private Club, Lodge or Fraternal Organization	10	6												P	S		S	P	S	P	P	P	S		
Private Sports Arena, Stadium, and/or Track	11																	S	P	P	P				
Public Park or Playground	12		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				

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LAND USES

Sexually Oriented Businesses [Art. XI; CH. 12; Municipal Code] Uses as defined in chapter 12, article XI of Code of Ordinances +

Tennis Courts (i.e. Not Accessory to a Public or Private Country Club)

Theater

RETAIL AND PERSONAL SERVICES LAND USES

Antique/Collectible Store

Astrologer, Hypnotist, or Psychic Art and Science

Banquet Facility/Event Hall

Portable Beverage Service Facility, portable

Brew Pub

Business School

Catering Service

Temporary Christmas Tree Sales Lot and/or Similar Uses, temporary

Copy Center

Craft/Micro Brewery, Distillery and/or Winery

Incidental Display, incidental

Food Trucks/Trailers

Garden Supply/Plant Nursery

General Personal Service

General Retail Store

Hair Salon and/or Manicurist

Laundry, dropoff/pickup Laundromat with Dropoff/Pickup Services

LAND USES	LAND USE DEFINITION REFERENCE (Reference Article XIII, Definitions)	CONDITIONAL USE REFERENCE (Reference Article IV, Permissible Uses)	RESIDENTIAL DISTRICTS													MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS COMMERCIAL/INDUSTRIAL					OVERLAY DISTRICTS			
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District	Multi-Family 14 (MF-14) District	Downtown (DT) District		Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District
Sexually Oriented Businesses [Art. XI; CH. 12; Municipal Code] Uses as defined in chapter 12, article XI of Code of Ordinances +	13	7																			S	S			
Tennis Courts (i.e. Not Accessory to a Public or Private Country Club)	14		S	S	S	S	S	S	S	S	S	S	S			S	S	S	P	P	P				
Theater	15													P		S	P	P	P	P					
RETAIL AND PERSONAL SERVICES LAND USES			2.02(F)	2.03(F)																					
Antique/Collectible Store	1													S		S	P	P	P						
Astrologer, Hypnotist, or Psychic Art and Science	2													S	P	P	P	P	P						
Banquet Facility/Event Hall	3													S			P	P	P						
Portable Beverage Service Facility, portable	4	1												S	S		S	S	S	S	P				
Brew Pub	5													P		P	P	P	P	P	P				
Business School	6													P			P	P	P	P					
Catering Service	7													A		S	P	P	P	P					
Temporary Christmas Tree Sales Lot and/or Similar Uses, temporary	8	2												S		S	P	P	P	P	P				
Copy Center	9													P		P	P	P	P	P	P				
Craft/Micro Brewery, Distillery and/or Winery	10	3												S			S	S			P	P			
Incidental Display, incidental	11	4												P		P	P	P	P	P					
Food Trucks/Trailers	12	5												P	S	S	P	P	P	P	P				
Garden Supply/Plant Nursery	13															S	P	P	P	P					
General Personal Service	14	6												P		P	P	P	P	S					
General Retail Store	15													P	S	P	P	P	P	S	S				
Hair Salon and/or Manicurist	16													P	S	P	P	P	P	S					
Laundry, dropoff/pickup Laundromat with Dropoff/Pickup Services	17													P		P	P	P	P	P	P				

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Laundry, self-service Self Service Laundromat	(18)														P		P	P	P	P	P	P			
Massage Therapist	(19)														P	P	P	P	P	P	P				
Private Museum or Art Gallery (private)	(20)														P	P	S	P	P		P				
Night Club, Discotheque, or Dance Hall	(21)														S			S	P	P	S	S			
Pawn Shop	(22)																	S	S	P	P				
Permanent Cosmetics	(23)	(7)													A	A	A	A	A	A	A				
Pet Shop	(24)																	P	P	P	P				
Private Club															P		P	P	P	P	P	P			
Temporary Real Estate Sales Office, on-site, temporary	(25)		P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P			
Rental Store without Outside Storage and/or Display	(26)	(8)																S	P	P	P	P			
Restaurant with less than 2,000 SF with Drive-Through or Drive-In	(27)	(9)																S	S	S	S	S			
Restaurant with less than 2,000 SF without Drive-Through or Drive-In	(28)														P	S	P	P	P	P	P	P			
Restaurant with 2,000 SF or more with Drive-Through or Drive-In	(27)	(10)																S	S	P	P	P			
Restaurant with 2,000 SF or more without Drive-Through or Drive-In	(28)														P		S	P	P	P	P	P			
Retail Store with Gasoline Product Sales that has Limited to Two (2) or less Dispensers and (i.e. a Maximum of Four (4) Vehicles)	(29)																	S	P	P	P	P	S	S	
Retail Store with Gasoline Sales that has more than Two (2) Dispensers	(29)																	S	P	P	P	P	S	S	
Secondhand Dealer	(30)														S			P	P	P	P	P			
Studio—Art, Photography, or Music Studio	(31)														P	P	P	P	P	P	P				
Tailor, Clothing, and/or Apparel Shop	(32)														P			P	P	P	P				

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Truck Stop with fuel-Gasoline Sales and Accessory Services	15	11																	S	S	P			
INDUSTRIAL AND MANUFACTURING LAND USES	2.02(l)	2.03(l)																						
Asphalt or Concrete Batch Plant	1	1	S																	S	S			
Temporary Asphalt or Concrete Batch Plant, temporary	2	2	P	P	P	P	P	P	P	P	P	P	P						P	P	P			
Bottle Works for Milk or Soft Drinks	3																			P	P			
Brewery or Distillery	4	3																		P	P			
Carpet and Rug Cleaning	5																	S	P	P				
Environmentally Hazardous Materials	6	4																S	S	P				
Food Processing with (No Animal Slaughtering)	7																	S	P	P				
Light Assembly and Fabrication	8																		P	P	P			
Heavy Manufacturing, heavy	9																	S	S	P				
Light Manufacturing, light	10																		P	P	P			
Metal Plating or Electroplating, electro-plating	11																			S	P			
Mining and Extraction of (Sand, Gravel, Oil and/or Other Materials)	12	5	S	S	S	S	S	S	S	S	S	S	S				S	S	S	S	S			
Monument Works, stone and metal																						P		
Printing and Publishing	13																		P	P	P			
Salvage or Reclamation of Products (Indoors)	14																	S	P	P				
Salvage or Reclamation of Products (Outdoors)	15																		S	P				
Sheet Metal Shop	16																		P	P	P			
Tool, Dye, Gauge and/or Machine Shop	17																			P				
Welding Repair	18																		P	P	P			
Winery	19	6	S																	P	P			

LAND USE SCHEDULE

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WHOLESALE, DISTRIBUTION AND STORAGE LAND USES			2.02(J)	2.03(J)																						
Cold Storage Plant	1																		P	P	P					
Heavy Construction/Trade Yard	2																	S	P	P						
Landfill, sanitary	3		S																							
Mini-Warehouse	4	1															S	P	P	P						
Outside Storage and/or Outside Display	5	2																P	P	P			S			
Recycling Collection Center	6																S	P	P							
Warehouse/Distribution Center	7																	P	P	P						
Wholesale Showroom Facility	8																S	P	P	P						
UTILITIES, COMMUNICATIONS AND TRANSPORTATION LAND USES			2.02(K)	2.03(K)																						
Airport, Heliport or Landing Field	1																	S	S	S						
Antenna, as an Accessory	2	1	P	S	S	S	S	S	S	S	S	S	S	P		P	P	P	P	P	P	P				
Commercial Antenna, commercial	3	2												S	S		S	S	S	S	P					
Antenna, for an Amateur Radio	4	3	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	AP	AP	AP	AP	AP				
Antenna Dish	5	4	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	AP	AP	AP	AP	AP				
Commercial Freestanding Antenna, commercial, freestanding	6	5	S															S	S	S	P	P				
Mounted Commercial Antenna, commercial, mounted	7	6												S				S	S	S	P	P				
Bus Charter Service and Service Facility	8																		P	P	P					
Helipad	9																	S	S	S	S	S				
Utilities (Non-Municipally Owned or Controlled), Including Sanitary Landfill, Water Treatment, and Supply, and Wastewater Treatment	10		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				
Municipally Owned or Controlled Facilities, Utilities and Uses	11		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Private Streets	12			S	S	S	S	S	S	S	S	S	S	S			S	S	S	S	S	S				

LAND USE SCHEDULE

LEGEND:

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

LAND USES	LAND USE DEFINITION REFERENCE (Reference Article XIII, Definitions)	CONDITIONAL USE REFERENCE (Reference Article IV, Permissible Uses)	RESIDENTIAL DISTRICTS											MIXED USE DISTRICTS	NON-RESIDENTIAL DISTRICTS COMMERCIAL/INDUSTRIAL						OVERLAY DISTRICTS								
			Agricultural (AG) District	Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	Single Family 1 (SF-1) District	Single Family 16 (SF-16) District	Single Family 10 (SF-10) District	Single Family 8.4 (SF-8.4) District	Single Family 7 (SF-7) District	Zero Lot-Line (ZL-5) District	Two-Family (2F) District		Multi-Family 14 (MF-14) District	Downtown (DT) District	Residential Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District	Scenic Overlay (SOV) District	SH-66 Overlay (SH-66) District	IH-30 Overlay (IH-30 OV) District			
Radio Broadcasting	13														S				P	P	P	P	P						
Railroad Yard or Shop	14		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S						
Recording Studio	15														S			S	P	P	P	P							
Satellite Dish	16		AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP						
Solar Energy Collector Panels and Systems	17	7	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP						
Transit Passenger Facility	18														S	S	S	S	S	S	S	S							
Trucking Company	19																			P	P	P							
TV Broadcasting and Other Communication Service	20														S			S	S	P	P	P							
Utilities Holding a Franchise from the City of Rockwall	21		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P						
Utility Installation Other than Listed	22		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S							
Utility/Transmission Lines	23		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S							
Wireless Communication Tower	24		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S							

SECTION 2: **CONDITIONAL LAND USE STANDARDS AND DEFINITIONS**

SUBSECTION 2.01: CONDITIONS

SUBSECTION 2.01: DETERMINATION OF LAND USES

Land uses shall be permitted in a zoning district as indicated in [Section 1, Land Use Schedule](#), provided the land use meets the below conditional land use standards and the land use definitions established for such use. Should a new land use -- *not listed in [Section 1, Land Use Schedule](#)* -- request to be established in the City, the Director of Planning and Zoning or his/her designee shall determine the closest or most appropriate land use based on the following land use definitions and conditional land use standards. If the Director of Planning and Zoning is unable to classify a land use based on the land uses listed in [Section 1, Land Use Schedule](#), then the Director of Planning and Zoning shall defer the decision to the City Council to either [1] direct staff to amend the code to incorporate the new land use, or [2] deny the request to establish the unlisted land use.

~~The following uses shall be allowed provided the use meets the definition and the standards established of such use.~~

SUBSECTION 2.01.01: RURAL AND ANIMAL RELATED

SUBSECTION 2.02: LAND USE DEFINITIONS

For land use definitions see [Section 2.02, Land Use Definitions, of Article XIII, Definitions.](#)

SUBSECTION 2.03: CONDITIONAL LAND USE STANDARDS

(A) Agricultural and Animal Related Land Uses

(1) *Animal Boarding/Kennel with Outside Pens.*

- (a) Animals shall be permitted to be in outside pens or kennels.
- (b) The outside pens or kennels shall be behind the primary structure and shall be screened from view of adjacent properties, public right-of-way, and parks and open space.

(2) *Animal Boarding/Kennel without Outside Pens.*

- (a) Animals shall not be permitted to be in outside pens or kennels.

(3) *Animal Clinic for Small Animals without Outdoor Pens.*

- (a) All *Animal Clinics for Small Animals* that incorporate a kennel shall be limited to short-term boarding.
- (b) Boarding/kennel land uses should be accessory or incidental to the primary land uses (*i.e. animal clinic*).

~~Animal clinic for small animals, no outdoor pens.~~

- (1) A place where animals or pets are given medical or surgical treatment and are cared for during the time of
- (2) such treatment.
- (3) Use as a kennel shall be limited to short time boarding and shall be only incidental to such clinic use.

(4) *Barn or Agricultural Accessory Building.*

- (a) A *Barn or Agricultural Accessory Building* shall be is a minimum of 2,000 SF and a maximum of 4,999 SF in total size (*i.e. under roof*).
- (2) A *Barn or Agricultural Accessory Building* is exempt from the masonry requirements stipulated by [Section 7.01, Residential District Development Standards.](#)

- (b) The *Barn or Agricultural Accessory Building* shall be located behind the front façade of the primary structure, and be subject to the same building setbacks as the primary structure.

~~Barn or agricultural accessory building. A barn or agricultural accessory building is a building that is located on a property that is a minimum of ten acres in size, zoned Agricultural (AG) District, and is intended to be used to store agricultural equipment used for animal production, crop production and/or other agricultural related uses.~~

~~Horse corral or stable (commercial).~~

(5) *Commercial Horse Corral or Stable.*

- (a) This use requires a minimum of ten (10) acres to be established.
- (b) ~~The Ground ground accumulations~~ of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans and animals; ~~and~~
- (c) Fences or pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the animal.

~~Horse corral or stable (private).~~

(6) *Private Horse Corral or Stable.*

- (a) All ~~private horse corrals or stables~~ *Private Horse Corrals or Stables* shall comply with the standards specified in section [Subsection 3.01, Farm Animals and Horses](#), in this [article].

~~Urban agriculture.~~

~~Urban agriculture is an industry located within or on the fringe of a town, a city or metro area, which grows and raises, processes and distributes a diversity of food and non-food products, using largely human and natural resources, products and services found in and around the urban area, and in turn supplying human and material resources, products and services largely to the urban area.~~

~~“Urban agriculture” uses do not include landscaping or gardening that is incidental to a residential use or business if plants or their products are not sold. Further, “urban agriculture” shall not include crop production and/or agricultural uses on unplatted land as allowed by table 1, land use tables, of article IV of the Unified Development Code, provided plants or their products are not sold onsite.~~

(7) *Community Garden.* “Community garden” means a use in which an area of land is managed and maintained by a group of individuals to grow and harvest food and/or horticultural products for personal or group consumption or for sale or donation. A community garden area may be divided into separated garden plots for cultivation by one or more individuals, or may be farmed collectively by members of the group. A community garden may include common areas (e.g., hand tool storage sheds) maintained and used by the group.

- (a) *Community Gardens* are permitted in the Agricultural (AG) District *by-right*; however, a Specific Use Permit (SUP) shall be required for any on-site retail sales.
- (b) *Community Gardens* are permitted in all other zoning districts by Specific Use Permit (SUP) only, and are subject to the additional following conditions:
- (1) The *Community Garden* must comply with the lot and building standards for ~~its~~ the zoning district in which the subject property is located.
 - (2) Any structure(s) for a *Community Garden* shall be reviewed as part of the Specific Use Permit (SUP), including the size, building materials and intended use.
 - (3) All chemicals and fuels shall be stored in an enclosed, locked structure when the site is unattended.

- (4) Sales and donation of **only** whole, uncut, fresh food and/or horticultural products grown in the *Community Garden* may occur on-site ~~on otherwise vacant property~~, but may not occur on residentially zoned **or used** property ~~that is developed or occupied for residential use~~.
- (5) Retail sales and all other public use of the *Community Garden* shall begin no earlier than 7:00 AM and must end by 7:00 PM every day of the week.
- (6) One temporary sign advertising only food or horticultural products grown on-site may be displayed during sales **hours**. The sign must be on-site, non-illuminated, and must not exceed six **(6)** square feet in area or three **(3)** feet in height.
- (7) **Management plan**. The applicant shall provide a ~~proposed~~ *Community Garden Management Plan* that addresses any probable impacts to the subject property or surrounding properties and which includes any proposed mitigation measures. The plan shall include, ~~without limitation~~: [1] a site plan, [2] a description of the type of equipment necessary for all operations of the *Community Garden*, [3] the anticipated frequency and duration of use of any equipment used on-site, [4] a disclosure statement of any intent to spray or otherwise apply chemicals or pesticides, [5] the anticipated frequency and duration of the application of chemicals or pesticides, and [6] a disclosure statement of any land-disturbing activity that could otherwise require drainage improvements per the *Engineering Standards of Design and Construction* manual.
 - (a) ~~A site plan;~~
 - (b) ~~Description of the type of equipment necessary on intended for use in each season and the frequency and duration of anticipated use;~~
 - (c) ~~Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for;~~
 - (d) ~~Disclosure of whether the operation of the community garden would involve land-disturbing activity that would otherwise require drainage approval as per the City of Rockwall Engineering Design Standards.~~
- (8) **Urban Farm**. An urban farm means a use in which plants are grown for sale of the plants or their products, ~~and in which the plants or their products are sold at the lot where they are grown or off site, or both, and in which no other items are sold~~. Examples may include flower and vegetable raising, orchards and vineyards.
 - (a) *Urban Farms* are permitted in the Agricultural **(AG)** District *by-right*; however, a Specific Use Permit **(SUP)** shall be required for any on-site retail sales.
 - (b) *Urban Farms* are permitted in all other zoning districts by Specific Use Permit **(SUP)** only, and are subject to the additional following conditions:
 - (1) A site area of not less than one **(1)** acre and not more than five **(5)** acres is required, unless otherwise approved by City Council.
 - (2) ~~Mechanical equipment~~. Only mechanical equipment designed for ~~residential household~~ use may be used.
 - (3) ~~Sales~~. Retail sales and all other public use of the *Urban Farm* shall begin no earlier than 7:00 AM and must end by 7:00 PM every day of the week.
 - (4) ~~Deliveries~~. Commercial deliveries and pickups are limited to one **(1)** per day. On-site sales are not considered commercial pickups.
 - (5) ~~Signs~~. One identification sign ~~is permitted~~, not exceeding 144 square inches in area ~~is permitted~~.
 - (6) Any structure(s) for urban farms in residential districts shall be reviewed as part of the SUP, including size, building materials and intended use.
 - (7) **Management plan**. The applicant shall provide a ~~proposed~~ *Urban Farm Management Plan* that addresses any probable impacts to the subject property or surrounding properties and which includes any proposed mitigation measures. The plan shall include, ~~without limitation~~: [1] a site plan, [2] a description of the type of equipment necessary for all operations of the *Community Garden*, [3] the anticipated frequency and duration of use of any equipment used on-site, [4] a disclosure statement of any intent to spray or otherwise apply chemicals or pesticides, [5] the anticipated frequency and duration of the application of chemicals or pesticides, and [6] a disclosure statement of any land-disturbing activity that could otherwise require drainage improvements per the *Engineering Standards of Design and Construction* manual.

- (a) A site plan;
- (b) Description of the type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use;
- (c) Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for;
- (d) Disclosure of whether the operation of the farm would involve land-disturbing activity that would otherwise require drainage approval as per the City of Rockwall Engineering Design Standards.

(c) *Urban Farms* are permitted in non-residential zoning districts by Specific Use Permit (SUP) only and are subject to the additional following conditions:

- (1) A minimum site area of one (1) acre is required.
- (2) ~~Sales.~~ Retail sales and all other public use of the *Urban Farm* shall begin no earlier than 7:00 AM and must end by 7:00 PM every day of the week.
- (3) Any structure(s) for a *Community Garden* shall be reviewed as part of the Specific Use Permit (SUP), including the size, building materials and intended use.
- (4) ~~Management plan.~~ The applicant shall provide a proposed *Urban Farm Management Plan* that addresses any probable impacts to the subject property or surrounding properties and which includes any proposed mitigation measures. The plan shall include, without limitation: [1] a site plan, [2] a description of the type of equipment necessary for all operations of the *Community Garden*, [3] the anticipated frequency and duration of use of any equipment used on-site, [4] a disclosure statement of any intent to spray or otherwise apply chemicals or pesticides, [5] the anticipated frequency and duration of the application of chemicals or pesticides, and [6] a disclosure statement of any land-disturbing activity that could otherwise require drainage improvements per the *Engineering Standards of Design and Construction* manual.

- (a) A site plan;
- (b) Description of the type of equipment necessary on intended for use in each season and the frequency and duration of anticipated use;
- (c) Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for;
- (d) Disclosure of whether the operation of the farm would involve land-disturbing activity that would otherwise require drainage approval as per the City of Rockwall Engineering Design Standards.

(B) Residential and Lodging Land Uses

(1) Residential Accessory Building or Structure.

- (a) See Subsection 7.04, Accessory Structure Development Standards, of Article V, District Development Standards.

Accessory Building (Accessory to Residential Use). See Section 7.04, Accessory Structure Development Standards.

(2) Bed and Breakfast.

- (a) The *Bed and Breakfast* land use is permitted Permitted in the ~~Historic Overlay District Old Town Rockwall (OTR) Historic District by-right,~~ and in SF-7 by specific use permit, and must be located on an owner-occupied single-family lot.
- (b) A *Bed and Breakfast* may only be established on an owner-occupied, single-family lot.
- (c) In addition to the single-family parking requirements, one (1) parking space per bedroom shall be provided. ~~One parking space per bedroom to be rented shall be provided above the single family parking requirement~~
- (d) No signage and/or outside advertising shall be allowed permitted for a *Bed and Breakfast* on the lot unless located in a non-residential zoning district or as permitted by a Specific Use Permit (SUP)an SUP.
- (e) A permanent wired smoke alarm system meeting all city codes shall be installed. A *Bed and Breakfast* shall be required to meet all applicable City Fire Codes, including providing a smoke alarm system.

- (f) ~~A Bed and Breakfast shall be subject to an annual inspection by the Fire Department. The premises shall pass a fire code inspection before opening and on an annual basis thereafter.~~
- (g) All applicable hotel/motel taxes shall be paid.
- (h) The maximum length of a guests stay is shall be limited to 14 consecutive days in any 30-day period.
- (i) ~~A Specific Use Permit (SUP) for a Bed and Breakfast Any bed and breakfast specific use permit (SUP) shall be reviewed six (6) months after the adoption of the Specific Use Permit (SUP) after an initial six-month period and annually thereafter unless otherwise stipulated by the Specific Use Permit (SUP) ordinance in the permit.~~

~~Carport (Residential). See Section 7.04, Accessory Structure Development Standards.~~

(3) Duplex.

- (a) ~~Limited to two families.~~ Duplexes shall be limited to two (2) dwelling units (i.e. two [2] families) per lot or parcel of land.
- (b) See the standards for the Two-Family (2F) District Subsection 7.01, Residential District Development Standards, of Article V, District Development Standards.
- ~~(2) The dwelling must be permanently attached to a concrete foundation.~~
- ~~(3) The primary roof pitch must be at least three in 12 inches.~~
- ~~(4) At least 80 percent of the exterior materials, excluding doors and windows, must be comprised of brick, stone or cast stone. Additional materials like concrete board such as Hardy Board, and stucco or synthetic stucco such as Synergy or Drivet, may be permitted as specified in article V, section 3.1, General Residential Standards, to comprise a portion of the entire exterior wall.~~

(4) Attached Garage.

- (a) See Section 7.04, Accessory Structure Development Standards, of Article V, District Development Standards.

(5) Detached Garage.

- (a) See Section 7.04, Accessory Structure Development Standards, of Article V, District Development Standards.

(6) Guest Quarters/Secondary Living Unit.

- (a) Guest Quarters or Secondary Living Units may be allowed on a property in a residential zoning district provided that it is ancillary to a single-family home.
- (b) The area of such quarters shall not exceed 30 percent of the area of the main structure.
- (c) No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the subdivision ordinance.
- (d) Guest Quarters or Secondary Living Units not meeting the requirements stated above shall require a Specific Use Permit (SUP).

(7) Home Occupation.

- (a) ~~Incidental to Primary Use.~~ The Home Occupation use must clearly be incidental and secondary to the primary use of the property as a residence.
- (b) ~~Employees.~~ No person(s) outside the family may be employed in the Home Occupation use.
- (c) ~~Exterior Indication.~~ There shall be no exterior display, signage, exterior storage of materials, and/or no other exterior indication of the Home Occupation use or variation from the residential character of the principal building.
- (d) ~~Traffic.~~ No traffic shall be generated by such Home Occupation than would normally be expected in the neighborhood.
- (e) ~~Nuisance.~~ No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated.
- (f) ~~Excluded Uses.~~ A Home Occupation may not be interpreted to include ~~the following:~~ facilities for the repair of motor vehicles, repair of small motors, or a daycare center.

(8) *Full-Service Hotel.*

- (a) The minimum room count for a *Full-Service Hotel* shall be 250-rooms.
- (b) Each guestroom shall have a minimum square footage of 380 SF.
- (c) A *Full-Service Hotel* shall have a full-service restaurant and kitchen that provides service to the general public.
- (d) A *Full-Service Hotel* shall have staff that is present 24-hours a day, seven (7) days a week.
- (e) A *Full-Service Hotel* shall have the following minimum amenities: [1] a minimum 10,000 SF meeting or conference room, and [2] a swimming pool with a minimum area of 1,000 SF.

(9) *Multi-Family Structure or Development.*

- (a) See [Subsection 7.02, Multi-Family District Development Standards, of Article V, District Development Standards.](#)

(10) *Portable Building.*

- (a) See [Subsection 7.04, Accessory Structure Development Standards, of Article V, District Development Standards.](#)

(4) On residentially zoned properties:

- (1) One portable building shall be allowed as an accessory to a residential use on the same lot except for multi-family districts, which shall not contain portable buildings.
- (2) Such building shall not exceed 120 feet in floor area or ten feet in height. In 2F, such building shall be limited to 100 square feet in area.

Single family dwelling (attached, detached, zero lot line).

- (1) The dwelling must be permanently attached to a concrete foundation.
- (2) The primary roof pitch must be at least three in 12 inches.
- (3) At least 80 percent of the exterior materials, excluding doors and windows, must be comprised of brick, stone or cast stone. Additional materials like concrete board such as Hardy Board, and stucco or synthetic stucco such as Synergy or Drivet, may be permitted as specified in article V, section 3.1, General Residential Standards, to comprise a portion of the entire exterior wall.

(11) *Residential Infill in or Adjacent to an Established Subdivision.*

- (a) For the purposes of this Article, an *Established Subdivision* shall be defined as a subdivision that consists of five (5) or more lots, that is 90% or more developed, and that has been in existence for more than ten (10) years.
- (b) All proposed residential infill housing that is located within an *Established Subdivision* or a lot or tract of land that is located with 500-feet of an *Established Subdivision* shall be required to apply for a Specific Use Permit (SUP).
- (c) As part of the Specific Use Permit (SUP) request the applicant shall be required to submit a residential plot plan or site plan, landscape plans, and building elevations of the proposed home.
- (d) In reviewing the proposed Specific Use Permit (SUP), the Planning and Zoning Commission and City Council shall consider the proposed size, location, and architecture of the home compared to the existing housing in the *Established Subdivision*.
- (e) All housing proposed under this section shall be constructed to be architecturally and visually similar or complimentary to the existing housing in the *Established Subdivision*.

(12) *Single-Family Attached Structure.*

- (a) See [Section 3, Residential Districts, of Article V, District Development Standards.](#)
- (b) See [Subsection 7.01, Residential District Development Standards, of Article V, District Development Standards.](#)

(13) Single-Family Detached Structure.

- (a) See Section 3, Residential Districts, of Article V, District Development Standards.
- (b) See Subsection 7.01, Residential District Development Standards, of Article V, District Development Standards.

(14) Single-Family Zero Lot Line Structure.

- (a) A five (5) foot maintenance easement is required on the non-zero-lot-line side of the structure.
- (b) See Section 3, Residential Districts, of Article V, District Development Standards.
- (c) See Subsection 7.01, Residential District Development Standards, of Article V, District Development Standards.

(15) Townhouse.

- (a) See Section 3, Residential Districts, of Article V, District Development Standards.
- (b) See the standards for the Two-Family (2F) District Subsection 7.01, Residential District Development Standards, of Article V, District Development Standards.

(16) Urban Residential.

- (a) *Urban Residential* includes residential development ~~which that~~ at least partly face streets, public sidewalks, or common open space, ~~and/or~~ which are located above retail, office or service uses.
- (b) Ground floor urban residential should have direct access to a sidewalk via a stoop or landing, and a majority of parking should be located in a structure.

(C) Institutional and Community Service Land Uses

(1) Assisted Living Facility.

- ~~(1) A facility licensed under V.T.C.A., Health and Safety Code, ch. 247, that furnishes in one or more buildings, food and shelter to persons who are unrelated to the proprietor of the establishment, and also provides personal care services as defined by state law.~~
- (a) ~~For purposes of this [Unified Development Code], "assisted living facility" shall~~ These facilities shall include establishments that accommodate seven (7) or more residents. For facilities with six (6) or fewer residents see *Group or Community Home* ~~below in~~ Subsection 2.04(11).

(2) Church/House of Worship.

- ~~(1) A building used for nonprofit purposes by a recognized and legally established sect solely for the purpose of worship.~~
- (a) Significant accessory uses such as schools, coffee houses, daycare centers, bingo parlors and halls may only be allowed in a zoning district that allows such uses.

(3) Congregate Care Facility/Elderly Housing.

- (a) A *Congregate Care Facility/Elderly Housing* facility may have up to two (2) units for on-site managers, which contain full kitchen facilities.
- (b) Full-time medical or nursing care shall not be provided by the facility; however, medical and nursing care may be privately arranged for individual residents on a part-time or temporary basis (*e.g. visiting nurse or home health care*).
- (c) These facilities shall incorporate special safety, accessibility and convenience features that may include but are not limited to emergency call systems, grab bars and handrails, and/or special door hardware, cabinets, appliances, passageways and doorways designed to accommodate wheelchairs.

~~In addition, a congregate care facility may have up to two units for onsite managers which contain full kitchen facilities. Full time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual~~

residents on a part-time or temporary basis (e.g., visiting nurse or home health care). It is typical for such facilities to have special safety, accessibility and convenience features designed for the needs of the elderly, such as emergency call systems to onsite staff, grab bars and handrails, and/or special door hardware, cabinets, appliances, passageways and doorways designed to accommodate wheelchairs.

(4) Daycare with Seven (7) or More Children.

(a) An adequate pickup and drop-off area providing a minimum curbing space for four (4) standard sized vehicles shall be provided.

(1) Day care is a facility that:

(a) Is licensed by the state;

(b) Provides care for seven or more children or adults who do not reside in the facility, who are present primarily during daytime hours, and who do not regularly stay over night; and

(c) May provide some instruction.

(2) Adequate provision for pickup and dropoff shall be provided, as determined by the director of planning.

(5) Group or Community Home.

(1) A home for disabled persons whose ability to care for himself, perform manual tasks, learn, work, walk, see, hear, speak or breath is substantially limited because the person has an orthopedic, visual, speech, or hearing impairment, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness.

(a) The facility must be a community-based residential home operated by:

(1) The Texas Department of Mental Health and Mental Retardation (MHMR);

(2) A Community Center organized under Subchapter A, Community Centers, of Chapter 534, Community Services, of the Health and Safety Code, that provides services to persons with disabilities;

(3) An entity subject to the Texas Non-Profit Corporation Act; or

(4) An entity certified by the Texas Department of Human Services as a provider under the medical assistance program service persons in intermediate care facilities for persons with mental retardation; or

(5) An entity operating an Assisted Living Facility licensed under Chapter 247, Assisted Living Facilities, of the Texas Health and Safety Code V.T.C.A., Health and Safety Code, ch. 247, and with six (6) or fewer residents. For an assisted living facility with more than six (6) residents see Assisted Living Facility above in Subsection 2.04(1).

(b) When the facility is located within a single-family or duplex residential zoning district:

(1) The exterior structure must retain compatibility with the surrounding residential dwellings, and

(2) Not more than six (6) persons with disabilities and two supervisors may reside in the facility at the same time. The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.

(c) A community or group home Group or Community Home may not be established within one-half (1/2) mile of an existing community or group home Group or Community Home unless a Specific Use Permit (SUP) is approved by the City Council.

(d) The residents of a community or group home Group or Community Home may not keep for the use of the residents of the home, either on the premises or on a public right-of-way adjacent to the home, motor vehicles in numbers that exceed the number of bedrooms in the home.

(6) Halfway House.

- (1) A place where persons are aided in readjusting to society following a period of imprisonment, hospitalization, or institutionalized treatment.
- (a) Such These facilities shall not be located within a may be located no closer than within a 1,000-foot radius to of another *Halfway House* (as measured from parcel to parcel building to building). An A Specific Use Permit (SUP) shall be required for any facility located closer than 1,000-feet.
- (b) Such facilities shall be licensed as a Community Residential Facility under Chapter 508, Parole and Mandatory Supervision, of the Texas Health and Safety Code.

(7) Public or Private Primary School.

- (a) Must provide adequate drop-off areas so as not to unnecessarily impede street traffic. Adequate pick-up and drop-off areas shall be provided to ensure that street traffic/neighborhood traffic is not impeded. This shall be determined by the Director of Planning and Zoning or his/her designee at the time of site plan.
- (b) Dropoff and access provisions must be approved by the director of planning.
- (c) Other sections of this [Unified Development Code] shall apply to screening, landscaping and cladding.

(8) Public or Private Secondary School.

- (a) The school shall Must be located on a *Minor Collector* or larger roadway.
- (b) Must provide adequate drop-off areas so as not to unnecessarily impede street traffic. Adequate pick-up and drop-off areas shall be provided to ensure that street traffic/neighborhood traffic is not impeded. This shall be determined by the Director of Planning and Zoning or his/her designee at the time of site plan.
- (c) Drop-off and access provisions must be approved by the director of planning.
- (d) Other sections of this [Unified Development Code] shall apply to screening, landscaping and cladding.

(9) Temporary Education Buildings for a Public or Private School.

- (a) The City Manager or his/her designee may approve temporary educational buildings for a public school pending the submission of a letter from the independent school district indicating the duration the buildings will remain on-site. The City Manager or his/her designee may also require the temporary buildings to adhere to the procedures and requirements of [Subsection 2.04\(23\)\(A\)\(b\)](#) below.
- (b) All other applications of temporary educational buildings will require a Specific Use Permit (SUP) that shall be approved by the Planning and Zoning Commission and City Council, and that shall include the following operational conditions:
 - (1) The buildings shall be screened from the view of adjacent properties, public right-of-way, and parks and open space by the primary structure or landscape screening that incorporates three (3) tiered screening (*i.e. small to mid-sized shrubs, large shrubs or accent trees, and canopy trees*).
 - (2) The applicant shall provide a plan indicating the expected phasing-out of all temporary structures.
 - (3) The Specific Use Permit (SUP) shall be valid for a period not to exceed five (5) years.

~~Private or Public School Temporary Education Buildings. Temporary buildings for classrooms, recreation and administration needs for public school districts may be located on public school district sites when approved by the city manager or his appointed designee. However, the city manager or designee may at their discretion, require a recommendation of the planning and zoning commission and approval by the city council. An application for "temporary education building" must be submitted on forms supplied by the building official's office and shall include a schedule indicating the expected phasing out of all temporary structures. Such permit shall be valid for a period of five years. All temporary structures should be located so that they are screened by the permanent buildings whenever possible.~~

(D) Office and Professional Land Uses.

- (1) Financial Institution with Drive-Through.

- (1) A financial institution is an establishment for the custody, loan, exchange or issuance of money, and/or the extension of credit that facilitates the transmission of funds. This shall not include pawn shops or businesses that advertise check cashing services.
- (a) Drive-throughs shall not be located on a property adjacent to a residentially zoned or used property uses. Drive-throughs shall be separated from residentially zoned or used properties by an intervening building or parcel of land.
- (b) Drive-throughs shall not have access to local residential streets.
- (c) Stacking lanes for drive-through service windows shall accommodate at least six (6) standard sized motor vehicles cars per lane, unless specifically approved by the Planning and Zoning Commission-director of planning.

(E) Recreation, Entertainment and Amusement Land Uses.

- (1) **Temporary Carnival, Circus, or Amusement Ride** ~~(temporary).~~
 - (a) A promotional event intended to attract people to a site where there may or may not be an admission charge, and which may include such activities as rides, entertainment, game booths, food stands, exhibitions, and animal displays, and not extending greater than 14 days in duration. The duration of these temporary uses shall not exceed 14-days.
 - (b) Carnival, circus and amusement ride uses shall be no closer than 300-feet to a residentially zoned or used property land unless otherwise approved such setback is reduced or waived by the Planning and Zoning Commission and City Council.
 - (c) Such events must obtain a permit from the City of Rockwall.
- (2) **Indoor Commercial Amusement/Recreation** ~~(indoor).~~
 - (a) Exemptions to this use include:
 - (1) Skill or coin-operated machines kept in private residences or apartments and used without charge by members of the family or bona fide guests.
 - (2) Skill or coin-operated machines on the premises of religious, charitable, educational or fraternal organizations for the use of members or their guests, and not for private profit, although a charge is made for playing.
 - (3) Billiard or pool tables on the premises of publicly owned facilities.

(Ord. No. 10-14, § 17, 7-6-2010)

- (3) **Outdoor Commercial Amusement/Recreation** ~~(outdoor).~~
 - (a) **Outdoor Commercial Amusement/Recreation** includes uses that provide outdoor entertainment (e.g. amusement parks, golf courses, outdoor music venues, batting cages, miniature golf etc.), but excludes drive-in movie theaters.
 - (b) **Outdoor Commercial Amusement/Recreation** includes temporary structures (e.g. tents, canopies, etc.) for events; however, temporary in this case does not include structures intended to serve uses for longer than 14-days.
 - (c) **Outdoor Commercial Amusement/Recreation** shall be a minimum of 300-feet from all residentially zoned or used property unless otherwise approved by the Planning and Zoning Commission and City Council.
 - (a) ~~Outdoor Commercial recreation and amusements, excluding drive-in theaters, but including golf courses, target ranges and skeet shoots, picnic groves, amusement parks, circus or carnival grounds, commercial amusement or recreational developments or tents, and other similar uses. This includes temporary structures used for meetings. Such uses shall be considered "temporary" if the use does not exceed 14 days. (See carnival, circus, or amusement ride (temporary) above.)~~
 - (b) ~~Outdoor commercial recreational and amusement uses shall be no closer than 300 feet to residentially zoned land unless such setback is reduced or waived by the planning and zoning commission and city council.~~

(4) Temporary Fundraising Events by Non-profit, indoor or outdoor (temporary).

- (a) Such events must obtain a Special Event Permit from the City of Rockwall.

(5) Indoor Gun Club with Skeet or Target Range.

- (a) All activities shall be done inside an enclosed building.

(6) Private Club, Lodge or Fraternal Organization.

(A) Private Club.

- (a) Setbacks from Other Uses. The club must be located not less than 300-feet from a church, public school, or public hospital. For a church or public hospital, the 300-feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools, the measurement of distance shall be in direct line from the property line of the public school to the property line of the private club and in a direct line across intersections.
- (b) Exterior Signs. There shall be no exterior signs advertising the sale of alcoholic beverages, provided this does not prohibit using established trademark names (e.g. *Steak and Ale*).
- (c) Alcoholic Sales Revenue. Revenues from the sale of alcoholic beverages shall not exceed 40 percent of the gross revenues derived from the sale of food and beverages. In the hotels and motels, the gross receipts shall include all restaurants and club operations in the facility as well as room rental charges. The City shall be provided with copies of the reports submitted by the establishment to the Texas Comptroller of Public Accounts and the Texas Alcoholic Beverage Commission within 30-days of the end of each quarter. Combined sales as reflected on the reports for the last two (2) reported quarters shall be used to determine if the sales of alcohol exceeds the maximum allowed percentage.
- (d) Club Boundaries. The boundaries of a private club are hereby defined to be the building in which the private club is located, or in the case of a multi-tenant building such as a shopping center, only that portion of the building in which the private club is located which is separately leased or owned, or with contiguous internal access should such floor area be leased to more than one party.
- (e) Certificate of Occupancy. A copy of the permit approved by the state shall be submitted to the city prior to issuance of a Certificate of Occupancy (CO) to ensure that the permit complies with the provisions of the zoning.
- (f) Allowed uses. No uses meeting the terms and definitions of Sexually Oriented Business as defined in Article XI, Sexually Oriented Businesses, of Chapter 12, Businesses and Sales, of the Municipal Code of Ordinances, as it is currently adopted or as it may hereafter be amended, shall be located in a private club unless such uses are approved as a part of the Specific Use Permit (SUP) authorizing the Private Club. Any such approved use shall be in compliance with all requirements of this permit, all applicable requirements of the Unified Development Code (UDC), and any other applicable ordinances.

(7) Sexually Oriented Businesses Uses as defined in chapter 12, article XI of the Code of Ordinances.

- (a) Sexually Oriented Businesses ~~No such use~~ shall ~~not~~ be permitted within any Overlay District ~~in of~~ the City of Rockwall.

(F) Retail and Personal Service Land Uses Conditions.

(1) Portable Beverage Service Facility. ~~Beverage service facility, portable.~~ A portable beverage facility shall meet the following minimum conditions:

- (a) The service shall be limited to snow cone stands, beverage stands serving non-alcoholic beverages such as coffee, juices or sodas.
- (b) The maximum time limit of such temporary use shall not exceed 150-days annually or a time limit otherwise approved by the City Council. At the end of the time period, the structure shall be removed from the property.

- (c) Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
- (d) No additional freestanding signage shall be permitted.
- (e) The temporary portable structure or trailer shall meet all health and electrical codes of the City.
- (f) Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
- (g) Any such temporary facility shall have permanent restrooms for employees available within 300-feet of the door of the portable beverage facility. Written permission from the permanent building owner for restroom use must be submitted to the building official; no portable restroom facility is allowed.
- (h) Any such temporary facility shall be located on an all-weather (*i.e. asphalt or concrete*) parking surface with adequate space for parking and circulation, unless alternatively approved by the City Council.

(2) Temporary Christmas Tree Sales Lot and Similar Uses. A building or land area that provides seasonal uses such as the sale of Christmas trees, pumpkins, and other temporary uses which occur at certain times of the year.

- (a) Any such temporary facility of lot shall be limited to the seasonal sales of Christmas trees.
- (b) The maximum time limit of such use shall not exceed 45-days annually. At the end of the 45-day period, the structure and other facilities related to the use shall be removed from the property.
- (c) Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.
- (d) No additional freestanding signage shall be permitted.
- (e) Any such temporary facility shall not reduce the number of required parking spaces of any nearby building or use.
- (f) Any such temporary facility shall have permanent restrooms for employees available within 300-feet for which written permission from the permanent building owner for restroom use must be submitted to the **Chief** Building Official; no portable restroom facility is allowed.

Christmas tree sales lot and similar uses (temporary). The temporary sales of Christmas trees may be allowed with a permit approval of the building official provided it meets the following conditions:

(3) Craft/Micro Brewery, Distillery and/or Winery.

- (a) A *Craft/Micro Brewery* areas shall be less than 12,000 SF in total building area.
- (b) A maximum of 40 percent of the total floor areas can be dedicated to the direct sale of on-site manufactured product.
- (c) A craft or micro-brewery, distillery and/or winery may include the following accessory uses (*in accordance with any applicable land use standards and requirements*): [1] a tasting room to dispense beer, wine, and/or spirits for on premise consumption, [2] meeting/banquet facilities, [3] restaurants, and/or [4] retail package sales of on-site manufactured product for off-premise consumption shall be allowed as permitted by the Texas Alcohol Beverage Commission's (TABC) Alcoholic Beverage Code.
- (d) A facility that does not have a manufacturing component (*i.e. only provides tasting or retail sales of alcoholic beverages*) shall not be considered a craft or micro-brewery, distillery and/or winery and shall be prohibited.

Craft or Micro Breweries, Distilleries and/or Wineries are small scale manufacturing and retail operations that are less than 12,000 square feet in total building area, and where a maximum of 40 percent of the total floor area can be dedicated to the direct sale of on-site manufactured product. A craft or micro-brewery, distillery and/or winery may include the following accessory uses (in accordance with any applicable land use standards and requirements): (1) a tasting room to dispense beer, wine, and/or spirits for on premise consumption, (2) meeting/banquet facilities, (3) restaurants, and/or (4) retail package sales of on-site manufactured product for off-premise consumption shall be permitted for wineries, but prohibited for breweries, as permitted by Sections 12, 14, and 16 the Texas Alcohol Beverage Commission's (TABC's) Alcoholic Beverage Code. A facility that does not have a manufacturing component (i.e. only provides tasting or retail sales of alcoholic beverages) shall not be considered a craft or micro-brewery, distillery and/or winery and shall be prohibited.

(4) Incidental Display.

- (a) Outdoor sales and displays are permitted only in areas designated on the Site Plan filed with the City.
- (b) Outdoor sales and display may not exceed five (5) percent of the adjacent building floor area (*building area is defined as the entirely enclosed portion of the primary building*).
- (c) Outdoor sales and display may occupy up to 30 percent of a covered sidewalk that is located within 20-feet of the building. Such display shall not impede pedestrian use of the sidewalk and at least a five (5) foot passable distance shall be maintained.
- (d) Any outside sales and display not located on a covered sidewalk must be screened from view of adjacent roadways, public areas and adjacent properties. Such screening must:
 - (1) Be a minimum of eight feet high or one foot taller than the materials being displayed, whichever is greater.
 - (2) Include a minimum of 20 percent solid screening matching the material of the primary building. The remainder may be solid evergreen planting, or wrought iron or decorative metal fence, ~~dark vinyl coated chain link or similar materials.~~
- (e) Any outside sales and display not located on a covered sidewalk must be located immediately adjacent to or connected to the primary structure.
- (f) No outdoor sales and display may be located in any portion of a parking lot.
- (g) Christmas tree sales are exempted from these standards, and such trees may be stored outdoors for sale beginning one week before Thanksgiving and ending December 31st (~~Also, see Temporary Christmas Tree Sales and Similar Uses Christmas tree sales lot and similar uses (temporary).~~ *Also, see Temporary Christmas Tree Sales and Similar Uses*).
- (h) ~~Landscape materials.~~ The accessory seasonal display of plants and related landscape materials such as fertilizer, peat moss, and ornamental landscape items by a permitted retail use may be displayed upon approval by the building inspector only under the following conditions:
 - (1) The plants and related materials shall be located on an all-weather surface.
 - (2) All of the plants and related materials shall be located behind the building line.
 - (3) The storage area for display of plants and related materials shall not occupy any required parking spaces ~~as outlined in article VI [of this Unified Development Code], Parking and Loading.~~ Excess, parking spaces may be used if all other requirements ~~in this section~~ are met.
 - (4) The storage area for display of plants shall not occupy more than five percent of the total lot area.
- (i) ~~Trucks and trailers.~~ The restrictions above shall be construed to prohibit the storage and display of rental trailers and trucks except in districts where such uses are indicated as permitted uses.

~~Display, incidental. Outdoor sales and display, excluding vehicles and vehicular machinery, for which the sale of these items are the primary business, shall meet the following standards:~~

(5) Food Truck/Trailer.

- (a) The *Food Truck/Trailer* shall be located on an improved surface (*i.e. concrete or asphalt*) on private property where an existing business is currently operating with a valid certificate of occupancy (CO). Operation within the public right-of-way is prohibited.
- (b) *Food Trucks/Trailers* shall only operate between the hours of 7:00 AM and 10:00 PM, and the *Food Truck/Trailer* shall be required to be removed from the property during non-operation hours (*i.e. overnight storage on the site is prohibited*).
- (c) The *Food Truck/Trailer* shall be equipped with trash receptacles approved by the city health inspector and that comply with all other applicable city codes. The outside storage of trash shall be prohibited.
- (d) The *Food Truck/Trailer* shall have permanent restrooms (*i.e. public or private*) for employees available within 300-feet of the facility. Portable restrooms facilities are not permitted to meet this requirement.
- (e) The *Food Truck/Trailer* shall have access to a minimum of two (2) dedicated parking spaces and shall not reduce the required parking for the existing building/land use.
- (f) All noise and lighting shall be subject to the requirements of the Municipal Code of Ordinances and the Unified Development Code. In addition, no lights associated with the operation of a *Food Truck/Trailer* may be directed towards an adjacent property or onto a public right-of-way.

- (g) All signage must be attached to the *Food Truck/Trailer* with the exception of one freestanding menu board no greater than eight SF placed adjacent to the *Food Truck/Trailer*.
- (h) *Food Truck/Trailer* shall be prohibited from locating within the Downtown Square (*i.e. the properties bounded by N. Alamo Street, E. Interurban Street, S. Fannin Street, and E. Washington Street*); however, the city council may consider allowing a food truck/trailer to locate within the Downtown Square on a *case-by-case* basis through the approval of a Specific Use Permit (SUP).

~~A food truck/trailer shall meet the following conditions:~~

~~(6) General Personal Service.~~

- ~~(a) Outside storage shall be prohibited with this land use.~~

~~(7) Permanent Cosmetics.~~

~~Cosmetics, permanent.~~

- ~~(a) Cosmetics, permanent, as defined by the state department of health.~~
- ~~(a) It includes electrolysis, but does not include ornamental tattoos.~~

~~Private club, lodge or fraternal organization.~~

~~1. Definition. A private club is an establishment providing social and dining facilities as well as alcoholic beverages service to an association of persons and otherwise falling within the definition of and permitted under the provisions of that portion of V.T.C.A., Alcoholic Beverage Code § 32.01 et seq. as it may be amended and as it pertains to the operation of private clubs.~~

~~2. Setbacks from other uses. The club must be located not less than 300 feet from a church, public school, or public hospital. For a church or public hospital, the 300 feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools, the measurement of distance shall be in direct line from the property line of the public school to the property line of the private club and in a direct line across intersections.~~

~~3. Exterior signs. There shall be no exterior signs advertising the sale of alcoholic beverages, provided this does not prohibit using established trademark names (*i.e.*, Steak and Ale).~~

~~4. Alcoholic sales revenue. Revenues from the sale of alcoholic beverages shall not exceed 40 percent of the gross revenues derived from the sale of food and beverages. In the hotels and motels, the gross receipts shall include all restaurants and club operations in the facility as well as room rental charges. The city shall be provided with copies of the reports submitted by the establishment to the Texas Comptroller of Public Accounts and the Texas Alcoholic Beverage Commission within 30 days of the end of each quarter. Combined sales as reflected on the reports for the last two reported quarters shall be used to determine if the sales of alcohol exceeds the maximum allowed percentage specified in this [Unified Development Code].~~

~~5. Club boundaries. For the purposes of this [Unified Development Code], the boundaries of a private club are hereby defined to be the building in which the private club is located, or in the case of a multi-tenant building such as a shopping center, only that portion of the building in which the private club is located which is separately leased or owned, or with contiguous internal access should such floor area be leased to more than one party.~~

~~A copy of the permit approved by the state shall be submitted to the city prior to issuance of a certificate of occupancy to ensure that the permit complies with the provisions of the zoning.~~

~~6. Allowed uses. No uses meeting the terms and definitions of "sexually oriented business" as defined in chapter 12, article XI of the Code of Ordinances, as it is currently adopted or as it may hereafter be amended, shall be located in a private club unless such uses are approved as a part of the specific use permit authorizing the private club. Any such approved use shall be in compliance with all requirements of this permit, all applicable requirements of the Unified Development Code, and any other applicable ordinances.~~

~~(8) Rental Store without Outside Storage and/or Display.~~

- ~~(a) Outside storage and/or display is prohibited for this land use.~~

(9) Restaurant with Less Than 2,000 SF with Drive-Through or Drive-In.

- (a) Drive-through lanes shall not have access to a local residential street.
- (b) Additional landscape screening shall be installed adjacent to drive-through lanes to impair the visibility and impact of head-lights from motor vehicles in the drive-through lane on adjacent properties, rights-of-way, parks and open space.
- (c) Unless otherwise approved by the Planning and Zoning Commission, stacking lanes for a drive-through service window shall accommodate a minimum of six (6) standard sized motor vehicles per lane.

(10) Restaurant with 2,000 SF or More with Drive-Through or Drive-In.

- (a) Drive-through lanes shall not have access to a local residential street.
- (b) Additional landscape screening shall be installed adjacent to drive-through lanes to impair the visibility and impact of head-lights from motor vehicles in the drive-through lane on adjacent properties, rights-of-way, parks and open space.
- (c) Unless otherwise approved by the Planning and Zoning Commission, stacking lanes for a drive-through service window shall accommodate a minimum of six (6) standard sized motor vehicles per lane.

Restaurant with drive through.

- 1. Drive throughs shall not have access to local residential streets.
- 2. Stacking lanes for drive through service windows shall accommodate at least six cars per lane, unless specifically approved by the director of planning.

Restaurant with accessory private club. See "private club" above.

(Ord. No. 07-31, 8-20-2007; Ord. No. 10-14, § 19, 7-6-2010; Ord. No. 10-32, § 2, 12-6-2010; Ord. No. 15-23, § 1, 8-3-2015; Ord. No. 18-04, § 1, 1-2-2018; Ord. No. 18-27, § 1, 6-4-2018; Ord. No. 18-37, § 1, 9-4-2018)

(G) Commercial and Business Services Land Uses.

~~Building and Landscape Material with Limited Outside Storage. Building and landscape material with outside storage. Outdoor sales and display, excluding vehicles and vehicular machinery for which the sale of these items is the primary business, shall meet the following standards:~~

(1) Building and Landscape Material with Outside Storage.

- (a) Outside storage shall be permitted in accordance with the requirements for outside storage contained in [Article IV, Permissible Uses](#), and [Article VIII, Landscape and Fence Standards](#).
- (b) All outside storage must be screened from adjacent properties, public right-of-way, and parks and open space.

(2) Building and Landscape Material with Limited Outside Storage.

- (a) Outdoor sales and displays are permitted only in areas designated on the site plan filed with the City.
- (b) Outdoor sales and display may not exceed five (5) percent of the adjacent building floor area (*Building area is defined as the entirely enclosed air-conditioned portion of the primary building*).
- (c) Outdoor sales and display may occupy up to 30 percent of a covered sidewalk that is located within 20-feet of the building. Such display shall not impede pedestrian use of the sidewalk and at least a six (6) foot passable distance shall be maintained.
- (d) Any outside sales and display not located on a covered sidewalk must be screened from view of adjacent roadways, public areas and adjacent properties. Such screening must:
 - (1) Be a minimum of eight (8) feet high or one (1) foot taller than the materials being displayed, whichever is greater.

- (2) Include minimum of 20 percent solid screening matching the material of the primary building. The remainder may be solid evergreen planting, or wrought iron or decorative metal fence, ~~dark vinyl coated chain link or similar materials.~~
- (e) Any outside sales and display not located on a covered sidewalk must be located immediately adjacent to or connected to the primary structure.
- (f) No outdoor sales and display may be located in any portion of a parking lot.

Building and landscape material with outside storage.

1. All outside storage must be screened from adjacent streets and public areas.

(3) *Building Maintenance, Service, and Sales with Outside Storage.*

- (a) Outside storage shall be permitted in accordance with the requirements for outside storage contained in [Article IV, Permissible Uses](#), and [Article VIII, Landscape and Fence Standards](#).
- (b) All outside storage must be screened from adjacent properties, public right-of-way, and parks and open space.

(4) *Furniture Upholstery/Refinishing and Resale.*

- (a) In the Commercial (C) District, the furniture upholstery refinishing or resale land use is only permitted as an ancillary use to a general retail store (*i.e. a business whose primary purpose is to sell finished goods*) by Specific Use Permit (SUP).

(5) *Temporary On-site Construction Office.*

- (a) Only one (1) construction or field office shall be allowed per construction site, unless specifically approved by the Chief Building Official.
- ~~(b) Temporary construction offices shall be limited to the period of construction with a two (2) year initial period and one (1) year extensions being authorized by the Chief Building Official. Such offices shall be maintained at all times.~~

(Ord. No. 18-26, § 1, 6-14-2018)

(H) *Auto and Marine-Related Land Uses.*

(1) *Major Auto Repair Garage, major.*

- (a) Garage doors shall not face a ~~public right-of-way, park or open space, or residentially zoned or used property. the street or a residential lot.~~
- (b) Vehicles, equipment, parts or inventory shall not be stored outside overnight unless granted by the Planning and Zoning Commission and City Council through expressly permitted by a Specific Use Permit (SUP). ~~this [Unified Development Code]. If permitted all stored items in which case, they shall be screened from public right-of-way streets, sidewalks and open space, and any residentially zoned or used property let in accordance with the requirements of Article IV, Permissible Uses, and Article VIII, Landscape and Fence Standards.~~

(2) *Minor Auto Repair Garage, minor.*

- (a) The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstery service. It also includes *quick lube* type businesses. This applies to only to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.
- (b) In a General Retail (GR) District, an *Minor Auto Repair Garage* "~~auto repair garage, minor~~" is permitted as an accessory to a retail use, when the gross floor area of the auto repair and related storage does not exceed 30 percent of the retail sales floor area. If it is a stand-alone use, it shall require a Specific Use Permit (SUP).

- (c) In a Commercial (C) District, an **Minor Auto Repair Garage** "auto repair garage, minor" is permitted as an accessory to a retail use, provided all work is conducted wholly within a completely enclosed building. If it is a stand-alone use, it shall require a Specific Use Permit (SUP).
- (d) Garage doors or bays shall not face the street or a residential lot.
- (e) Vehicles, equipment, parts or inventory shall not be stored outside overnight unless granted by the Planning and Zoning Commission and City Council through expressly permitted by a Specific Use Permit (SUP) ~~this [Unified Development Code].~~ If permitted all stored items in which case, they shall be screened from public right-of-way streets, sidewalks and open space, and any residentially zoned or used property lot in accordance with the requirements of [Article IV, Permissible Uses](#), and [Article VIII, Landscape and Fence Standards](#).
- (f) A site plan must be approved by the Director of Planning prior to issuance of any building permit.
- (g) In the Downtown (DT) District an **Minor Auto Repair Garage** "auto repair garage, minor" shall not be located within 500-feet of the Historic Courthouse property.

(3) Boat and Trailer Dealerships (New and Used).

- (a) The area to be used for outside storage and display shall not exceed 50 percent of the total lot area within 100-feet of any adjacent street.
- (b) All such outside storage and display areas must be permanently paved to City standards.
- (c) All such outside storage and display areas must be screened along all road frontages with a solid evergreen landscape screen a minimum of three (3) feet in height.
- (d) All such outside storage and display areas may be lighted with directed exterior lighting that does not glare onto any adjacent roadways.
- (e) A site plan and landscape plan shall be approved prior to issuance of any building permit.
- (f) Such uses shall only be permitted along **Interstate 30 IH-30** and other arterials, as identified on the City's **Master** Thoroughfare Plan, but shall be excluded within the Scenic Overlay (SOV) District and along FM-740 and SH-66.

(4) Car Wash (Full-Service or Self-Service).

~~Carwash/auto detail. The following standards apply to any freestanding or accessory carwash or auto detailing use:~~

- (a) Entrances and exits to the car wash shall not directly face any public **right-of-way street**. On corner sites, car wash entrances or exits shall not open toward the street with the highest traffic volume, or as determined by the Director of Planning and Zoning.
- (b) The carwash shall be set back a minimum of 50-feet from any street frontage.

(5) ~~New and/or Used Indoor Motor Vehicle Dealership/Showroom, new and/or used.~~

- (a) The sales/storage facility must be a completely enclosed building.
- (b) Outside display or storage of vehicles shall be prohibited. This includes storing vehicles under canopies/awnings or similar covered structures.
- (c) All activities shall remain inside the building (*i.e. no detailing, sales activities, et cetera shall be performed outside the building*).
- (d) Accessory uses may be allowed in compliance with [Section 1, Land Use Schedule](#) ~~the "permissible use charts" located within section 1.1 of this article.~~

(6) ~~New Motor Vehicle Dealership for Cars and Light Trucks.~~

~~(a) Used vehicles may only be sold as an ancillary use to new vehicle sales.~~

- (a) All outside display of vehicles must be on an approved concrete, or enhanced concrete surface.
- (b) All vehicle display areas must meet the landscape standards for parking areas.

(7) ~~Used Motor Vehicle Dealership for Cars and Light Trucks.~~

- (a) Used vehicles may only be sold as an ancillary use to new vehicle sales.

(8) Service Station.

- (a) Service station does not include any premises where retail sales space exceeds 25 percent of the total building area or 500 SF of gross floor area, whichever is less.

(9) Towing and Impound Yard.

- (a) A towing and impound yard must comply with all requirements, including definitions and permitting procedures for wrecking and towing services, that are specified in Article VI, Wrecker and Towing Services, of Chapter 12, Businesses and Sales, of the Municipal Code of Ordinances chapter 12, article VI of the Code of Ordinances, unless otherwise approved by the Planning and Zoning Commission and City council as part of the Specific Use Permit (SUP) approved for the use.

(10) Towing Service without ~~no~~ Storage.

- (a) A towing storage with no outside storage must comply with all requirements, including definitions and permitting procedures for wrecking and towing services, that are specified in Article VI, Wrecker and Towing Services, of Chapter 12, Businesses and Sales, of the Municipal Code of Ordinances chapter 12, article VI of the Code of Ordinances,

(11) Truck Stop with Gasoline Sales ~~fuel~~ and Accessory Services.

- (a) Entrances and exits to the service bays shall not directly face any public street. On corner sites, service bay entrances or exits shall not open toward the street with the highest traffic volume, or as determined by the Director of Planning and Zoning.
- (b) The location of access drives from adjacent streets shall be determined by the Director of Planning and Zoning.

(Ord. No. 06-14, 4-17-2006; Ord. No. 10-14, § 20, 7-6-2010; Ord. No. 11-13, § 2, 4-13-2011; Ord. No. 14-52, § 1, 12-1-2014)

(I) Industrial and Manufacturing Land Uses.

(1) Asphalt or Concrete Batch Plant.

- (a) Any Asphalt or Concrete Batch Plant shall meet environmental standards established by this Unified Development Code (UDC) and state and federal agencies.

(2) Temporary Asphalt or Concrete Batch Plant, ~~Temporary.~~

- (a) A permit from the Chief Building Official stating any special conditions relating to its siting and reduction of potential impacts on adjacent uses, shall be required for this use.
- (b) Temporary Asphalt or Concrete Batch Plants are limited to the period of construction if was constructed to serve.
- (c) Any Asphalt or Concrete Batch Plant shall meet environmental standards established by this Unified Development Code (UDC) and state and federal agencies.

(3) Brewery or Distillery. A brewery or distillery may include the following accessory uses (in accordance with any applicable land use standards and requirements):

- (a) A brewery or distillery may include a tasting room to dispense beer for on premise consumption as an accessory use (in accordance with any applicable land use standards and requirements).

(4) Environmentally Hazardous Materials.

- (a) Any land use which involves environmentally hazardous materials shall meet environmental standards established by ~~this~~ Unified Development Code (UDC) and state and federal agencies.
- (b) A permit from the Chief Building Official stating any special conditions relating to its siting and reduction of potential impacts on adjacent uses, shall be required for this use.

(5) Mining and Extraction (Sand, Gravel, Oil and Other).

- (a) Any mining and extraction activity shall meet environmental standards established by ~~this~~ Unified Development Code (UDC) and state and federal agencies.
- (b) A permit from the Chief Building Official stating any special conditions relating to its siting and reduction of potential impacts on adjacent uses, shall be required for this use.

(6) Winery. A winery is the industrial manufacturing, bottling, labeling and packaging of wine in accordance with the Texas Local Government Code (TLGC).

- (a) A winery may include the following accessory uses (in accordance with any applicable land use standards and requirements): [1] a tasting room to dispense wine for on premise consumption, [2] meeting/banquet facilities, [3] restaurants, and/or [4] retail sales of wine for off-premise consumption.

(Ord. No. 18-27, § 1, 6-4-2018)

(J) Wholesale, Distribution and Storage Land Uses.

(1) Mini-Warehouse. A Mini-Warehouse (or self-storage facility) is an enclosed storage facility containing independent, fully enclosed bays that are generally leased to individuals for long-term storage of their household goods or personal property.

- (a) The number of storage units per acre shall not exceed 125, the minimum number of storage units shall be ten (10), and the maximum site area shall be five (5) acres.
- (b) Only single-story units are allowed; however, no multistory buildings will be permitted unless an exception is approved by the Planning and Zoning Commission and City Council. If necessary, the office/caretaker residence-unit may exceed one (1) story, but shall not be greater than 36-feet in height.
- (c) A minimum of two (2) parking spaces shall be required for the on-site manager (*i.e.*, caretaker, resident or otherwise).
- (d) No direct access from FM-740, SH-205, SH-66, SH-276, FM-3097, FM-552, FM-549 and John King Boulevard. The City Council may consider granting direct access from the above-mentioned roadways after review and determination of the availability of access to the specific property.
- (e) Perimeter walls shall be provided which face the front, rear and side property lines. Overhead doors shall not face adjacent streets. ~~All exterior perimeter walls facing the front, rear and side property lines shall be 100 percent brick construction unless otherwise approved by the planning and zoning commission and city council.~~ Perimeter walls facing the front yard shall incorporate architectural features to break up the long repetitive nature of self-storage buildings (e.g. such as offsets in buildings, variation of materials, and/or variation of heights, etc.). No pre-engineered metal building components (e.g. such as gutters and downspouts) shall be incorporated in the perimeter walls facing the front property line. ~~Interior walls shall be constructed of split face block, brick or stone.~~
- (f) The front, side and rear building set back areas shall be landscaped. Landscaping should be clustered, creating interesting relief from the long repetitive nature of self-storage buildings.
- (g) The facilities shall incorporate the use of perimeter gates that limit access to the storage areas to customers only. ~~Gates shall conform to all applicable zoning, building and fire code requirements.~~ Special access for fire and police personnel shall be provided as required.
- (h) All screening fences shall be wrought iron with landscaping/living screen or masonry walls in accordance with the screening requirements contained in Subsection 5.02, Landscape Screening, of Article VIII, Landscape and Fence Standards. See-through fencing should be wrought iron, or similar. Chainlink fencing of any kind shall be prohibited.

- (i) Buildings and see-through fencing should be oriented in a manner to restrict the visibility of interior overhead doors and drives from the public right-of-way street. The color(s) of the garage doors, as well as other doors within the facility, shall compliment the exterior colors of the main building(s).
- (j) The commercial operation of rental trucks and trailers shall be prohibited.
- (k) Businesses shall not be allowed to operate in the individual storage units.
- (l) No outside storage of any kind shall be allowed (*including the outside storage of boats, recreational vehicles, and motor or self-propelled vehicles*).
- (m) Concrete shall be used for all paving.
- (n) Roofs shall have a minimum pitch of ~~one in three~~ 1:3 and be constructed with a metal standing seam. Mechanical equipment shall be screened with the roof structure or parapet walls.
- (o) Lighting standards shall be limited to a maximum of 20-feet in height.
- (p) The residential unit as an accessory to the permitted use shall not exceed 1,600 SF.

(2) Outside Storage and/or Outside Display.

- (a) ~~Outdoor storage shall be screened to the height of what is being stored from streets and public open space, and from abutting residentially zoned districts, and from an NS, GR, C, DT or RT district. Outside Storage and/or Outside Display shall adhere to the requirements of Subsection 1.05, Screening Standards, of Article V, District Development Standards.~~
- (b) No outside storage shall be allowed in any zoning district adjacent to IH-30. However, on property that is zoned ~~(LI)~~ Light Industrial (LI) District and adjacent to IH-30, a Specific Use Permit (SUP) may be considered on a case-by-case basis to allow for Outside Storage and/or Outside Display in conjunction with a use that is permitted under ~~Section 1, Land Use Schedule, this article.~~ A Specific Use Permit (SUP) approved for this use may be subject to time limitations, site/landscaping or building enhancements, or other restrictions deemed appropriate by the Planning and Zoning Commission ~~or and~~ City Council.
- (c) *Incidental Display*, as defined in ~~Subsection 2.07(11), this article~~ shall not be considered *Outside Storage and/or Outside Display*, and shall be ~~subject to the requirements of Subsection 2.07(11) allowed pursuant to table 1, land use schedules.~~

(Ord. No. 11-47, § 2, 12-5-2011)

SUBSECTION 2.04.1412: UTILITIES, COMMUNICATIONS AND TRANSPORTATION LAND USES

(1) Antenna as an Accessory.

- (a) The antenna installation shall comply with the height and area regulations of the applicable zoning district.
- (b) Administrative approval of the antenna installation shall be required.
- (c) The antenna will meet all applicable requirements of Subsection 3.06, Antennas.

(2) Commercial Antenna.

- (a) Located entirely within a non-residential structure as allowed under the applicable zoning district regulations:
 - (1) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within the principal building on the property or in an underground vault.
 - (2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height, compatible in color with the principal building and the equipment building.
 - (3) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one of the spaces provided for the principal use on the property.
 - (4) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
 - (5) No more than three (3) separate equipment buildings shall be located on a single lot.

(6) The antenna will meet all applicable requirements of [Subsection 3.06, Antennas](#).

(3) Antenna for an Amateur Radio.

- (a) Amateur antenna support structures, antenna, or support wires must be located behind the front facade of the main building, and no amateur antenna support structure, antenna, or support wires may be located in the required rear or side yard setback.
- (b) No amateur antenna support structure or antenna may be greater than the maximum height of the underlying zoning district. However, the height of such antenna support structure or antenna may be increased up to 70-feet provided the setback from side and rear setback lines is increased by one (1) foot for every foot the height exceeds the limit specified in the underlying zoning district. In addition, the City Council may consider approval of a Specific Use Permit (SUP) for any amateur antenna support structure or antenna that is proposed to exceed these height limits.
- (c) Only one (1) amateur radio support structure may be erected on a residential lot. Additional antenna support structures may be allowed with the approval of a Specific Use Permit (SUP).
- (d) The antenna will meet all applicable requirements of [Subsection 3.06, Antennas](#).

(4) Antenna Dish.

- (a) Dish antennas shall not be located within front or side yards, and shall be fully screened from view from streets and public or common open areas. In all cases, they must be screened to minimize the visual impact from adjacent properties.
- (b) In residential districts, they shall be located only in rear yards. However, dish antennas 20-inches or smaller may be roof mounted provided that they are located behind a transverse roof ridge line and screened from adjacent properties.
- (c) In commercial districts, if located on ground level, dish antennas shall be screened to the full height of the structure with landscaping. They may also be allowed on roof tops provided that they are located and screened so as to minimize visual impact from other properties in the area.
- (d) In industrial districts, dish antennas may be ground or roof mounted but must be screened to minimize the visual impact from adjacent properties.
- (e) If the standards above are not reasonably achievable, a Specific Use Permit (SUP) shall be obtained prior to installation of a dish antenna.
- (f) The antenna will meet all applicable requirements of [Subsection 3.06, Antennas](#).

(5) Commercial Freestanding Antenna.

- (a) Commercial Freestanding Antenna attached to a utility installation or a light pole in a public park or on public school property:
 - (1) The height of the utility installation or light pole upon which the antenna is attached shall be greater than 75-feet but no more than 150-feet.
 - (2) The antenna shall extend no more than ten feet above the maximum height of the utility structure.
 - (3) A minimum clearance of 15-feet shall be maintained from the ground to the lowest element of the antenna.
 - (4) A minimum setback of 20-feet shall be maintained from the utility installation, light pole or any equipment building to the lot line of the nearest property developed for residential occupancy.
 - (5) Any necessary equipment building may be constructed of metal with a baked-on or pre-painted surface and shall not exceed seven feet in height and 75 SF in area. The exterior surfaces shall be covered in paint or a similar coating; or the building may be built of a material allowed by the applicable zoning district for the principal building; or the necessary equipment may be contained entirely within a principal building on the property or in an underground vault. All equipment buildings shall be maintained free from graffiti.
 - (6) At least one (1) paved parking space with paved access may be required at the antenna location; this parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one of the spaces provided for the principal use on the property, if any.
 - (7) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.

(8) No more than three separate antennas and three (3) equipment buildings shall be located on a single lot or structure.

(9) The antenna will meet all applicable requirements of [Subsection 3.06, Antennas](#).

(b) *Commercial Freestanding Antenna* that is *not* attached to a utility installation or a light pole in a public park or on public school property:

(1) The antenna installation shall comply with the height and area regulations of the applicable zoning district and the support structure shall not exceed 125-feet in height.

(2) The antenna shall not extend more than ten (10) feet above the maximum height of the support structure.

(3) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within a principal building on the property or in an underground vault.

(4) The antenna and any equipment buildings shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six feet at maturity or by a masonry screening wall at least eight (8) feet in height, compatible in color and character with the principal building and the equipment building.

(5) At least one (1) paved parking space with paved access may be required at the antenna location; this space need not be reserved exclusively for use in conjunction with the antenna facility and may be one (1) of the spaces required for the principal use on the property.

(6) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.

(7) No more than three (3) separate antennas and three equipment buildings shall be located on a single lot or structure.

(8) The antenna will meet all applicable requirements of [Subsection 3.06, Antennas](#).

(c) *Replacement of an Existing Freestanding Antenna* that is not been permitted this Article -- *but that is considered to be a legally recognized, non-conforming structure or facility* --, the replacement of the antenna installation may be approved by the City Council on a *case-by-case basis* through a Specific Use Permit (SUP) pending the request conforms to the following criteria:

(1) The replacement of any legally recognized, non-conforming antenna installation shall only be permitted within the Heavy Commercial (HC) District, Light Industrial (LI) District, and Heavy Industrial (HI) District.

(2) The replacement antenna installation shall be set back a minimum distance equal to the height of the proposed structure from any residential property or residentially zoned property.

(3) The existing antenna installation shall be removed from the property within 14-days of the completion of the proposed replacement antenna installation.

(4) The height of the replacement installation shall be equal to or less than the existing antenna installation, and any additional antennas added to the structure shall not exceed the height of the replacement installation.

(5) Any necessary equipment buildings associated with the replacement installation shall be of a material allowed by the applicable zoning district and be similar in color and character to the principal building on the site. As an alternative, the necessary equipment can be contained entirely within the principal building on the property or in an underground vault.

(6) The antenna and any equipment buildings shall be enclosed by a decorative iron fence surrounded by a landscape screening that will achieve a height of at least six (6) feet at maturity. As an alternative a masonry screening wall at least eight (8) feet in height, compatible in color and character with the principal building may be used.

(7) At least one (1) paved parking space with paved access may be required at the antenna location. This parking space does not need to be reserved exclusively for the replacement tower use and may be one of the spaces required for the principal use on the property.

(8) The antenna will meet all applicable requirements of [Subsection 3.06, Antennas](#).

(6) *Mounted Commercial Antenna*.

(a) Mounted Commercial Antenna that 12-feet or less in height, on non-residential structures allowed under the applicable zoning district regulations:

- (1) The total height of the structure, including the antenna, shall not exceed the maximum height of the zoning district by more than 12-feet.
- (2) A minimum clearance of 15-feet shall be maintained from the ground to the lowest element of the antenna.
- (3) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building; or the necessary equipment shall be contained entirely within a principal building on the property or in an underground vault.
- (4) The antenna and any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge, which will achieve a height of at least six (6) feet at maturity or a masonry screening wall at least eight (8) feet in height, compatible in color and character with the principal building and the equipment building.
- (5) At least one (1) paved parking space with paved access thereto shall be provided at the antenna location; said space need not be reserved exclusively for use in conjunction with the antenna facility and may be one of the spaces required for the principal use on the property.
- (6) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
- (7) The antenna will meet all applicable requirements of [Subsection 3.06, Antennas](#).

(7) Solar Energy Collector Panels and System.

(a) Solar energy collector panels installed on a pitched roof shall be of a flat configuration and shall be subject to the following requirements:

- (1) Configuration of pitched roof solar energy collector panels shall be a regular quadrangular shape, flat to the roof or integrated with the roof, and aligned with the natural roof edges.
- (2) The surface of the solar energy collector panel shall not be more than six inches above the surface of the pitched roof.

(b) Solar energy collector panels installed on a flat roof, whether rack-mounted or flat-mounted, shall be screened from public view.

- (1) The height of such screening, at the minimum, shall be the height of the solar energy collector panel.
- (2) The screening may be by a parapet or screening wall replicating the materials of the building.

(c) Reflective flare of solar energy collector panels shall be minimized by the positioning of the solar collector panels or by the use of nonglare glazing.

(d) Piping, wiring and other mechanical accessories shall be concealed within a roof mounted solar energy collector panel. If some portion of the piping, wiring or other mechanical accessories cannot be practically concealed then those portions shall be painted so as to blend with the roofing material.

(e) Ground mounted or pole mounted solar energy collector panels shall be located behind the primary building, and shall be fully screened from public view by a solid screening fence or wall that meets all code requirements of the city.

(f) The maximum overall height of ground mounted or pole mounted solar energy collector panels shall not exceed 12-feet.

(g) In residential zoning districts, the total coverage area of solar energy collector panels shall not exceed 1,000 SF on a single lot.

(h) Any solar energy collector panels or systems not meeting these requirements, or any installation of solar energy systems as the principal use on any property, shall require approval of a Specific Use Permit (SUP).

Antenna.

2. Definitions.

Antenna mast is defined as an antenna, mast or tower, or all or any two of these combined to constitute a structure designed for radio and television reception or transmission.

Antenna means a device or apparatus consisting of one or more wires or rods arranged to send and receive radio, television, electromagnetic or microwave signals. For purposes of this section, several antenna components may be assembled to perform a single function for a single operator and may be considered one antenna.

Antenna, accessory, means an antenna for the purpose of transmitting, retransmitting and/or receiving radio, television, electromagnetic or microwave signals as part of and directly related to a principal activity within an office, retail or industrial building and which itself is not a principal use or unrelated to any principal use on the property.

Antenna, amateur radio, means a radio communication antenna used by a person holding an amateur station license from the Federal Communications Commission (FCC). An amateur radio antenna shall be allowed as an accessory use in any zoning district, under the following guidelines:

(a) Amateur antenna support structures, antenna, or support wires must be located behind the front facade of the main building, and no amateur antenna support structure, antenna, or support wires may be located in the required rear or side yard setback.

(b) No amateur antenna support structure or antenna may be greater than the maximum height of the underlying zoning district. However, the height of such antenna support structure or antenna may be increased up to 70 feet provided the setback from side and rear setback lines is increased by one foot for every foot the height exceeds the limit specified in the underlying zoning district. In addition, the city council may consider approval of a specific use permit for any amateur antenna support structure or antenna that is proposed to exceed these height limits.

(c) Only one amateur radio support structure may be erected on a residential lot. Additional antenna support structures may be allowed with the approval of a specific use permit.

Antenna, commercial, means an antenna for the purpose of transmitting, retransmitting and/or receiving radio, television, cellular, electromagnetic or microwave signals, and any other similar technology, primarily for the purpose of operating a business and/or for financial gain. A commercial antenna may be either mounted or freestanding as described below.

Antenna, commercial—freestanding, means a commercial antenna supported by or affixed to a freestanding pole, tower, tripod, frame or other similar structure.

Antenna, commercial—mounted, means a commercial antenna permanently affixed to the roof or other portion of a building.

3. Antenna standards.

(a) Antenna, accessory.

(a) The antenna installation shall comply with the height and area regulations of the applicable zoning district.

(b) Administrative approval of the antenna installation shall be required.

(b) Antenna, commercial. Located entirely within any nonresidential structure allowed under the applicable zoning district regulations:

(1) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within the principal building on the property or in an underground vault.

(2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six feet at maturity or a masonry screening wall at least eight feet in height, compatible in color with the principal building and the equipment building.

(3) At least one paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one of the spaces provided for the principal use on the property.

- (4) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
- (5) No more than three separate equipment buildings shall be located on a single lot.

(c) Antenna, commercial—freestanding, when attached to a utility installation or a light pole in a public park or on public school property:

- (10) The height of the utility installation or light pole upon which the antenna is attached shall be greater than 75 feet but no more than 150 feet.
- (11) The antenna shall extend no more than ten feet above the maximum height of the utility structure.
- (12) A minimum clearance of 15 feet shall be maintained from the ground to the lowest element of the antenna.
- (13) A minimum setback of 20 feet shall be maintained from the utility installation, light pole or any equipment building to the lot line of the nearest property developed for residential occupancy.
- (14) Any necessary equipment building may be constructed of metal with a baked-on or pre-painted surface and shall not exceed seven feet in height and 75 square feet in area. The exterior surfaces shall be covered in paint or a similar coating; or the building may be built of a material allowed by the applicable zoning district for the principal building; or the necessary equipment may be contained entirely within a principal building on the property or in an underground vault. All equipment buildings shall be maintained free from graffiti.
- (15) At least one paved parking space with paved access may be required at the antenna location; this parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one of the spaces provided for the principal use on the property, if any.
- (16) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
- (17) No more than three separate antennas and three equipment buildings shall be located on a single lot or structure.

(d) Antenna, commercial—freestanding, other:

- (9) The antenna installation shall comply with the height and area regulations of the applicable zoning district and the support structure shall not exceed 125 feet in height.
- (10) The antenna shall not extend more than ten feet above the maximum height of the support structure.
- (11) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within a principal building on the property or in an underground vault.
- (12) The antenna and any equipment buildings shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six feet at maturity or by a masonry screening wall at least eight feet in height, compatible in color and character with the principal building and the equipment building.
- (13) At least one paved parking space with paved access may be required at the antenna location; this space need not be reserved exclusively for use in conjunction with the antenna facility and may be one of the spaces required for the principal use on the property.
- (14) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
- (15) No more than three separate antennas and three equipment buildings shall be located on a single lot or structure.

(e) Antenna, commercial—mounted, 12 feet or less in height, on nonresidential structures allowed under the applicable zoning district regulations:

- (8) The total height of the structure, including the antenna, shall not exceed the maximum height of the zoning district by more than 12 feet.
- (9) A minimum clearance of 15 feet shall be maintained from the ground to the lowest element of the antenna.

(10) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building; or the necessary equipment shall be contained entirely within a principal building on the property or in an underground vault.

(11) The antenna and any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge, which will achieve a height of at least six feet at maturity or a masonry screening wall at least eight feet in height, compatible in color and character with the principal building and the equipment building.

(12) At least one paved parking space with paved access thereto shall be provided at the antenna location; said space need not be reserved exclusively for use in conjunction with the antenna facility and may be one of the spaces required for the principal use on the property.

(13) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.

(f) Replacement of an existing antenna, commercial – freestanding, other . Where an antenna installation has not been permitted under this chapter but that is considered to be a legally recognized, non-conforming structure or facility, the replacement of the antenna installation may be approved by the city council on a case-by-case basis through a specific use permit (SUP) pending the request conforms to the following criteria:

(9) The replacement of any legally recognized, non-conforming antenna installation shall only be permitted within the Heavy Commercial (HC), Light Industrial (LI) and Heavy Industrial (HI) Districts.

(10) The replacement antenna installation shall be set back a minimum distance equal to the height of the proposed structure from any residential property or residentially zoned property.

(11) The existing antenna installation shall be removed from the property within 14 days of the completion of the proposed replacement antenna installation.

(12) The height of the replacement installation shall be equal to or less than the existing antenna installation, and any additional antennas added to the structure shall not exceed the height of the replacement installation.

(13) Any necessary equipment buildings associated with the replacement installation shall be of a material allowed by the applicable zoning district and be similar in color and character to the principal building on the site. As an alternative, the necessary equipment can be contained entirely within the principal building on the property or in an underground vault.

(14) The antenna and any equipment buildings shall be enclosed by a decorative iron fence surrounded by a landscape screening that will achieve a height of at least six feet at maturity. As an alternative a masonry screening wall at least eight feet in height, compatible in color and character with the principal building may be used.

(15) At least one paved parking space with paved access may be required at the antenna location. This parking space does not need to be reserved exclusively for the replacement tower use and may be one of the spaces required for the principal use on the property.

3. Construction and maintenance requirements. All antenna masts, towers and antenna supports used for television and radio reception or transmission shall be constructed and maintained in accordance with the following requirements:

(a) All electrical specifications of such antenna masts, towers and supports shall comply with the National Electrical Code, the electrical code of the city, Standard Building Code, and the building code of the city.

(b) Antenna structures shall be designed in accordance with section 1205.1 of the Standard Building Code.

4. Permit required. Any person desiring to erect or have erected an antenna more than 25 feet in height above ground level, or an antenna mast 25 feet or less in height but not erected as required by this section, shall make written application to the building inspection department for a permit to erect same. Sufficient plans and specifications, as determined by the chief building official, must accompany each application. It shall be unlawful and a violation of this division to erect, or cause to be erected, or to maintain, or cause to maintain, such antenna mast without first having obtained a permit. It shall be the duty of the permittee to request a final inspection upon completion of the antenna system. Domestic TV antennas are exempt from this section.

5. Restrictions and limitations. All antenna systems constructed and maintained under the provisions of this section shall be subject to the following restrictions and limitations:

- (a) No such antenna system shall be more than 99 feet in height.
- (b) The location on the lot of such antenna system shall comply with the requirements of this Unified Development Code insofar as the front building line and side yard building line and requirements are concerned. No portion of an antenna system shall extend beyond the front building line on any lot, and on corner lots the side yard setback requirements shall be adhered to on the side adjacent to a public street, and where the front and side yard requirements are applicable, all portions of such structures shall be within the limits fixed by such requirements.
- (c) All antenna systems constructed under the provisions of this section shall be maintained so as to at all times comply with the requirements of this section.
- (d) The regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.

6. Roof-mounted equipment. All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, should be screened to eliminate the view from the ground level of adjacent properties. The screen shall be constructed of materials approved by the director of planning. Roof-mounted equipment should be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.

- (a) The overall screening height will be the height of the tallest element of roof-mounted equipment.
- (b) The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof surface to minimize the visibility of the equipment and screen the view from ground level.
- (c) Roof-mounted equipment and the inside of the screening device should be painted similar to the color of the roof surface in order to minimize the visibility of the equipment and screening device from overhead views.

Antenna, dish. Dish antennas shall be allowed in any district as an accessory use, provided that they meet the following conditions:

- (g) Dish antennas shall not be located within front or side yards, and shall be fully screened from view from streets and public or common open areas. In all cases, they must be screened to minimize the visual impact from adjacent properties.
- (h) In residential districts, they shall be located only in rear yards. However, dish antennas 20 inches or smaller may be roof-mounted provided that they are located behind a transverse roof ridge line and screened from adjacent properties.
- (i) In commercial districts, if located on ground level, dish antennas shall be screened to the full height of the structure with landscaping. They may also be allowed on roof tops provided that they are located and screened so as to minimize visual impact from other properties in the area.
- (j) In industrial districts, dish antennas may be ground or roof-mounted but must be screened to minimize the visual impact from adjacent properties.
- (k) If the standards above are not reasonably achievable, a specific use permit shall be obtained prior to installation of a dish antenna.

Solar energy collector panels and systems. The installation of solar energy panels and systems shall be allowed as an accessory use in all zoning districts, provided they are designed and installed in compliance with the following standards:

- (i) Solar energy collector panels installed on a pitched roof shall be of a flat configuration and shall be subject to the following requirements:
 - (1) Configuration of pitched roof solar energy collector panels shall be a regular quadrangular shape, flat to the roof or integrated with the roof, and aligned with the natural roof edges.
 - (2) The surface of the solar energy collector panel shall not be more than six inches above the surface of the pitched roof.
- (j) Solar energy collector panels installed on a flat roof, whether rack-mounted or flat-mounted, shall be screened from public view.

- (1) The height of such screening, at the minimum, shall be the height of the solar energy collector panel.
- (2) The screening may be by a parapet or screening wall replicating the materials of the building.
- (k) Reflective flare of solar energy collector panels shall be minimized by the positioning of the solar collector panels or by the use of nonglare glazing.
- (l) Piping, wiring and other mechanical accessories shall be concealed within a roof mounted solar energy collector panel. If some portion of the piping, wiring or other mechanical accessories cannot be practically concealed then those portions shall be painted so as to blend with the roofing material.
- (m) Ground mounted or pole mounted solar energy collector panels shall be located behind the primary building, and shall be fully screened from public view by a solid screening fence or wall that meets all code requirements of the city.
- (n) The maximum overall height of ground mounted or pole mounted solar energy collector panels shall not exceed 42 feet.
- (o) In residential zoning districts, the total coverage area of solar energy collector panels shall not exceed 1,000 square feet on a single lot.
- (p) Any solar energy collector panels or systems not meeting these requirements, or any installation of solar energy systems as the principal use on any property, shall require approval of a specific use permit (SUP).

(Ord. No. 10-14, §§ 23–25, 7-6-2010; Ord. No. 10-32, § 3, 12-6-2010; Ord. No. 18-03, § 1, 1-2-2018)

SECTION 3. - OTHER SPECIAL USE STANDARDS

SUBSECTION 3.01: FARM ANIMALS AND HORSES

- (A) Grazing animals. In the SF-E and SF-1 Districts, grazing animals 500 pounds or greater, including horses and cattle must have a minimum fenced or enclosed area of 40,000 square feet per animal. Grazing animals of less than 500 pounds, including sheep and goats, must have a minimum fenced or enclosed area of 15,000 square feet per animal.
- (B) Other animals. An SUP is required for other farm animals, including chickens and swine (except for “potbellied pigs” as defined in section 6-1 of the Code of Ordinances), and for a reduction in the land area required for grazing farm animals. The city shall not grant an SUP for any farm animal unless it is convinced that the presence of such animals will not injure the use and enjoyment of neighboring properties, including the impact of dust, flies and odor.
- (C) General conditions. Notwithstanding the conditions above,
 - (1) Ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way pose a health hazard or nuisance to humans and animals;
 - (2) Fences or pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the animal; and
 - (3) In SF-E and SF-1 [Districts], no swine or fowl are permitted, except for “potbellied pigs” as defined in section 6-1 of the Code of Ordinances.
 - (4) In the Agricultural District or on unplatted tracts of land of five acres or more, standards for animals are found in section 6-162 of the Code of Ordinances.

(Ord. No. 06-14, 4-17-2006; Ord. No. 07-18, 6-4-2007; Ord. No. 10-14, § 26, 7-6-2010)

SUBSECTION 3.02: TEMPORARY ACCOMMODATION FOR EMPLOYEES, CUSTOMERS AND VISITORS

- (A) Temporary accommodations. Temporary accommodation for employees, customers and visitors may be provided as an ancillary use in commercial zoning districts provided that:
 - (1) Such accommodation is clearly in support of the business operation;
 - (2) No rental of such facilities to the general transient public occurs;
 - (3) Accommodation is for temporary stays, not to exceed 30 days; and
 - (4) No more than five percent of the building area is utilized for this ancillary use.

SUBSECTION 3.03: UTILITY DISTRIBUTION LINES

All utility distribution lines shall be placed underground. Utility distribution lines placed above-ground shall require special approval of the city council based upon a recommendation of the planning and zoning commission.

SUBSECTION 3.04: FLAG POLES

Flag poles are permitted in all districts, but must meet the building height and setback requirements for each district. (See article V [of this Unified Development Code], District Standards.)

SUBSECTION 3.05: ALCOHOLIC BEVERAGE SALES

(A) Restaurants with alcoholic beverage sales.

- (1) Restaurants may serve alcoholic beverages for on-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. For restaurants located on property that was annexed after November 14, 2007, a private club permit must be obtained for the ability to serve alcohol and must be located in an appropriate zoning district that allows such use.
- (2) Restaurants that sell alcoholic beverages for on-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and must be located not less than 300 feet from a church, public school, private school (as defined by the Texas Alcoholic Beverage Code) or public hospital. For a church or public hospital, the 300 feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools or private schools, the measurement of distance shall be in direct line from the property line of the public school or private school to the property line of the restaurant and in a direct line across intersections. If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

(Ord. No. 10-14, § 27, 7-6-2010)

The city council may grant a variance to the distance regulations if the city council determines that enforcement of those regulations in a particular instance is not in the best interest of the public, constitutes waste of inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

- (3) Restaurants that sell alcoholic beverages for on-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and shall not be permitted to have exterior signs advertising the sale of alcoholic beverages other than those authorized under the Texas Alcoholic Beverage Code and chapter 32 of the Code of Ordinances, pertaining to signs.

(B) Retail establishments with alcoholic beverage sales.

- (1) Retail establishments may sell beer and wine for off-premises consumption by right if they are located on property that was within the city limits as of November 14, 2007, and are located in a zoning district allowing such use. Retail establishments located on property that was annexed after November 14, 2007, may not engage in the selling of beer and wine for off-premises consumption.
- (2) Retail establishments engaged in the selling of beer and wine to the general public for off-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and must be located not less than 300 feet from a church, public school, private school (as defined by the Texas Alcoholic Beverage Code) or public hospital. For a church or public hospital, the 300 feet shall be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. For public schools or private schools, the measurement of distance shall be in direct line from the property line of the public school to the property line of the retail establishment and in a direct line across intersections. If the permit or license holder is located on or above the fifth story of a multistory building, the measurement shall be in a direct line from the

property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

(Ord. No. 10-14, § 27, 7-6-2010)

The city council may grant a variance to the distance regulations if the city council determines that enforcement of those regulations in a particular instance is not in the best interest of the public, constitutes waste of inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

- (3) Retail establishments engaged in the selling of beer and wine for off-premise consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended and shall not be permitted to have exterior signs advertising the sale of alcoholic beverages other than those authorized under the Texas Alcoholic Beverage Code and chapter 32 of the Code of Ordinances, pertaining to signs.

(Ord. No. 08-05, 1-22-2008)

(C) *Drive-through sales of pre-packaged beverages, convenience stores, retail sales with gasoline.*

- (1) An establishment may not offer drive-in, drive-up, drive through, or walk-up sales or service of pre-packaged, sealed, unopened beverages.
- (2) A convenience store may not contain less than 1,000 square feet of retail space.
- (3) For purposes of this section, the terms “drive-in,” “drive-up,” “drive-through,” and “walk-up” do not prohibit the service of food or beverages to customers:
 - (a) Who must physically leave their vehicles and enter a building in order to make a purchase; or
 - (b) As part of a drive-through restaurant in connection with the sale or service of food to the customer.

(Ord. No. 10-14, § 27, 7-6-2010)

State Law reference— Location restrictions, V.T.C.A., Alcoholic Beverage Code § 109.33.

SUBSECTION 3.06: ANTENNAS

(A) *Construction and Maintenance Requirements.* All antenna masts, towers and antenna supports used for television and radio reception or transmission shall be constructed and maintained in accordance with the current National Electrical Code and the Building Code of the City.

(B) *Permit Required.* Any person desiring to erect or have erected an antenna more than 25-feet in height above ground level, or an antenna mast 25-feet or less in height but not erected as required by this section, shall make written application to the building inspection department for a permit to erect same. Sufficient plans and specifications, as determined by the Chief Building Official, must accompany each application. It shall be unlawful and a violation of this division to erect, or cause to be erected, or to maintain, or cause to maintain, such antenna mast without first having obtained a permit. It shall be the duty of the permittee to request a final inspection upon completion of the antenna system. Domestic TV antennas are exempt from this section.

(C) *Restrictions and Limitations.* All antenna systems constructed and maintained under the provisions of this section shall be subject to the following restrictions and limitations:

- (1) No such antenna system shall be more than 99-feet in height.
- (2) The location on the lot of such antenna system shall comply with the requirements of this Unified Development Code insofar as the front building line and side yard building line and requirements are concerned. No portion of an

antenna system shall extend beyond the front building line on any lot, and on corner lots the side yard setback requirements shall be adhered to on the side adjacent to a public street, and where the front and side yard requirements are applicable, all portions of such structures shall be within the limits fixed by such requirements.

- (3) All antenna systems constructed under the provisions of this section shall be maintained so as to at all times comply with the requirements of this section.
- (4) The regulations contained herein shall not apply to the extent that they have been preempted by specific regulations of the FCC to the contrary.

(D) *Roof-Mounted Equipment.* All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, should be screened to eliminate the view from the ground level of adjacent properties. The screen shall be constructed of materials approved by the director of planning. Roof-mounted equipment should be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.

- (1) The overall screening height will be the height of the tallest element of roof-mounted equipment.
- (2) The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof surface to minimize the visibility of the equipment and screen the view from ground level.
- (3) Roof-mounted equipment and the inside of the screening device should be painted similar to the color of the roof surface in order to minimize the visibility of the equipment and screening device from overhead views.

SECTION 4: SPECIFIC USE PERMITS *[MOVED TO SUBSECTION 2.03; ARTICLE XI, UDC]*

SUBSECTION 4.01: PURPOSE

The purpose of a Specific Use Permit (SUP) is to allow discretionary consideration of certain uses that would typically be considered incompatible within certain locations of a zoning district, but may become compatible with the addition of special provisions, conditions or restrictions. A SUP does not change the base zoning; it allows a particular use that would not normally be permitted in that zoning district. The SUP requirement for any land use is identified in the Permitted Land Use table contained in Article IV, Permissible Uses, of this Unified Development Code. The discretionary SUP procedure is designed to enable the Planning and Zoning Commission and the City Council to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure, and to deny requests for a SUP when it is apparent that a proposed use or structure will or may occasionally harm the community or cause injury to the value, lawful use, and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.

(Ord. No. 17-17, § 1, 3-20-2017)

SUBSECTION 4.02: OPERATIONAL CONDITIONS

In considering a SUP, staff and/or the Planning and Zoning Commission may recommend and the City Council may adopt additional conditions and operational constraints to ensure compatibility with adjacent land uses. These additional conditions and operational constraints will be incorporated into the SUP ordinance, and may relate to: (1) a property's specific site conditions, (2) increased performance standards, (3) compatibility with adjacent properties, (4) mitigation of potentially negative or adverse effects of a request, and (5) anything that could have a negative impact on the public's health, safety and general welfare.

(Ord. No. 17-17, § 1, 3-20-2017)

SUBSECTION 4.03: COMPLIANCE

- (1) In considering a special use permit application, the planning and zoning commission may recommend, and the city council may impose such conditions, safeguards and restrictions upon the premises benefited by the special use as may be necessary to avoid, minimize, or mitigate any potentially injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of this ordinance. Such conditions shall be set out in the ordinance approving the SUP.

- (2) Prior to a SUP being issued, the property owner of the affected property shall agree, comply and be bound to the conditions and operational constraints approved by the City Council and contained in the SUP ordinance.
- (3) A SUP is considered to be transferable from property owner to property owner; however, the conditions and operational constraints of the SUP shall remain in effect and be applicable to the new property owner(s) and/or occupant(s). SUPs cannot be transferred from property to property.

(Ord. No. 17-17, § 1, 3-20-2017)

SUBSECTION 4.04: ABANDONMENT, EXPIRATION AND REVOCATION OF A SPECIFIC USE PERMIT (SUP)

(1) *Abandonment.* A SUP approved by the City Council that remains vacant or inactive for a period of one (1) year shall be deemed to be abandoned and shall automatically expire. Vacancy or inactivity can be determined by the following:

- (a) The water and/or electrical services have been disconnected or discontinued on the property; and/or
- (b) The subject property (e.g. lease space, parcel or parcels of land, lot, tract etc.) is unoccupied; and/or
- (c) The use is abandon due to the issuance of a Certificate of Occupancy (CO) for a use other than (and exclusive from) the use approved with the SUP.

(2) *Expiration.* A Specific Use Permit (SUP) shall automatically expire due to inactivity if:

- (a) A building permit has not been issued within one (1) year of the approval date of the SUP ordinance, and/or a Certificate of Occupancy (CO) has not been issued within one (1) year of a building permit due to inactivity on the site (inactivity in this case is defined as no progress towards construction for six [6] months) — or one (1) year of the approval date of this ordinance if no building permit is necessary; or
- (b) A building permit or Certificate of Occupancy (CO) expires, is terminated or revoked under the requirements of the Codes of the City of Rockwall.

(3) *Revocation.* The City Council reserves the right to revoke or rescind any SUP in which the business, property or property owner operating under the guidelines of the SUP ordinance fails to meet the minimum operation requirements set forth in the Specific Use Permit (SUP) ordinance and/or outlined in the Unified Development Code or the Rockwall Municipal Code of Ordinances. The procedure for revocation or rescinding a Specific Use Permit (SUP) shall be the same procedure for requesting a new Specific Use Permit (SUP).

(Ord. No. 17-17, § 1, 3-20-2017)

SUBSECTION 4.05: EXTENSION OF A SPECIFIC USE PERMIT (SUP)

Upon recommendation from the Planning and Zoning Commission, the City Council may grant a one (1) time extension to the expiration requirements stated above for a period not to exceed one (1) year. To apply for an extension a property owner shall file a written request with the Director of Planning or his designee at least ninety (90) days prior to the expiration date. Extension requests shall not require a public hearing. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a SUP.

(Ord. No. 17-17, § 1, 3-20-2017)

SUBSECTION 4.06: EXISTING SPECIFIC USE PERMITS (SUP) AND CONDITIONAL USE PERMITS (CUP)

Specific Use Permits (SUP) and Conditional Use Permits (CUP) in existence at the time this section was adopted by the City Council shall automatically terminate one (1) year from the adoption date of this section if a building permit — or a Certificate of Occupancy (CO) if no building permit is necessary — has not been issued or an extension is not requested under Section 4.5 of this Ordinance.

(Ord. No. 17-17, § 1, 3-20-2017)

SECTION 45. - FLOODPLAIN AREAS

SUBSECTION 45.01: PERMITTED USES

The following uses shall be permitted within that portion of a district which is designated as being within a floodplain by the city engineer, provided they are allowed in the underlying zoning, and that they meet any additional requirements established in the city's floodplain regulations in chapter 20 of the Code of Ordinances:

(Ord. No. 10-14, § 28, 7-6-2010)

- (A) *Agriculture.* Agricultural activities including the ordinary cultivation of land or legal forms of animal husbandry.
- (B) *Utilities.* Local utilities.
- (C) *Parks and recreation.* Public or private parks, community centers, playgrounds, public golf courses.
- (D) *Private recreation.* Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by a specific use permit.
- (E) *Private open space.* Private open spaces as part of a Planned Development (PD) District, provided such use does not interfere with the continuity of the city's open space system.

SUBSECTION 45.02: DUMPING, EXCAVATING OR FILLING FLOODPLAIN

Any dump, excavation, storage or filling operation within that portion of a district having a floodplain designation shall require a permit, which must be approved by the city council, before such operation is begun. However, if those operations in the floodplain were specifically approved as part of a site plan approval by the city council, then a permit may be issued by the city engineer.

SUBSECTION 45.03: LOCAL FLOODING MAY OCCUR IN OTHER AREAS

The fact that land or property is or is not within a district having a floodplain designation shall not constitute assurance that such land or property is not subject to local flooding and the designation of floodplain in this [Unified Development Code] shall not be so interpreted.

SECTION 56. - TEMPORARY USES AND STRUCTURES

SUBSECTION 56.01: TEMPORARY USES

- (A) This subsection includes by reference all temporary uses listed in the land use chart.
- (B) The temporary use shall not be intrusive or inconsistent with existing land uses in area, or with anticipated land uses that may be constructed during the life of the temporary use.

SUBSECTION 56.02: TEMPORARY STRUCTURES

All buildings or other structures which are erected or located on the property in connection with the temporary use shall be removed not later than ten days after the expiration of the time period for which the use was approved or as set forth in the conditions of approval.

SECTION 7. - NEW AND UNLISTED USES

SUBSECTION 7.01: REVIEW

New and unlisted land uses which were not originally anticipated will likely be considered for location within the city. Such uses shall require an amendment to this Unified Development Code and shall be reviewed by the planning and zoning

commission and the city council for inclusion in specific zoning districts or as part of a planned development (PD) zoning request.

(Ord. No. 10-14, § 29, 7-6-2010)

SUBSECTION 7.02: CONDITIONS

When considering requests for a new land use, the commission and council shall consider the potential effects of the use on adjacent properties in terms of requirements for services, visual impact, traffic generation, the extent to which the use is consistent with other uses allowed in the district, and other issues they deem appropriate.

SECTION 68. - NONCONFORMING USES, STRUCTURES AND SITES

SUBSECTION 68.01: INTENT

Within the zoning districts established by this [Unified Development Code], there may exist lots, structures and uses of land which were lawful before the effective date of the ordinance from which this Unified Development Code is derived, or amendment thereto, and which would be prohibited, regulated, or restricted under this [Unified Development Code]. It is generally the intent to permit these nonconformities to continue until they are removed or abandoned, or until such earlier time as they are ordered to be removed, but not to encourage their survival. It is further the intent that such nonconforming lots, buildings, or uses shall not be enlarged upon, expanded or extended, except as otherwise specifically provided, and that such nonconforming lots, buildings or uses may not be used as justification for adding other lots, buildings or uses prohibited elsewhere in the same zoning district. Except as otherwise provided, nonconforming uses are declared to be incompatible with permitted uses in the same zoning districts.

SUBSECTION 68.02: APPLICABILITY

The provisions of this section shall apply to lots, uses and buildings which become nonconforming by reason of the adoption of, or an amendment to, the ordinance from which this Unified Development Code is derived, as of the effective date of such amendment.

SUBSECTION 68.03: NONCONFORMING USES

(A) Exceptions.

- (1) Except as specified below, any use, building, or structure lawfully existing at the time of the enactment of this [Unified Development Code] or at the time of annexation into the city may be continued, even though the use, building or structure may not conform to the provisions of this [Unified Development Code] for the district in which it is located.
- (2) The right to continue nonconforming uses shall be subject to regulations prohibiting the creation of a nuisance and regulations reasonably protecting adjacent property.

(B) Cessation of nonconforming use. For the purposes of this subsection, a use shall be deemed to have ceased or been abandoned when it has been discontinued for 180 days during any three-year period whether with the intent to abandon the use or not.

(C) Expansion of nonconforming use. No existing building or premises devoted to a use that is not permitted by this [Unified Development Code] in the district in which such building or premises is located shall be enlarged or altered in a way which increases its nonconformity, except when required to do so by law or order, unless the use is changed to a use that is permitted in the district in which the building or premises is located, and except as follows:

- (1) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification when authorized by the board of adjustment; or it may be changed to a conforming use.

- (2) Whenever a nonconforming use has been changed to a conforming use, the use shall not thereafter be changed to a nonconforming use.
- (3) When authorized by the board of adjustment, enlargement or completion of a building devoted to a nonconforming use may be made upon the lot occupied by the building, where the extension is necessary and incidental to the existing use of the building and does not exceed 25 percent of its original area of nonconformity.
- (4) When authorized by the board of adjustment, a nonconforming use may be extended throughout those parts of a building which were manifestly designed or arranged for such use prior to the date on which the use of the building became nonconforming, if no structural alterations except those required by law, are made.

SUBSECTION 68.4: NONCONFORMING BUILDING OR SITES

- (A) City-created nonconformity of structures. In the event that the city takes an act or action which transforms a previously conforming structure for purposes of front, side and rear yard setback requirements into a nonconforming structure for the purposes of front, side and rear yard setbacks, then such structure shall be deemed to be in conformance with the required setback prescribed in this [Unified Development Code]. (For land use nonconformity, see article IV, Permissible Uses, section 7.)
- (B) Use of nonconforming buildings, structures or land.
 - (1) No building or structure which was originally designed for or used as a nonconforming use shall again be put to a nonconforming use, where such use has ceased for 180 days or more during any three-year period.
 - (2) The use of land, structures, and/or buildings involving individual structures with a replacement cost of \$1,000.00 or less, which does not conform to the provisions of this [Unified Development Code] shall be discontinued within six months from the enactment of this [Unified Development Code]. The nonconforming use of land and/or buildings involving individual structures with a replacement cost of \$1,000.00 or less, which becomes nonconforming by reason of subsequent amendments to this [Unified Development Code] shall be discontinued within six months from the date of such amendment.
- (C) Construction approved prior to [Unified Development Code]. Nothing in this [Unified Development Code] shall be construed to require any change in the overall plans, construction, or designated use of any development, structure, or part thereof, where official approval and the required building permits were granted before the enactment of this [Unified Development Code], or any amendment thereto, where construction, conforming with the plans, shall have been started prior to the effective date of the ordinance from which this Unified Development Code is derived or such amendment, and where such construction shall have been completed in a normal manner within the subsequent 12-month period, with no interruption, except for reasons beyond the builder's control.
- (D) Damage due to acts of God. Any nonconforming structure which is damaged more than 75 percent of its then appraised tax value above the foundation, by fire, flood, explosion, wind, earthquake, war, riot or other calamity or act of God, shall not be restored or reconstructed and used as it was before the damaging event. If such structure is damaged less than 75 percent of its then appraised tax value above the foundation, it may be restored, reconstructed, or used as before, provided that the restoration or reconstruction is completed within 12 months of the damaging event. The 12-month period does not include any necessary litigation.
- (E) Repair of unsafe buildings, structures and sites. Nothing in this [Unified Development Code] shall be construed to prohibit the strengthening or repair of any part of any building or structure declared unsafe by proper authority, unless such repairs exceed 50 percent of the replacement cost of the building. If the repairs exceed 50 percent, the building shall be brought into conformity with all requirements of the zoning district in which it is located.
- (F) General repairs and maintenance.
 - (1) On any nonconforming structure or portion of a structure containing a nonconforming use, no work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-load-bearing walls, fixture, wiring, or plumbing to an extent exceeding ten percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be.

(2) If 50 percent or more of a nonconforming structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

(G) Moving of a nonconforming building or structure. No nonconforming building or structure shall be moved in whole or in part to any other location on the lot, or on any other lot, unless every portion of the building or structure is made to conform to all the regulations of the district.

(H) Nonconforming lot sizes. All lots used for storage that do not require a building and the use of such lot is made nonconforming by this [Unified Development Code] or amendments thereto shall cease to be used for such storage within six months of the date of adoption of the ordinance from which this Unified Development Code is derived, or amendments [thereto].

DRAFT ORDINANCE 08.19.2019

Additions: **Highlighted**
Deletions: **Highlighted, Strikeout**
Staff Notes: **Highlighted, Red Text**
Links/References: Blue, Underlined

ARTICLE V, DISTRICT DEVELOPMENT STANDARDS, UDC

SECTION 1: GENERAL STANDARDS

SUBSECTION 1.01: OPEN SPACE

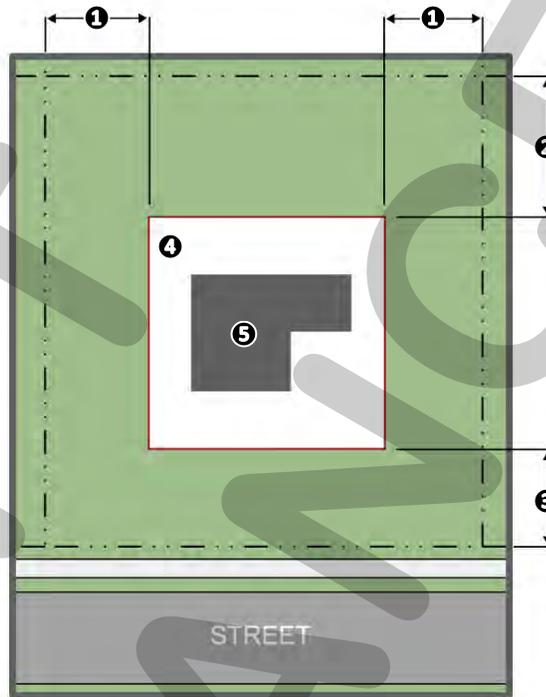
- (A) *Purpose.* The City of Rockwall is a rural and recreation-oriented community with open space that ties into a regional framework of open space, trails, and corridors. Open space corridors link all major areas of the city using primarily floodplain and drainage areas. Since open space and recreational amenities are vital to the City's commercial and residential developments, all projects must provide open space in accordance with the City's *Comprehensive Plan* and the *Parks, Recreation, and Open Space Master Plan*.
- (B) *Requirements.* All projects in the city must reserve, dedicate and/or develop public and private open spaces consistent with the requirements of the following sections:
- (a) *Residential.* [Subsection C, Open Space, of Section 3.01, General Residential District Standards](#)
 - (b) *Commercial.* [Subsection D, Open Space Guidelines, of Section 4.01, General Commercial District Standards](#)
 - (c) *Industrial.* [Subsection D, Open Space Guidelines, of Section 5.01, General Industrial District Standards](#)

SUBSECTION 1.02: SITE PLANS

All development in the City of Rockwall -- *with the exception of single lot single-family and duplex developments* -- shall require the approval of a site plan in accordance with the requirements of [Article XI, Development Applications and Review Procedures](#).

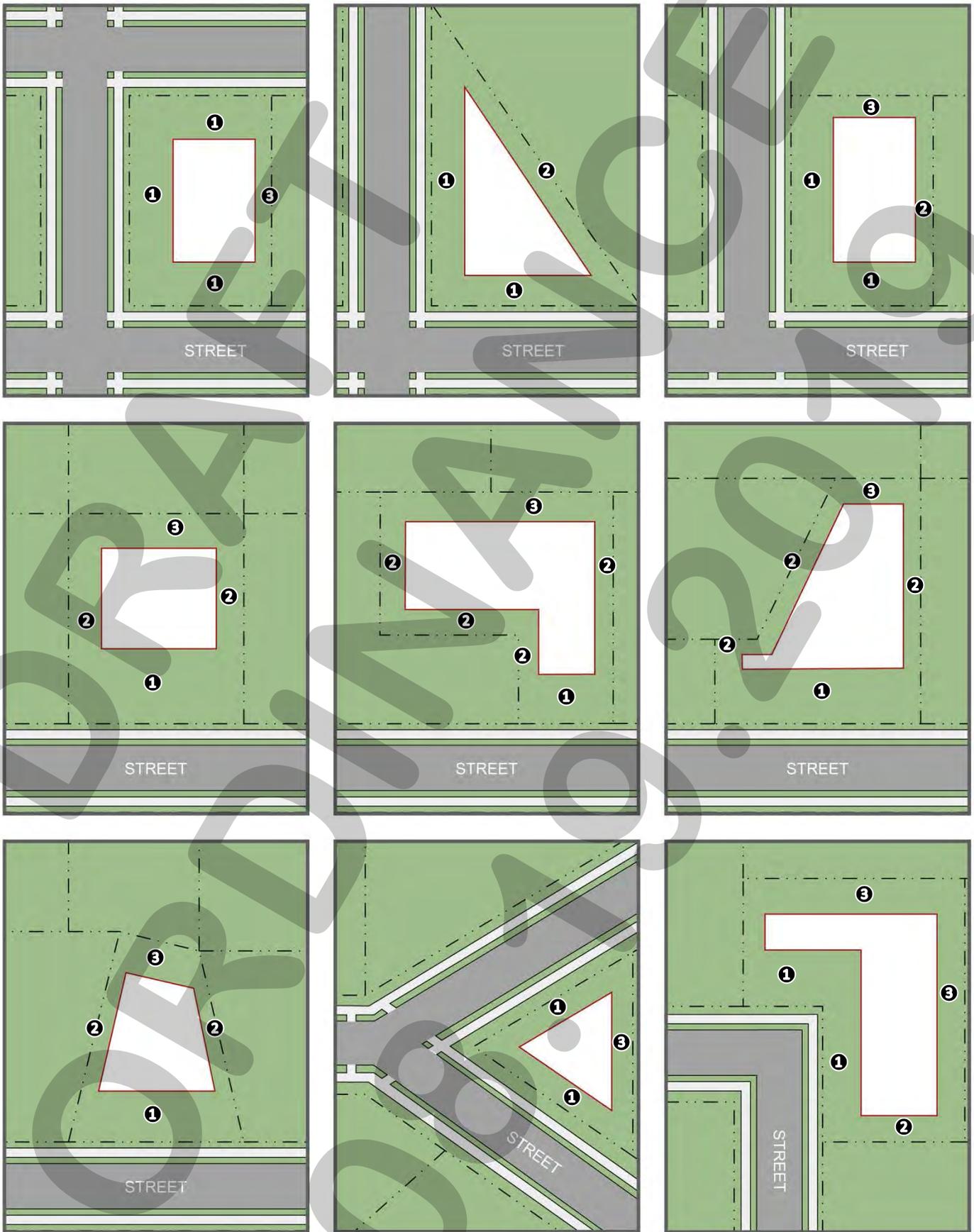
SUBSECTION 1.03: LOT CONFIGURATIONS

- (A) *Lots with a Single Street Frontage.* Where lots have a single street frontage, the required setbacks should generally adhere to the following diagram:



- ❶: Required Side Yard Setback
- ❷: Required Rear Yard Setback
- ❸: Required Front Yard Setback
- ❹: Buildable Area
- ❺: Building Coverage

(B) *Lots with Multiple Street Frontages.* Where lots have multiple street frontages on one (1) or more streets, the required setbacks should generally adhere to the following diagram:



①: Front Yard; ②: Side Yard; ③: Rear Yard

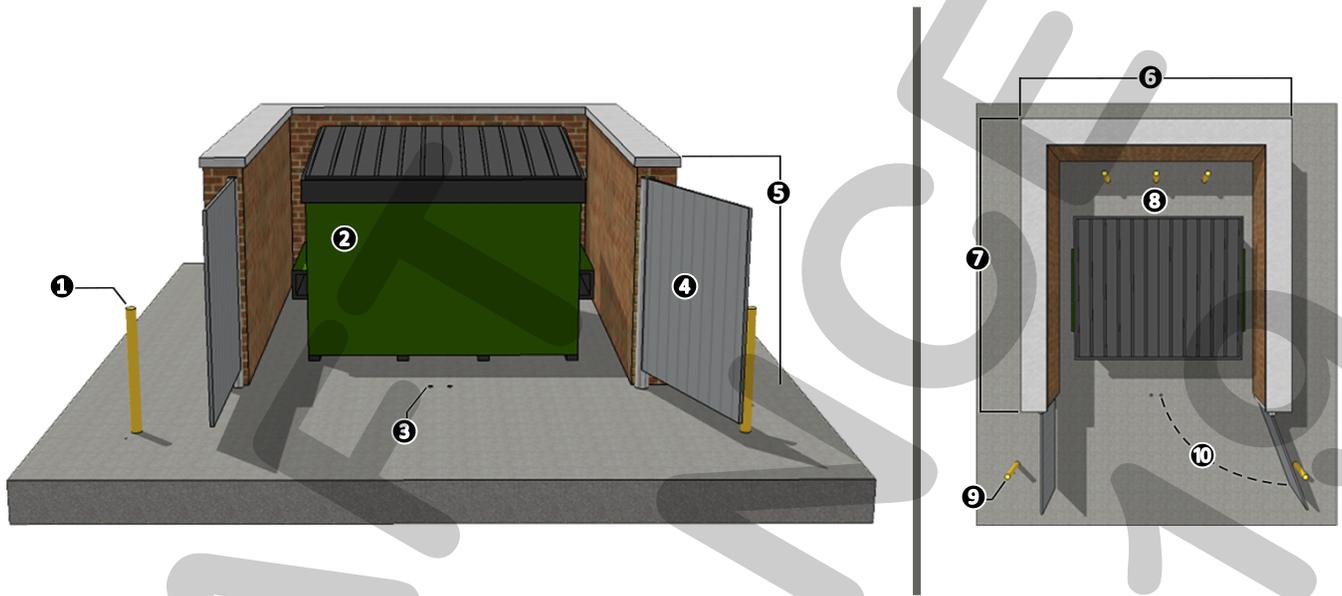
SUBSECTION 1.04: CALCULATION OF DENSITY

The calculation of the allowable density for residential developments shall be based on the gross site area including right-of-way, floodplain, open space and public/private parks that will be dedicated to the city or preserved and maintained by some other mechanism. Despite this calculation requirement, other provisions of this Unified Development Code may limit the actual density allowed on any given property.

SUBSECTION 1.05: SCREENING STANDARDS

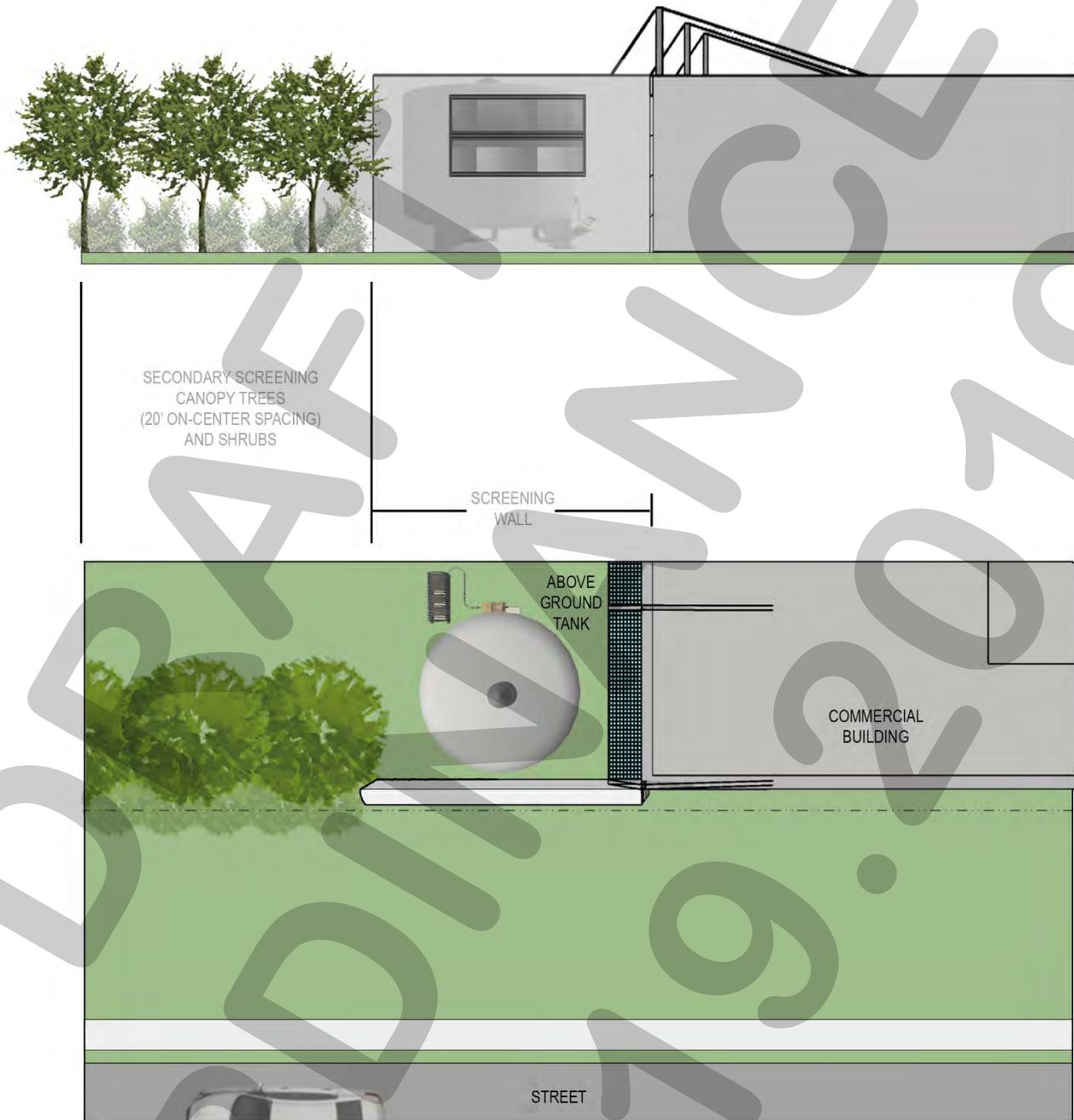
All development shall adhere to the following screening standards:

- (1) *Loading Docks.* Off-street loading docks must be screened from all public streets, and any residential zoning district or residentially used property, and any parks and open space that abuts or is directly across a public street or alley from the subject property. The screening must be at least six (6) feet in height and may shall be provided by using a masonry wall (*excluding tilt wall or concrete masonry units [CMU] unless integral to the buildings design and otherwise approved by the Planning and Zoning Commission*) and *Canopy Trees* on 20-foot centers, and/or berms and plantings. As an alternative, the Planning and Zoning Commission may approve a screening method in accordance with [Subsection 5.02, Landscape Screening Standards, of Article VIII, Landscape Standards.](#)
- (2) *Trash/Recycling Enclosures.* Trash/Recycling enclosures shall be four (4) sided. These receptacles shall be screened by a minimum six (6) foot, solid masonry dumpster enclosure that utilizes the same masonry materials as the primary building and incorporates an opaque, self-latching gate. The opaque, self-latching gate shall not be constructed utilizing wood fencing materials. If the primary building does not use masonry materials, a masonry material that is complimentary in color and scale shall be utilized. These enclosures shall be located to the side or rear of the primary building, and shall not front on to a public right-of-way. Every effort shall be made to reduce the visibility of these structures utilizing landscaping and/or the building. All trash/recycling enclosures shall be constructed in conformance to the diagram below, unless otherwise approved/required by the City and/or its contractor for trash services.



- ①: Concrete Filled Steel Protected Pole
- ②: Standard End Loading Container
- ③: Deep Recesses for Gate Cane Bolts [If Necessary]
- ④: Opaque Screening Gate
- ⑤: Six (6) Feet in Height [Eight (8) Feet in Overlay Districts]
- ⑥: Ten (10) Feet in Width
- ⑦: 12-Foot in Length
- ⑧: Three (3) Concrete Filled Steel Protected Poles
- ⑨: Concrete Filled Steel Protected Pole
- ⑩: 120 Degree Swing on Opaque Screening Gate

- (3) *Utility Equipment and Air Condition Units.* Pad or roof mounted utility equipment and air conditioning units shall be screened from the view from of any adjacent public streets or property properties. Roof mounted utility equipment and air conditioning units shall be screened using a parapet wall that completely impairs the visibility of the equipment, and is constructed on all sides of the building. Ground mounted Utility equipment and air conditioning units shall be screened utilizing plantings, berms, walls matching the main structure, or an architectural feature that is integral to the building's design.
- (4) *Aboveground Storage Tanks.* Aboveground storage tanks shall be screened utilizing plantings, berms, or walls matching the main structure. Screening plans for above ground storage tanks shall generally conform to the diagram below (i.e. incorporate primary screening -- screening wall -- and secondary screening) and be approved by the Planning and Zoning Commission in conjunction with a site plan.



- (5) **Outside Storage.** Outside storage of materials or vehicles shall be screened from all public streets, any residential zoning district or residentially used property, and parks and open space that abuts or is directly across a public street or alley from the subject property. The screening must be at least one (1) foot taller than the material or vehicles being stored and shall be achieved using a masonry wall (excluding tilt wall or concrete masonry units [CMU] unless otherwise approved by the Planning and Zoning Commission) and Canopy Trees on 20-foot centers. As an alternative, the Planning and Zoning Commission may approve a screening method in accordance with [Subsection 5.02, Landscape Screening Standards, of Article VIII, Landscape Standards.](#)

(Ord. No. 06-14, 4-17-2006)

SUBSECTION 1.06: RESIDENTIAL ADJACENCY STANDARDS

Subsection 1.06, *Residential Adjacency Standards*, is omitted from this ordinance change, but is retained in its entirety.

SUBSECTION 1.07: FENCES

All fences within the City shall conform to Article XI, Fences, of Chapter 10, Building and Building Regulations, of the Municipal Code of Ordinances, unless otherwise required by this Unified Development Code.

(Ord. No. 10-14, § 30, 7-6-2010)

SUBSECTION 1.078: PROJECTIONS INTO REQUIRED YARD OR COURT

(A) Every part of a required yard within a building setback shall be unobstructed and open from its lowest point to the sky, except for the ordinary projections of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall extend into a court more than six (6) inches nor into a required yard by more than 30-inches; and provided existing open porches extending into the required yard shall not be enclosed.

An open fire escape may project into a required yard by not more than half the width of the setback, but not more than four (4) feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project into a rear yard by a maximum of four (4) feet.

(B) Where a lot abuts a right-of-way line has been established for the future widening or opening of a street or highway, then the depth or width of a yard shall be measured from such right-of-way line to the required building setback.

(Ord. No. 06-14, 4-17-2006)

SUBSECTION 1.089: PUBLIC RIGHT-OF-WAY VISIBILITY

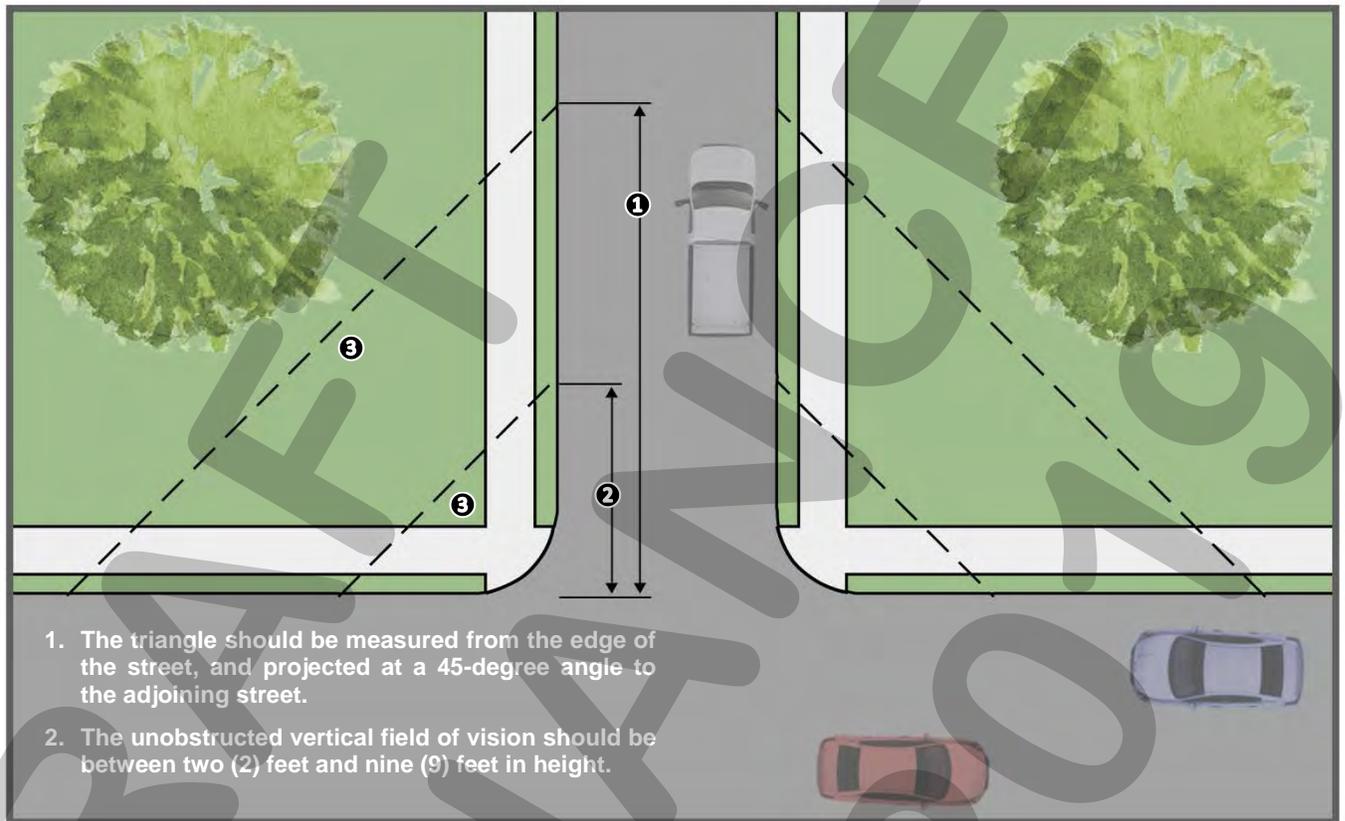
(A) *Street/drive intersection visibility obstruction triangles.* A landscape plan showing the plan of the street on both sides of each proposed drive/street to the proposed development with the grades, curb elevations, proposed street/drive locations, and all items (both natural and manmade) within the visibility triangles as prescribed below shall be provided with all site plans, if they are not on engineering plans that are submitted at the same time. this plan shall show no horizontal or vertical restrictions (either existing or future) within the areas defined below.

(B) *Obstruction/interference triangles defined.* No fence, wall screen, billboard, sign face, tree or shrub foliage, berm, or any other item, either manmade or natural, shall be erected, planted, or maintained in such a position or place so as to obstruct or interfere within the following minimum standards; however, on non-residentially zoned lots, a single pole for mounting a sign may be placed within this area provided the pole does not exceed 12-inches in diameter, and provided every portion of the sign has a minimum height clearance of nine (9) feet:

(1) *Visibility Triangles.* Vision at all intersections which intersect at or near right angles shall be clear at elevations between 24-inches and nine (9) feet above the top of the curb elevation, within a

triangular area formed by extending the two (2) curblines from their point of intersection, for the following minimum distances for the applicable intersection, and connecting these points with an imaginary line, thereby making a triangle. If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection for a distance as prescribed below, and connecting these points with an imaginary line, thereby making a triangle as shown below.

- (2) *Intersection of two (2) public streets.* The minimum required distance from the curb shall be 30-feet and the minimum distance from the property line on streets without a curb shall be 20-feet.
 - (3) *Intersection of a public street and an alley.* The minimum required distance measured from the property line shall be 15-feet, or 25-feet from street curb.
 - (4) *Intersection of private drive and public street.* The minimum required distance from the curb shall be 15-feet and the minimum distance from the property line on streets without a curb shall be ten (10) feet.
- (C) *Sight distance requirements.* The city hereby adopts the standards for both vertical and horizontal sight distance requirements set forth in the latest edition of AASHTO green book “a policy on geometric design of highways and streets” for the construction of both public street intersections and private drive intersections, unless otherwise approved by the city engineer. If, in the opinion of the city engineer, a proposed street or drive intersection does not meet these standards, additional engineering information exhibiting how the standards have been addressed may be required for submission and approval by the city’s engineer.



- ①: 30-Foot for Arterials and Collectors and 20-Foot for Residential Distance from Intersection for Streets
- ②: 10-Foot Distance from Intersection for Alleyways
- ③: Visibility Triangles

SECTION 2: AGRICULTURAL DISTRICTS

SUBSECTION 2.01: AGRICULTURAL (AG) DISTRICT

(A) *Purpose.* The Agricultural (AG) District is a zoning designation used for land that is reserved for the anticipated future growth of the city. This district is intended to be used for raw land or land with agricultural land uses, and is intended to be held in these conditions as long as practical and reasonable to promote the orderly growth of the community. This zoning designation is suitable for areas where development is premature due to lack of utilities, capacity, or service. The Agricultural (AG) District is also used to protect areas that are unsuitable for development due to physical constraints or safety issues (*e.g. topography, floodplain, ecologically sensitive areas, etc.*), or to protect green belts, natural areas and/or open space that might otherwise be developed.

(B) *Permitted Uses.* All land uses permitted within the Agricultural (AG) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements.* All development within an Agricultural (AG) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards](#).

SECTION 3: RESIDENTIAL DISTRICTS

SUBSECTION 3.01: GENERAL RESIDENTIAL DISTRICT STANDARDS

All residential development shall conform to the following standards:

(A) Construction ~~Standards~~ ~~Materials~~.

- (1) *Roof Pitch*. All residential structures shall be constructed with a minimum 3:12 roof pitch.
- (2) *Concrete Foundation*. All residential structures shall be permanently attached to an engineered concrete foundation.

~~(A) *Materials and Masonry Composition*. All buildings with a building footprint of 120 square feet or greater that are over ten (10) feet in height shall consist of a minimum of 80% *Primary Materials* and/or a maximum of 20% *Secondary Materials* — excluding doors and windows — as defined below.~~

~~a. *Primary Materials*. *Primary Materials* shall include stone, brick, and cementitious materials. Specific requirements for *Primary Materials* are as follows:~~

- ~~1. *Cementitious Materials*. The use of cementitious materials (e.g. *stucco, cementitious lap siding, or similar materials approved by the Director of Planning or his/her designee*) shall be limited to 60% of the building's exterior façade.~~
- ~~2. *Chimneys*. All new homes shall be required to incorporate a masonry chimney (i.e. *brick and stone only*).~~

~~b. *Secondary Materials*. *Secondary Materials* are any material that is not deemed to be a *Primary Material* as defined above.~~

~~(B) *Exceptions*. Exceptions to the material requirements — including exceptions for buildings for farm animals — may be permitted on a case by case basis by the Planning and Zoning Commission upon submission and approval of material samples and building elevations of the structure. If the Planning and Zoning Commission denies an exception request, the applicant may appeal the decision to the City Council by filing a written request to the Planning and Zoning Department. The request should provide justification for the exception being requested (i.e. *detail the unique or extraordinary conditions that exist and/or the undue hardship created by strict adherence to the technical requirements*).~~

(B) Accessory Structures.

(1) *Accessory Structure Standards*. All accessory structures shall conform to the related standards listed within [Subsection 7.04, Accessory Structure Development Standards](#).

(C) *Open Space*. On all new subdivisions, ten (10) lots or greater, that are not infill projects (i.e. *projects going into an established area as determined by the Director of Planning and Zoning or his/her designee*) the following open space requirements shall be applied:

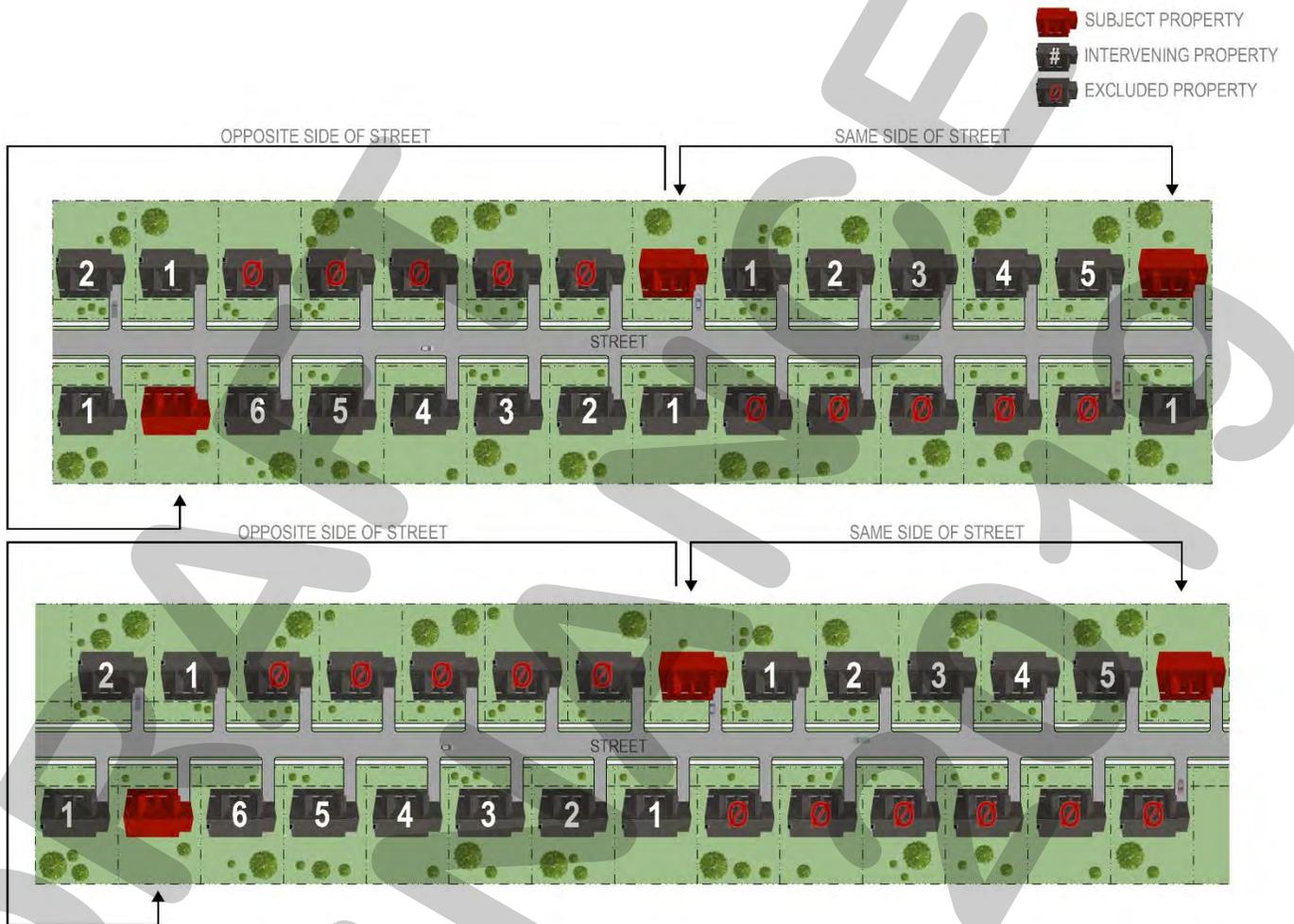
- (1) Unless otherwise provided by this Unified Development Code, a minimum of 20% of the gross land area within a residential subdivision that is five (5) acres or greater shall be devoted to open space. Where floodplain exists in a proposed subdivision, the floodplain may be used to meet the 20% requirement at a rate of one-half (½) acre for every one (1) acre of floodplain dedicated to open space. Open space requirements for subdivisions may be satisfied by public open space/parkland,

or by a combination of public and private open space. Public open space/parkland shall be dedicated to the city, and shall be approved by the Parks and Recreation Board and the City Council during the platting process. Open space requirements specified in this subsection are in addition to requirements for site landscaping and buffering.

(2) To encourage the provision of open space, the minimum lot sizes in a residential subdivision may be reduced by up to 20% in order to preserve additional public and/or private open space, provided that the lots being reduced face onto a single loaded street (*i.e. a street with open space and/or a public park on one side of the street and lots on the other side of the street*). This requirement shall be approved by the City Council at the time of preliminary plat, final plat, or site plan whichever comes first.

(D) *Anti-Monotony*. The front **building elevations** of a home shall not repeat along any block face without at least ~~four (4)~~ **five (5)** intervening homes of differing appearance on the same side of the street and ~~two (2)~~ **six (6)** intervening homes of differing appearance on the opposite side of the street (*see Examples 1 & 2 below*). The rear elevation of homes backing to open spaces or thoroughfares shall not repeat without at least ~~two (2)~~ **five (5)** intervening homes of differing appearance. Identical ~~brick blends~~ **building material blends and colors** may not occur on adjacent (*side-by-side*) properties. Homes are considered to differ in appearance if any ~~three (3)~~ **two (2)** of the following elements are different:

- (a) The number of stories of the home.
- (b) The garage location/orientation on the home.
- (c) The roof type and layout of the home.
- (d) The articulation of the front façade of the home.



(E) Fencing. All residential fencing shall be subject to the requirements stipulated by [Section 8, Fence Standards, of Article VIII, Landscape and Fence Standards.](#)

- (a) Solid fencing shall be cedar standard fencing material that is a minimum ½ inch in thickness or more. Spruce fencing is prohibited. All cedar pickets shall be placed on the *public side* (i.e. facing out) facing a street or alleyway. All posts and framing shall be placed on the *private side* (i.e. facing towards the home) of the fence. Other types of solid fencing (e.g. vinyl) may be considered on a case by case basis by the Planning and Zoning Commission at the time of preliminary plat, final plat, or site plan whichever comes first.
- (b) Tubular steel or wrought iron type fencing shall be allowed.
- (c) Tubular steel or wrought iron type fencing shall be required on all lots located adjacent to perimeter roadways, open spaces, greenbelts and/or parks.
- (d) Split rail fencing shall be allowed on lots containing 20,000 SF or more.
- (e) Fencing on corner lots constructed adjacent to the street shall provide masonry columns at 45-foot off-center spacing that begins at the rear property line corner and terminates at least 15-foot behind the front yard building setback line. A maximum six (6) foot tall, solid board-on-board, panel cedar fencing or wrought iron type fencing shall be allowed between the masonry columns along the side and/or rear yard adjacent to a street.

1. On corner lots that have rear lot lines adjacent to alleyways or other rear lot lines, fences may be constructed along the side yard adjacent to the street, subject to a minimum five (5) foot setback from the right-of-way. The property owner shall maintain that portion of the property outside of the fence.

2. On corner lots that have rear lot lines adjacent to a side lot line of an adjoining lot(s), only tubular steel or wrought iron type fences not exceeding 42 inches in height may be constructed beyond the building line. Fences constructed on or behind the building line shall comply with the material requirements detailed above.

(f) All common areas and perimeter fencing shall be maintained by a Homeowners Association (HOA) as specified in the City's subdivision regulations. Perimeter fencing shall be constructed of six (6) foot tall tubular steel or wrought-iron type fencing with masonry columns and entry features. The Planning and Zoning Commission may consider alternative perimeter screening such as earthen berms with landscaping at the time of preliminary plat, final plat, or site plan whichever comes first.

SUBSECTION 3.02: SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT

(A) *Purpose.* The Single-Family Estate 1.5 (SFE-1.5) District is the proper zoning classification for rural, estate lots that are a minimum of 1½-acres in size. These lots are typically in areas that are located in the City's hinterland, away from higher density residential developments and non-residential development. While these properties are on the City's periphery, they should still be provided with access to public roadways, water, wastewater, and drainage.

(B) *Permitted Uses.* All land uses permitted within the Single-Family Estate 1.5 (SFE-1.5) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements.* All development within a Single-Family Estate 1.5 (SFE-1.5) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards](#).

SUBSECTION 3.03: SINGLE FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT

(A) *Purpose.* The Single-Family Estate 2.0 (SFE-2.0) District is the proper zoning classification for rural, estate lots that are a minimum of two (2) acres in size. These lots are typically in areas that are located in the City's hinterland, away from higher density residential developments and non-residential development. While these properties are on the City's periphery, they should still be provided with access to public roadways, water, wastewater, and drainage.

(B) *Permitted Uses.* All land uses permitted within the Single-Family Estate 2.0 (SFE-2.0) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements.* All development within a Single-Family Estate 2.0 (SFE-2.0) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards](#).

SUBSECTION 3.04: SINGLE FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT

(A) *Purpose.* The Single-Family Estate 4.0 (SFE-4.0) District is the proper zoning classification for rural, estate lots that are a minimum of four (4) acres in size. These lots are typically in areas that are located in the City's hinterland, away from higher density residential developments and non-residential

development. While these properties are on the City's periphery, they should still be provided with access to public roadways, water, wastewater, and drainage. Developers wishing to restrict their subdivision to a lot size greater than four (4) acres shall be required to use restrictive covenants.

(B) *Permitted Uses.* All land uses permitted within the Single-Family Estate 4.0 (SFE-4.0) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements.* All development within a Single-Family Estate 4.0 (SFE-4.0) District shall conform to the related standards listed within [Subsection 7.01, Residential District Development Standards](#).

SUBSECTION 3.05: SINGLE-FAMILY 1 (SF-1) DISTRICT

(A) *Purpose.* The Single-Family 1 (SF-1) District is the proper zoning classification for larger, single-family lots that are a minimum of one (1) acre in size or clustered developments that have a gross density of one (1) dwelling unit per acre. Cluster developments should conserve open space, floodplains, tree groupings, natural slopes and wildlife habitats to achieve the desired density. The Single-Family 1 (SF-1) District is also intended to be used for developments that incorporate public/private parks, denominational and private schools, and churches that are essential in creating the basic neighborhood unit. These developments are typically in the City's hinterland, away from higher density residential developments and non-residential developments; however, they may be used in areas closer to the periphery of the City's developed areas, where they will serve as a logical transition to an estate or rural area. These developments should provide access to public roadways, water, wastewater, and drainage.

(B) *Permitted Uses.* All land uses permitted within the Single-Family 1 (SF-1) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements.* All development within a Single-Family 1 (SF-1) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards](#).

SUBSECTION 3.06: SINGLE-FAMILY 16 (SF-16) DISTRICT

(A) *Purpose.* The Single-Family 16 (SF-16) District is the proper zoning classification for larger lot, single-family developments. This zoning district also accommodates public land uses, denominational and private schools, churches, and public/private parks essential to creating the basic neighborhood unit. These developments are typically in areas buffered from non-residential land uses, and where they will serve as a logical transition from higher to lower density residential zoning districts. These developments should provide access to public roadways, water, wastewater, and drainage.

(B) *Permitted Uses.* All land uses permitted within the Single-Family 16 (SF-16) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements.* All development within a Single-Family 16 (SF-16) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards](#).

SUBSECTION 3.07: SINGLE-FAMILY 10 (SF-10) DISTRICT

(A) *Purpose.* The Single-Family 10 (SF-10) District is the proper zoning classification for the majority of the City's existing single-family residential development, and is the appropriate zoning classification for

single-family developments with medium sized lots. This zoning district also accommodates public land uses, denominational and private schools, churches, and public/private parks essential to creating the basic neighborhood unit. These developments are typically in areas buffered from non-residential land uses, and where they will serve as a logical transition from higher to lower density residential zoning districts. These developments should provide access to public roadways, water, wastewater, and drainage.

(B) *Permitted Uses.* All land uses permitted within the Single-Family 10 (SF-10) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses.](#)

(C) *Area Requirements.* All development within a Single-Family 10 (SF-10) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards.](#)

SUBSECTION 3.08: SINGLE-FAMILY 8.4 (SF-8.4) DISTRICT

(A) *Purpose.* The Single-Family 8.4 (SF-8.4) District is the proper zoning classification for areas of undeveloped land remaining in the City deemed appropriate for medium sized, single-family lots. This zoning district also accommodates public land uses, denominational and private schools, churches, and public/private parks essential to creating the basic neighborhood unit. These developments are typically in areas buffered from non-residential land uses, and where they will serve as a logical transition from higher to lower density residential zoning districts. These developments should provide access to public roadways, water, wastewater, and drainage.

(B) *Permitted Uses.* All land uses permitted within the Single-Family 8.4 (SF-8.4) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses.](#)

(C) *Area Requirements.* All development within a Single-Family 8.4 (SF-8.4) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards.](#)

SUBSECTION 3.09: SINGLE-FAMILY 7 (SF-7) DISTRICT

(A) *Purpose.* The Single-Family 7 (SF-7) District is the proper zoning classification for single-family developments with smaller lots. This zoning district also accommodates public land uses, denominational and private schools, churches, and public/private parks essential to creating the basic neighborhood unit. These developments are typically in areas adjacent to low intensity non-residential land uses, in and around the Old Town Rockwall (OTR) Historic District, and/or where they will serve as a logical transition from higher to lower density residential zoning districts. These developments should provide access to public roadways, water, wastewater, and drainage.

(B) *Permitted Uses.* All land uses permitted within the Single-Family 7 (SF-7) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses.](#)

(C) *Area Requirements.* All development within a Single-Family 7 (SF-7) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards.](#)

SUBSECTION 3.10: ZERO LOT LINE (ZL-5) DISTRICT

- (A) *Purpose.* The Zero Lot Line (ZL-5) District is the proper zoning classification for medium-density residential developments that are on separate lots (*i.e. single-family*), and are typically owner occupied. This zoning district also accommodates public land uses, denominational and private schools, churches, and public/private parks essential to creating the basic neighborhood unit. These developments are typically in areas buffered from non-residential land uses, adjacent to low intensity non-residential land uses, and/or where they will serve as a logical transition from higher to lower density residential zoning districts. These developments have increased requirements for public roadways, water, wastewater, and drainage due to their density.
- (B) *Permitted Uses.* All land uses permitted within the Zero Lot Line (ZL-5) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).
- (C) *Area Requirements.* All development within a Zero Lot Line (ZL-5) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards](#).

SUBSECTION 3.11: TWO-FAMILY (2F) DISTRICT

- (A) *Purpose.* The Two-Family (2F) District is the proper zoning classification for medium-density, duplex developments (*i.e. two [2] dwelling units per lot*). This zoning district accommodates low to medium-density developments and allows public land uses, denominational and private schools, churches, and public/private parks essential to creating the basic neighborhood unit. These developments are typically in areas buffered from non-residential land uses, but may be located directly adjacent to low intensity non-residential land uses. These areas are also located where they will serve as a logical transition from higher to lower density residential zoning districts. These developments have increased requirements for public roadways, water, wastewater, drainage, open space and fire protection due to their density.
- (B) *Permitted Uses.* All land uses permitted within the Two-Family (2F) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).
- (C) *Area Requirements.* All development within a Two-Family (2F) District shall conform to [Subsection 3.01, General Residential District Standards](#), and the related standards listed within [Subsection 7.01, Residential District Development Standards](#).

SUBSECTION 3.12: MULTI-FAMILY 14 (MF-14) DISTRICT

- (A) *Purpose.* The Multi-Family 14 (MF-14) District is the proper zoning classification for higher density developments. This zoning district should be located within 1,200-feet of retail and other services, and should not contain more than 500-units within one (1) mile of another multi-family development. These standards are intended to create a strong market for multi-family units, and provide for the ongoing reinvestment in these types developments while helping to ensure that inappropriate concentrations of higher density residential developments are not created. The downtown area shall be exempted from the spacing requirements.

The Multi-Family 14 (MF-14) District allows high density developments that are extremely amenitized, and that necessitate additional requirements for public roadways, water, wastewater, drainage, open space and fire protection. These types of developments should not run traffic through single-family neighborhoods, and should be located close to an arterial or collector street that is capable of carrying the additional traffic.

(B) *Permitted Uses*. All land uses permitted within the Multi-Family 14 (MF-14) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements*. All development within a Multi-Family 14 (MF-14) District shall conform to [Subsection 4.01, General Commercial District Standards](#), and the related standards listed within [Subsection 7.02, Multi-Family District Development Standards](#).

SECTION 4: COMMERCIAL DISTRICTS

SUBSECTION 4.01: GENERAL COMMERCIAL DISTRICT STANDARDS

All commercial development shall conform to the following standards:

(A) *Construction Standards* ~~Materials~~.

(1) *Roof Design Standards*. All structures shall have the option of being constructed with either a pitched (*minimum of a 6:12 roof pitch*), parapet, or mansard roof system as long as the roof system is enclosed on all sides. Metal roofs with lapped seam construction, bituminous built-up roofs, and/or flat membrane-type roofs that are visible from adjacent properties or public right-of-way shall be prohibited. Projecting elements and parapets that are visible from adjacent properties or public right-of-way shall be finished on the interior side using the same materials as the exterior facing wall.

(1) *Materials and Masonry Composition*. Each exterior wall of a building's façade shall consist of a minimum of 90% *Primary Materials* and/or a maximum of 10% *Secondary Materials* — *excluding doors and windows* — as defined below.

(a) *Primary Materials*. *Primary Materials* shall include stone, brick, glass curtain wall, glass block, tile, and custom Concrete Masonry Units (CMU) (*i.e. CMUs that have been sandblasted, burnished or that have a split face* — *light weight block or smooth faced CMU shall be prohibited*). Specific requirements for *Primary Materials* are as follows:

(1) *Stone*. A minimum of 20% stone (*i.e. natural or synthetic/cultured*) is required on all building façades.

(2) *Cementitious Materials*. The use of cementitious materials (*e.g. stucco, cementitious lap siding, or similar materials approved by the Director of Planning or his/her designee*) shall be limited to 50% of the building's exterior façade; however, stucco shall not be used within the first four (4) feet from grade on a building's façade.

(3) *Accent Brick and Stone*. Each building shall incorporate accent brick or stone, or brick and stone patterns and materials that create contrast through color, shape, size, and/or texture to the planes of the primary brick or stone materials used on each building elevation.

(b) *Secondary Materials*. *Secondary Materials* are any material that is not deemed to be a *Primary Material* as defined above. This includes materials like aluminum composite materials, metal panels, acrylic products (*i.e. EIFS products*), cast stone, or other materials identified by the Director of Planning and Zoning or his/her designee.

(2) *Exceptions*. Exceptions to the material requirements may be permitted on a case-by-case basis by the Planning and Zoning Commission upon recommendation from the Architectural Review Board (ARB). The submission and approval of material samples and building elevations of the structure shall be required. If the Planning and Zoning Commission denies an exception request,

the applicant may appeal the decision to the City Council by filing a written request to the Planning and Zoning Department. The request should provide justification for the exception being requested (i.e. detail the unique or extraordinary conditions that exist and/or the undue hardship created by strict adherence to the technical requirements).

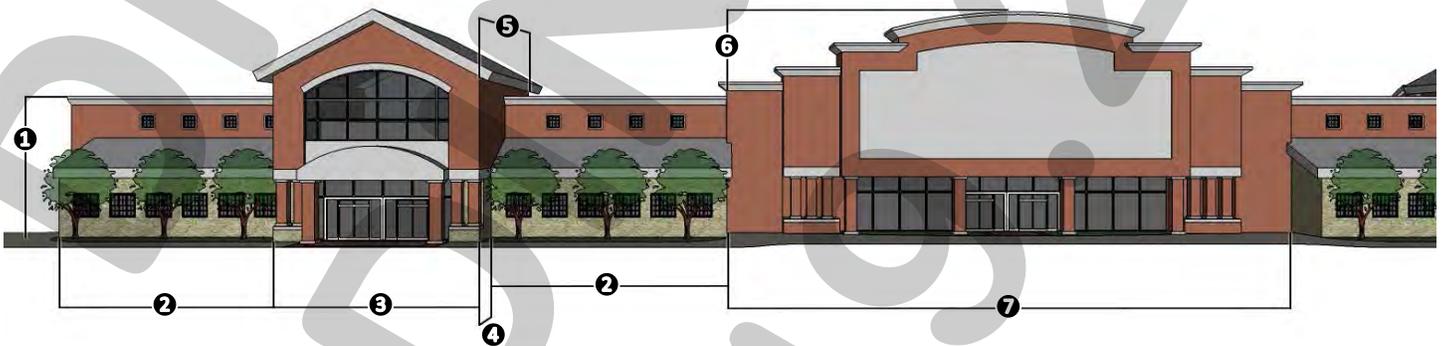
(B) *Maximum Building Height.*

(1) *Setback Exceptions for Building Height in Commercial Districts.* All structures shall conform to the height requirements specified for the zoning district of the subject property as stipulated by [Subsection 7.03, Non-Residential District Development Standards](#); however, the following features may be constructed 12-feet higher than the maximum height requirement if they [1] are not more than 33% of the total roof area, and [2] are setback from the edge of the roof a minimum of two (2) feet for every one (1) foot that the feature extends above the surface of the roof:

- (a) Chimneys, Church Spires, Elevator Shafts, and similar appendages not intended as places of occupancy and/or storage.
- (b) Flag Poles.
- (c) Solar Collectors and/or Similar Equipment, Fixtures, and Devices.

(C) *Building Articulation.*

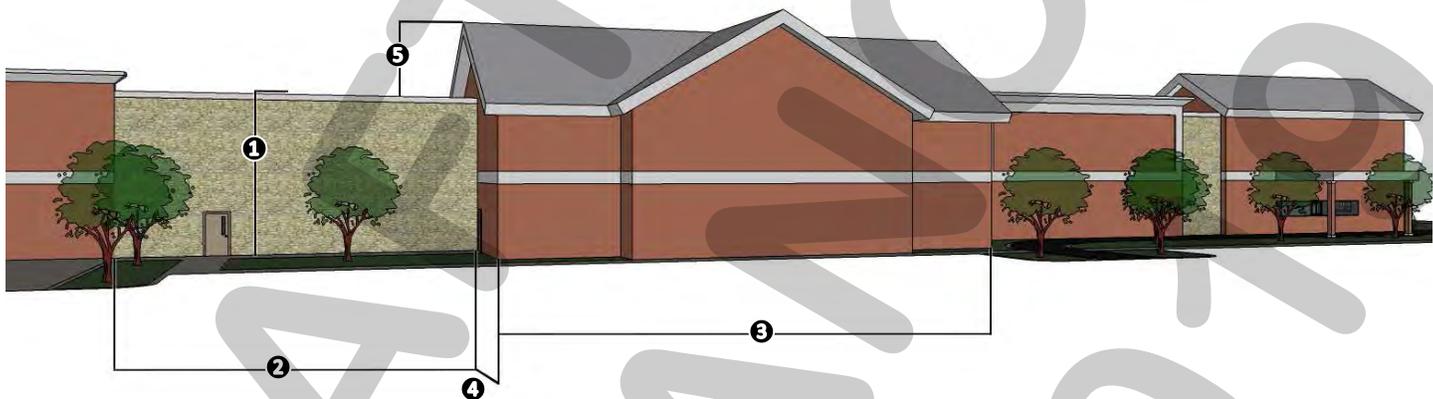
(1) *Primary Building Façades.* A primary building façade is any building façade that has a primary entryway for a business or that has an adjacency to a public right-of-way, open space/green space, public/private park, and/or a residential zoning district or residentially used property. All commercial buildings shall meet the following standards for articulation on primary building façades:



- ①: Wall Height. The wall height shall be measured from grade to the top of the wall.
- ②: Wall Length. The maximum wall length shall not exceed three (3) times the wall height (i.e. $3 \times \text{①} \geq \text{②}$).
- ③: Secondary Entryway/Architectural Element Length. The minimum length of the secondary entryway or projecting architectural element shall be 25% of the wall length (i.e. $25\% \times \text{②} \leq \text{③}$).
- ④: Wall Projection. The minimum wall projection for a primary and/or secondary entryway/architectural element shall be 25% of the wall height (i.e. $25\% \times \text{①} \leq \text{④}$).
- ⑤: Primary and/or Secondary Entryway/Architectural Element Width. The minimum width of the primary and/or secondary entryway/architectural element shall extend for twice the required wall projection (i.e. $2 \times \text{④} \geq \text{⑤}$).
- ⑥: Projection Height. The primary and secondary entryways/architectural element shall extend a minimum of 25% of the wall height above the top of the wall (i.e. $25\% \times \text{①} \leq \text{⑥}$).
- ⑦: Primary Entryway/Architectural Element Length. The primary entryway/architectural element shall

meet all of the same projections as the secondary entryway/architectural element, but shall extend for a minimum of twice the length of the secondary element (i.e. $2 \times \mathbf{3} \geq \mathbf{7}$).

- (2) *Secondary Building Façade.* A secondary building façade is any building façade that does not have a primary entryway or an adjacency to a public right-of-way, open space/green space, public/private park, and/or a residential zoning district or residentially used property. All commercial buildings shall meet the following standards for articulation on secondary building façades:



- ①: Wall Height. The wall height shall be measured from grade to the top of the wall.
- ②: Wall Length. The maximum wall length shall not exceed three (3) times the wall height (i.e. $3 \times \mathbf{1} \geq \mathbf{2}$).
- ③: Secondary Entryway/Architectural Element Length. The minimum length of the secondary entryway or projecting architectural element shall be 15% of the wall length (i.e. $15\% \times \mathbf{2} \leq \mathbf{3}$).
- ④: Secondary Entryway/Architectural Element Width. The minimum wall projection for a secondary entryway/architectural element shall be 15% of the wall height (i.e. $15\% \times \mathbf{1} \leq \mathbf{4}$).
- ⑤: Projection Height. The secondary entryway/architectural element shall extend a minimum of 15% of the wall height above the top of the wall (i.e. $15\% \times \mathbf{1} \leq \mathbf{5}$).

(3) *Exceptions.* Exceptions to the building articulation requirements may be permitted on a case-by-case basis by the Planning and Zoning Commission pending a recommendation from the Architectural Review Board (ARB). In determining if an exception to the building articulation requirements is appropriate, the Planning and Zoning Commission should determine if the proposed request is [1] in conformance with the spirit and intent of the building articulation requirements, and [2] if granting the exception will substantially weaken the City's ability to enforce the general purpose of the building articulation requirements in the future. If the Planning and Zoning Commission denies an exception request, the applicant may appeal the decision to the City Council by filing a written request to the Planning and Zoning Department. The request should provide justification for the exception being requested (i.e. detail the unique or extraordinary conditions that exist and/or the undue hardship created by strict adherence to the technical requirements).

- (D) *Open Space Guidelines.* Commercial land uses should be designed to be integrated with adjacent land uses, as opposed to separating land uses using physical barriers or screening walls (unless necessary). This should be achieved by making commercial developments pedestrian-oriented and easily accessible to adjacent developments through the use of natural buffers, open space and trails. This involves creating trails that connect commercial and residential developments, using landscape

buffers that incorporate berms and landscaping to separate residential and non-residential land uses, and utilizing building design to create compatibility with surrounding land uses.

(E) *Commercial Buildings 25,000 SF or Greater.*

(1) *Applicability.* These criteria shall apply to new retail/commercial building construction in all commercial zoning districts. This criteria shall not be applied to the use, re-use, modification or consolidation of existing retail and/or commercial space developed on or before April 2, 2001, or to the expansion of retail space in existence on or before April 2, 2001, that is being expanded by less than ten (10%) percent of the existing floor area.

~~(2) *Exterior Building Materials.* The area of all exterior facades shall consist of 90% brick, stone, cast stone, custom Concrete Masonry Units (CMUs) (i.e. CMUs that have been sandblasted, burnished or that have a split face — light weight block or smooth faced CMU shall be prohibited), stucco or a combination of these materials. Each facade shall not contain more than 75% of any single material.~~

~~3(2) *Loading Docks.* Loading docks shall not be oriented towards a residential zoning district or residentially used property. Where loading areas are located parallel to a residential zoning district or residentially used property, they must be screened by an architecturally integrated masonry screening wall that is a minimum 14-foot in height and that runs the entire length of the loading space. As an alternative, the Planning and Zoning Commission may approve the use of a berm in conjunction with landscape screening standards detailed in [Subsection 5.02, Landscape Screening, of Article VIII, Landscape and Fence Standards](#), if it is determined that this screening method will [1] provide a suitable substitute to a masonry wall, and [2] if the screening method will completely screen the proposed loading docks.~~

~~4(3) *On-Site Circulation Guidelines.*~~

- ~~(a) On-site circulation standards should try to minimize the conflict between pedestrians and vehicles by placing driveways and service areas in locations that reduce the chance of interrupting on-site vehicle movement.~~
- ~~(b) Buildings should be placed in a manner that screens the drive-through lane and creates pedestrian pathways and spaces.~~
- ~~(c) In order to maintain on-site circulation, each drive-through lane is to be separate from pump islands and from routes necessary for entering and exiting the property.~~

~~5(4) *Residential Adjacency Standards.* Where the property immediately abuts a residential zoning district or residentially used property -- unless separated by an M4D (major collector, four [4] lane, divided roadway) or larger thoroughfare -- a minimum ~~ten (10)~~ 25-foot wide landscaped buffer must be installed for buildings with a building footprint of 25,000 SF to 49,999 SF in area, a minimum of a ~~45~~ 50-foot wide landscaped buffer for buildings with a building footprint of 50,000 SF or greater to ~~79,999 SF in area, and a minimum 30-foot wide landscaped buffer for buildings with a building footprint of 80,000 SF and greater in area.~~ This shall be in place of addition to the buffer screening required by [Subsection 5.02, Landscape Screening Standards, of Article VIII, Landscape and Fence Standards](#), the landscape regulations of the City of Rockwall for all aforementioned building sizes. The landscaped buffer must include a combination of berms, and evergreen shrubs, and a mix of evergreen and deciduous trees (minimum four [4] inch caliper) placed at a minimum 25 feet on-center in addition to the requirements of [Subsection 5.02, Landscape Screening Standards, of Article VIII, Landscape and Fence Standards](#). Planting may be grouped if approved by the Planning and Zoning Commission.~~

6(5) Outside Storage. Open storage areas shall be connected to the building and screened with a wall that is constructed of the same building materials as the remainder of the primary structure.

5(6) Adaptive Reuse Standards. For those buildings over 80,000 SF in area, the applicant must demonstrate that the building can be subdivided in a reasonable manner by submitting a plan indicating potential entrances and exits and loading areas for multiple tenants. This plan will need to be submitted at the time of site plan.

(E) Exceptions. The Planning and Zoning Commission may consider exceptions to the *General Commercial District Standards* pending a recommendation from the Architectural Review Board (ARB), and in accordance with [Section 9.01, Exceptions to the General Standards, of Article XI, Development Applications and Review Procedures](#).

(Ord. No. 14-52, § 1, 12-1-2014)

SUBSECTION 4.02: RESIDENTIAL-OFFICE (RO) DISTRICT

(A) *Purpose.* The Residential-Office (RO) District is a zoning district intended to recognize the existence of older residential areas of the city, where larger houses have been or can be converted from single-family and multi-family residences to low-intensity office uses in order to extend the economic life of these structures, and to allow the owners to justify the expenditures for repairs and modernization. The intent of this district is to allow for low intensity office development providing professional, medical and other office services and limited retail businesses to residents in adjacent neighborhoods. The Residential-Office (RO) District shall have principle access to major or secondary thoroughfares, and may serve as an area of transition between residential and high-intensity, non-residential uses or busy arterial thoroughfares.

(B) *Permitted Uses.* All land uses permitted within the Residential-Office (RO) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements.* All development within a Residential-Office (RO) District shall conform to [Subsection 4.01, General Commercial District Standards](#), and the related standards listed within [Subsection 7.03, Non-Residential District Development Standards](#).

SUBSECTION 4.03: NEIGHBORHOOD SERVICES (NS) DISTRICT

(A) *Purpose.* The Neighborhood Services (NS) District is a zoning district intended to provide limited retail land uses near neighborhoods for the purpose of supplying the *day-to-day* retail and personal service needs of residents. The Neighborhood Services (NS) District is typically located at limited corner locations on arterials in existing developments, and is intended to serve small service areas. The average site is from one-half (½) acre to a maximum of two (2) acres. Since these sites are typically small and surrounded by residential development they can appear to be spot zones; however, the Comprehensive Plan acknowledges the need to create neighborhood units, which involve the need for limited retail and service uses in close proximity to neighborhoods. These convenience centers should be constructed to a residential scale, and be visually and dimensionally compatible to adjacent residential developments. The Neighborhood Services (NS) District should not contain uses that create excessive amounts of traffic, noise, litter or that would not be conducive to residential adjacency. Due to the residential adjacency of this zoning district, increased landscaping and buffering requirements are necessary.

(B) *Permitted Uses.* All land uses permitted within the Neighborhood Services (NS) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses.](#)

(C) *Area Requirements.* All development within a Neighborhood Services (NS) District shall conform to [Subsection 4.01, General Commercial District Standards](#), and the related standards listed within [Subsection 7.03, Non-Residential District Development Standards.](#)

SUBSECTION 4.04: GENERAL RETAIL (GR) DISTRICT

(A) *Purpose.* The General Retail (GR) District is a zoning district intended to provide limited retail and service uses for one (1) or more neighborhoods. The land uses specified in this district include most types of retail and office activity, and are typically located on/at the intersections of major thoroughfares. This district does *not* include strip commercial/retail centers, large shopping centers, wholesaling operations, lumberyards, contractor yards, and/or warehouses with high volumes of commercial truck traffic. The General Retail (GR) District is not a major commercial/retail district, and should try to avoid intensive commercial land uses that carry large volumes of retail traffic. The noise, traffic, litter, late night hours, and other influences that could be harmful to residential areas require adequate buffering and screening from residential areas. Traffic from land uses in this district should not pass through residential areas, except on arterial or major collectors. There are restrictions on access to prevent traffic congestion or an adverse effect on major thoroughfares adjacent to residential areas. Areas should not be zoned General Retail (GR) District unless they are located on or close to an arterial or major collector that is capable of carrying increased traffic. Since the General Retail (GR) District will be located close to residential areas, the development standards are stringent and require high standards of development similar to the Residential-Office (RO) and Neighborhood Services (NS) Districts.

(B) *Permitted Uses.* All land uses permitted within the General Retail (GR) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses.](#)

(C) *Area Requirements.* All development within a General Retail (GR) District shall conform to [Subsection 4.01, General Commercial District Standards](#), and the related standards listed within [Subsection 7.03, Non-Residential District Development Standards.](#)

SUBSECTION 4.05: COMMERCIAL (C) DISTRICT

(A) *Purpose.* The Commercial (C) District is the proper zoning classification for most types of commercial development (e.g. *larger shopping centers at major intersections, commercial strips along arterial roadways, etc.*). The land uses specified for the Commercial (C) District include most types of office and retail activity with some special provisions for wholesale land uses. This district mostly excludes land uses that are not compatible with retail shopping (e.g. *lumberyards, contractor yards, warehousing, or other land uses with high volumes of truck traffic and low volumes of retail traffic*). The noise, traffic, litter, late night hours, and other influences that could be harmful to neighborhoods require adequate buffering and mitigating factors when locating adjacent to residential areas. Areas should not be zoned to Commercial (C) District unless they are located on or close to an arterial or major collector that is capable of carrying the additional traffic generated by land uses in this district. In addition, these areas may require increased water, fire protection, wastewater and drainage capacity. The Commercial (C) District is a general business zone, and is intended to service most commercial land uses, with the exception of land uses that would fall into the Heavy Commercial (HC) District. Since the Commercial (C) District is general in nature, the development standards are less stringent and do not require as high of standards of development as the Residential-Office (RO), Neighborhood Services (NS) and General Retail (GR) Districts.

(B) *Permitted Uses.* All land uses permitted within the Commercial (C) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements.* All development within a Commercial (C) District shall conform to [Subsection 4.01, General Commercial District Standards](#), and the related standards listed within [Subsection 7.03, Non-Residential District Development Standards](#).

(D) *Special District Requirements.*

(1) *Business Operations and Storage.* All business operations including storage shall be conducted within a completely enclosed building unless specifically authorized for the use as stipulated in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#). This excludes off-street parking and loading, incidental display of retail items for sale, retail outlets where gasoline products are sold and drive-in businesses.

SUBSECTION 4.06: HEAVY COMMERCIAL (HC) DISTRICT

(A) *Purpose.* The Heavy Commercial (HC) District is the proper zoning classification for commercial establishments that may involve uses that would not be suitable in the other commercial zoning districts. Included in this district are commercial uses that involve large volumes of commercial truck traffic, outside operations, outside storage of materials and equipment, excessive noise from heavy service operations, and/or any other possibly adverse operations. The Heavy Commercial (HC) District is commercial in nature, but has some aspects that are similar to industrial land uses. The zoning district allows noise, traffic, litter, late night hours, outside storage of materials and equipment, and other influences that could be harmful if directly adjacent to residential areas, and will require adequate buffering and other mitigating factors if such an adjacency exists. Areas should not be zoned to Heavy Commercial (HC) District unless they are located on or close to an arterial that is capable of carrying large volumes of commercial truck traffic. Businesses locating in the Heavy Commercial (HC) District should work with the City to ensure that water, wastewater, and drainage capacity is adequate before locating on a particular property, and that streets in and adjacent to this district are of a size and strength to accommodate commercial truck traffic.

(B) *Permitted Uses.* All land uses permitted within the Heavy Commercial (HC) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements.* All development within a Commercial (C) District shall conform to [Subsection 4.01, General Commercial District Standards](#), and the related standards listed within [Subsection 7.03, Non-Residential District Development Standards](#).

(D) *Special District Requirements.*

(1) *Outside Storage.*

(a) All outside storage shall be placed behind the front facade of the main structure. This does not apply to uses that allow incidental display, in which case only the amount of goods necessary for display purposes shall be exempt from this requirement.

(b) All outside storage shall be screened from streets and public areas in accordance with the requirements of [Subsection 1.05, Screening Standards](#).

SUBSECTION 4.07: DOWNTOWN (DT) DISTRICT

Subsection 4.07, *Downtown (DT) District*, is omitted from this ordinance change, but is retained in its entirety.

SECTION 5: INDUSTRIAL DISTRICTS

SUBSECTION 5.01: GENERAL INDUSTRIAL DISTRICT STANDARDS

All industrial development shall conform to the following standards:

(A) Construction ~~Standards-Materials~~.

(1) *Materials and Masonry Composition*. Each exterior wall of a building's façade shall consist of a minimum of 90% *Primary Materials* and/or a maximum of 10% *Secondary Materials* -- excluding doors and windows -- as defined below.

(a) *Primary Materials*. *Primary Materials* shall include stone, brick, glass curtain wall, glass block, tile, and custom Concrete Masonry Units (CMU) (*i.e. CMUs that have been sandblasted, burnished or that have a split face -- light weight block or smooth faced CMU shall be prohibited*). Specific requirements for *Primary Materials* are as follows:

(1) *Stone*. A minimum of 20% stone (*i.e. natural or synthetic/cultured*) is required on all building façades.

(2) *Cementitious Materials*. The use of cementitious materials (*e.g. stucco, cementitious lap siding, or similar materials approved by the Director of Planning or his/her designee*) shall be limited to 50% of the building's exterior façade; however, stucco shall not be used within the first four (4) feet from grade on a building's façade. The use of concrete tilt-up walls may be permitted on a case-by-case basis in accordance with the exception requirements outlined below.

(3) *Accent Brick and Stone*. Each building shall incorporate accent brick or stone, or brick and stone patterns and materials that create contrast through color, shape, size, and/or texture to the planes of the primary brick or stone materials used on each building elevation.

(b) *Secondary Materials*. *Secondary Materials* are any material that is not deemed to be a *Primary Material* as defined above. This includes materials like aluminum composite materials, metal panels, acrylic products (*i.e. EIFS products*) cast stone, or other materials identified by the Director of Planning and Zoning or his/her designee.

(2) *Roof Design Standards*. All structures shall have the option of being constructed with either a pitched (*minimum of a 6:12 roof pitch*), parapet, or mansard roof system as long as the roof system is enclosed on all sides. Metal roofs with lapped seam construction, bituminous built-up roofs, and/or flat membrane-type roofs that are visible from adjacent properties or public right-of-way shall be prohibited. Projecting elements and parapets that are visible from adjacent properties or public right-of-way shall be finished on the interior side using the same materials as the exterior facing wall.

~~(2) *Exceptions*. Exceptions to the material requirements may be permitted on a case-by-case basis by the Planning and Zoning Commission upon recommendation from the Architectural Review Board (ARB). The submission and approval of material samples and building elevations of the structure shall be required. If the Planning and Zoning Commission denies an exception request, the applicant may appeal the decision to the City Council by filing a written request to the Planning and~~

Zoning Department. The request should provide justification for the exception being requested (i.e. detail the unique or extraordinary conditions that exist and/or the undue hardship created by strict adherence to the technical requirements).

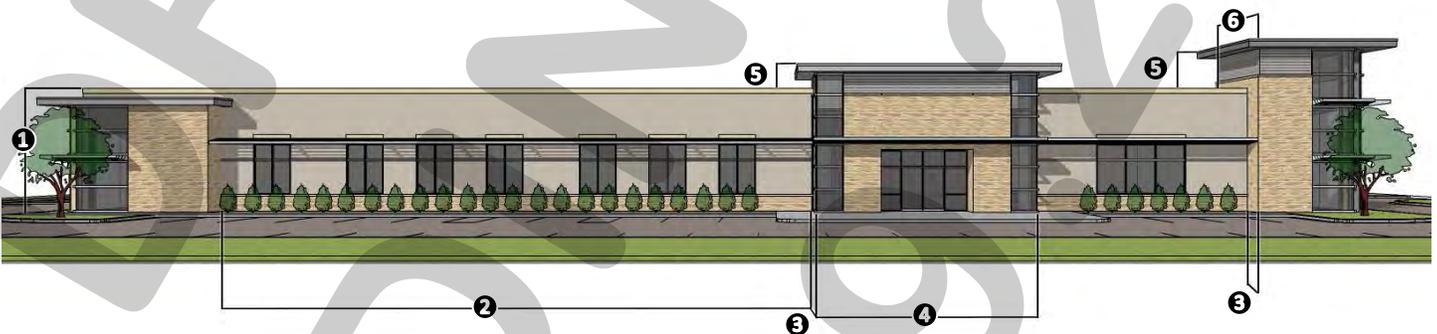
(B) *Maximum Building Height.*

(1) *Setback Exceptions for Building Height in Industrial Districts.* All structures shall conform to the height requirements specified for the zoning district of the subject property as stipulated by [Section 7.03, Non-Residential District Development Standards](#); however, the following features may be constructed 12-feet higher than the maximum height requirement if they [1] are not more than 33% of the total roof area, and [2] are setback from the edge of the roof a minimum of two (2) feet for every one (1) foot that the feature extends above the surface of the roof:

- (a) Chimneys, Church Spires, Elevator Shafts, and similar appendages not intended as places of occupancy and/or storage.
- (b) Flag Poles.
- (c) Solar Collectors and/or Similar Equipment, Fixtures, and Devices.

(C) *Building Articulation.*

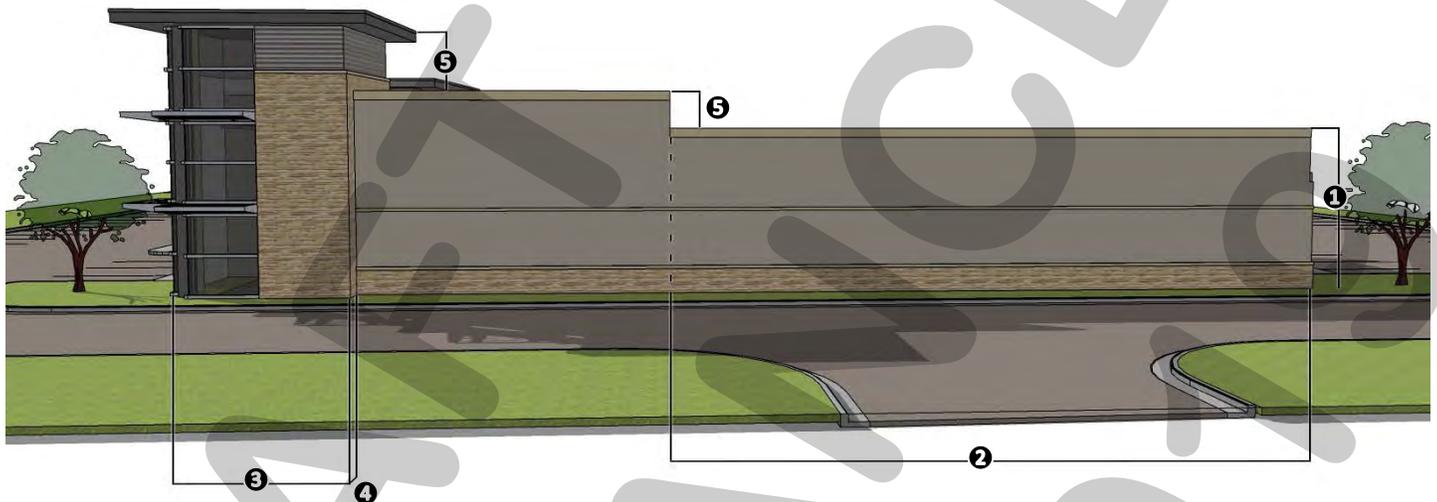
(1) *Primary Building Façades.* A primary building façade is any building façade that has a primary entryway for a business or that has an adjacency to a public right-of-way, open space/green space, public/private park, and/or a residential zoning district or residentially used property. All industrial buildings shall meet the following standards for articulation on primary building façades:



- ❶: *Wall Height.* The wall height shall be measured from grade to the top of the wall.
- ❷: *Wall Length.* The maximum wall length shall not exceed four (4) times the wall height (i.e. $4 \times \text{❶} \geq \text{❷}$).
- ❸: *Wall Projection.* The minimum wall projection for an entryway/architectural element shall be 25% of the wall height (i.e. $25\% \times \text{❶} \leq \text{❸}$).
- ❹: *Entryway/Architectural Element Length.* The minimum entryway/architectural element length shall be 33% of the wall height (i.e. $33\% \times \text{❷} \geq \text{❹}$).
- ❺: *Projection Height.* The entryways/architectural elements shall extend a minimum of 25% of the wall height above the top of the wall (i.e. $25\% \times \text{❶} \leq \text{❺}$).
- ❻: *Entryway/Architectural Element Width.* The minimum width of the entryway/architectural element shall extend for twice the required wall projection (i.e. $2 \times \text{❸} \geq \text{❻}$).

(2) *Secondary Building Façade.* A secondary building façade is any building façade that does not have a primary entryway or an adjacency to a public right-of-way, open space/green space,

public/private park, and/or a residentially zoned district or residentially used property. All industrial buildings shall meet the following standards for articulation on secondary building façades:



- ①: Wall Height. The wall height shall be measured from grade to the top of the wall.
- ②: Wall Length. The maximum wall length shall not exceed three (3) times the wall height (*i.e.* $3 \times \text{①} \geq \text{②}$).
- ③: Secondary Entryway/Architectural Element Length. The minimum length of the secondary entryway or projecting architectural element shall be 15% of the wall length (*i.e.* $15\% \times \text{②} \leq \text{③}$).
- ④: Secondary Entryway/Architectural Element Width. The minimum wall projection for a secondary entryway/architectural element shall be 15% of the wall height (*i.e.* $15\% \times \text{①} \leq \text{④}$).
- ⑤: Projection Height. The secondary entryways/architectural elements shall extend a minimum of 15% of the wall height above the top of the wall (*i.e.* $15\% \times \text{①} \leq \text{⑤}$).

~~(3) Exceptions. Exceptions to the building articulation requirements may be permitted on a case-by-case basis by the Planning and Zoning Commission pending a recommendation from the Architectural Review Board (ARB). In determining if an exception to the building articulation requirements is appropriate the Planning and Zoning Commission should determine if the proposed request is [1] in conformance with the spirit and intent of the building articulation requirements, and [2] if granting the exception will substantially weaken the City's ability to enforce the general purpose of the building articulation requirements in the future. If the Planning and Zoning Commission denies an exception request, the applicant may appeal the decision to the City Council by filing a written request to the Planning and Zoning Department. The request should provide justification for the exception being requested (*i.e.* detail the unique or extraordinary conditions that exist and/or the undue hardship created by strict adherence to the technical requirements).~~

(D) Open Space Guidelines. Industrial land uses should be designed to be integrated with adjacent land uses, as opposed to separating land uses using physical barriers or screening walls (*unless necessary*). This should be achieved by making industrial developments pedestrian-oriented and easily accessible to adjacent developments through the use of natural buffers, open space and trails. This involves creating trails that connect commercial and residential developments, using landscape buffers that incorporate berms and landscaping to separate residential and non-residential land uses, and utilizing building design to create compatibility with surrounding land uses.

- (E) *Exceptions.* The Planning and Zoning Commission may consider exceptions to the *General Industrial District Standards* pending a recommendation from the Architectural Review Board (ARB), and in accordance with [Section 9.01, Exceptions to the General Standards, of Article XI, Development Applications and Review Procedures.](#)

SUBSECTION 5.02: LIGHT INDUSTRIAL (LI) DISTRICT

- (A) *Purpose.* The Light Industrial (LI) District is a zoning district intended to create a limited industrial zone that provides for modern types of industrial land uses. With the exception of hazardous materials/manufacturing, this zone allows the same uses as the Heavy Industrial (HI) District. Limitations have been placed on the uses in this district to significantly restrict outside activities and the storage of materials, noise, vibration, smoke, pollution, fire and explosive hazards, glare and any other potentially adverse externalities. The Light Industrial (LI) District is intended for industrial parks and larger, cleaner types of industries. The manufacturing uses should be conducted within a totally enclosed building, and any activities conducted outside should be screened and buffered to ensure no external effects (e.g. *excessive noise or odor*) extend beyond the property lines. The locations for these types of industrial land uses are typically a minimum of two (2) acres and average of five (5) to ten (10) acres. These types of development also incorporate open space and significant amounts of land dedicated to landscaping.

Since this zoning district accommodates limited industrial activities that require substantial screening and buffering requirements, the Light Industrial (LI) District is a suitable zoning designation for high visibility locations (e.g. *IH-30 and SH-276*) or within a reasonable distance of residential areas as long as they are separated by an appropriate amount of open space. Residential uses should be discouraged from locating directly adjacent to or near the Light Industrial (LI) District to protect these types of businesses from excessive complaints about performance standards. Areas should not be zoned to Light Industrial (LI) District unless they are located on or close to an arterial capable of carrying commercial truck traffic. In industrial parks, internal streets should be of a size and strength to accommodate commercial truck traffic. Businesses locating in the Light Industrial (LI) District should work with the City to ensure that water, wastewater, and drainage capacity is adequate before locating on a particular property.

- (B) *Permitted Uses.* All land uses permitted within the Light Industrial (LI) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses.](#)
- (C) *Area Requirements.* All development within a Light Industrial (LI) District shall conform to [Subsection 4.01, General Industrial District Standards,](#) and the related standards listed within [Subsection 7.03, Non-Residential District Development Standards.](#)
- (D) *Special District Requirements.*
- (1) *Manufacturing Operations and Storage.* All business and manufacturing operations including storage shall be conducted within a completely enclosed building unless specifically authorized for the use as listed in [Section 1, Land Use Schedule, of Article IV, Permissible Uses.](#)

SUBSECTION 5.03: HEAVY INDUSTRIAL (HI) DISTRICT

- (A) *Purpose.* The City of Rockwall recognizes that some industrial uses cannot be conducted within a totally enclosed building, are not visually attractive, may involve hazardous materials, and could have adverse impacts to adjacent land uses due to noise, odor, pollution, and truck traffic. The Heavy

Industrial (HI) District is intended to provide adequate space and site diversification for these types of developments. The development standards in the Heavy Industrial (HI) District are minimal, and allow both large and small industrial uses either on separate small lots or as part of a larger industrial park. Some screening is required, but because of the potential for hazardous or possibly adverse uses, this district should not be located close to residential areas of any type. Areas should not be zoned Heavy Industrial (HI) District unless they are located on or close to an arterial roadway capable of carrying commercial truck traffic. Internal streets in the Heavy Industrial (HI) District should be of a size and strength to accommodate commercial truck traffic. Businesses locating in the Heavy Industrial (HI) District should work with the City to ensure that water, wastewater, and drainage capacity is adequate before locating on a particular property.

(B) *Permitted Uses*. All land uses permitted within the Heavy Industrial (HI) District are outlined in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(C) *Area Requirements*. All development within a Heavy Industrial (HI) District shall conform to [Subsection 4.01, General Industrial District Standards](#), and the related standards listed within [Subsection 7.03, Non-Residential District Development Standards](#).

SECTION 6: OVERLAY DISTRICTS

SUBSECTION 6.01: OVERLAY DISTRICTS

Overlay districts are applied to land that has a traditional zoning district designation already applied to it. It establishes additional uses and standards, which may be either more or less restrictive than the underlying zoning district. The overlay district governs in all cases where it sets out a particular use or standard that conflicts with other sections of this Unified Development Code (UDC). In cases where the overlay district does not specifically address a standard or requirement, the underlying zoning district will govern.

SUBSECTION 6.02: GENERAL OVERLAY DISTRICT STANDARDS

(A) *Applicability*. The *General Overlay District Standards* shall be applied to the following overlay districts:

- ☑ IH-30 Overlay (IH-30 OV) District
- ☑ SH-205 Overlay (SH-205 OV) District
- ☑ Scenic Overlay (SOV) District
- ☑ SH-66 Overlay (SH-66 OV) District
- ☑ SH-205 By-Pass Overlay (SH-205 BY OV) District
- ☑ North SH-205 Overlay (N. SH-205 OV) District
- ☑ East SH-66 Overlay (E. SH-66 OV) District
- ☑ FM-549 Overlay (FM-549 OV) District
- ☑ SH-276 Overlay (SH-276 OV) District

All other overlay district standards are detailed in Sections 6.03 – 6.15.

(B) *Special Use Standards*. Development within the Scenic Overlay (SOV) District and the SH-66 Overlay (SH-66 OV) District shall comply with the *Land Use Schedule* contained in Article IV, *Permissible Uses*, of this Unified Development Code (UDC); however, the following land uses may be considered on a case-by-case basis through a Specific Use Permit:

- a. Retail Store with Gasoline Sales (*Any Amount of Dispensers or Vehicles*)

- b. Car Wash (*Any Type*)
- c. Structures Over 36-Feet in Height

(C) *Architectural Standards.*

- (1) *Materials and Masonry Composition.* Each exterior wall of a building's façade shall consist of a minimum of 90% *Primary Materials* and/or a maximum of 10% *Secondary Materials* -- *excluding doors and windows* -- as defined below.
 - (a) *Primary Materials.* *Primary Materials* shall include stone, brick, glass curtain wall, glass block, tile, and custom Concrete Masonry Units (CMU) (*i.e. CMUs that have been sandblasted, burnished or that have a split face -- light weight block or smooth faced CMU shall be prohibited*). Specific requirements for *Primary Materials* are as follows:
 - (1) *Stone.* A minimum of 20% natural or quarried stone is required on all building façades; however, the Planning and Zoning Commission, upon recommendation from the Architectural Review Board (ARB), may grant the use of a high quality manufactured or cultured stone in lieu of natural or quarried stone if it is determined that the application of the manufactured or cultured stone will be complimentary and integral to the design of the building. In making this determination, both the Architectural Review Board (ARB) and the Planning and Zoning Commission should consider the shape, texture, size, quality and warranty of the product being proposed.
 - (2) *Cementitious Materials.* The use of cementitious materials (*e.g. stucco, cementitious lap siding, or similar materials approved by the Director of Planning or his/her designee*) shall be limited to 50% of the building's exterior façade; however, stucco shall not be used within the first four (4) feet from grade on a building's façade.
 - (3) *Accent Brick and Stone.* Each building shall incorporate accent brick or stone, or brick and stone patterns and materials that create contrast through color, shape, size, and/or texture to the planes of primary brick or stone materials in an elevation.
 - (b) *Secondary Materials.* *Secondary Materials* are any material that is not deemed to be a *Primary Material* as defined above. This includes materials like aluminum composite materials, metal panels, acrylic products (*i.e. EIFS products*) cast stone, cultured stone or other materials identified by the Director of Planning and Zoning or his/her designee.
- (2) *Roof Design Standards.* All structures that have a building footprint of less than 6,000 SF shall be constructed with a pitched roof. Those structures having a footprint 6,000 SF or greater shall have the option of being constructed with either a pitched, parapet, or mansard roof system as long as the roof system is enclosed on all sides. Standing seam metal roofs shall be constructed of a factory-treated, non-metallic, matte finish to avoid glare. Metal roofs with lapped seam construction, bituminous built-up roofs, and/or flat membrane-type roofs that are visible from adjacent public right-of-way shall be prohibited.
- (3) *Mechanical Equipment Screening.* All buildings shall be designed so that no HVAC, satellite dishes, appurtenances and/or any other mechanical equipment visible from any direction. This shall include equipment located on the roof, on the ground, or otherwise attached to the building or located on the site.
 - (a) Screening of rooftop mechanical equipment and/or other rooftop appurtenances shall be accomplished by either the construction of [1] a roof system described in the *Roof Design Standards* above, or [2] an architectural feature that is integral to the building's design and

ensures that such rooftop mechanical equipment is not visible from any direction. Fencing or the enclosing of individual mechanical units shall not be permitted.

(b) All rooftop mechanical equipment or architectural features shall be shown on the required building elevations and submitted along with the site plan for review by City Staff, the Architectural Review Board (ARB), and the Planning and Zoning Commission.

(4) *Required Architectural Elements.* All buildings that are less than 50,000 SF shall be designed to incorporate a minimum of four (4) architectural elements, buildings over 50,000 SF shall include a minimum of six (6) architectural elements, and buildings over 100,000 SF shall include a minimum of seven (7) architectural elements. The accepted architectural elements for all buildings are as follows:

- ☑ Canopies, Awnings, or Porticos
- ☑ Recesses/Projections
- ☑ Arcades
- ☑ Peaked Roof Forms
- ☑ Arches
- ☑ Outdoor Patios
- ☑ Display Windows
- ☑ Architectural Details (e.g. *Tile Work and Moldings*) Integrated into the Building's Facade
- ☑ Articulated Ground Floor Levels or Bases
- ☑ Articulated Cornice Line
- ☑ Integrated Planters or Wing Walls that Incorporate Landscape and Sitting Areas
- ☑ Offsets, Reveals or Projecting Rib Expressing Architectural or Structural Bays
- ☑ Varied Roof Heights

NOTE: Other architectural features maybe approved by the Director of Planning and Zoning or his/her designee.

(5) *Four (4) Sided Architecture.* All buildings shall be architecturally finished on all four (4) sides utilizing the same materials, detailing, articulation and features. In addition, a minimum of one (1) row of trees (i.e. *four [4] or more accent or canopy trees*) shall be planted along perimeter of the subject property to the rear of the building.

(6) *Windows.* The color of all windows shall be reviewed by the Architectural Review Board (ARB), and shall have a maximum visible exterior reflectivity of 20%.

(7) *Office Parks, Shopping Centers and Mixed Use Centers.* All buildings within a common retail, commercial or office development shall incorporate complementary architectural styles, materials, and colors. Staff may require a conceptual façade plan and/or sample boards for these types of developments to ensure consistency and compatibility for all buildings within a proposed development. Conceptual façade plans will be used only to ensure compliance to the minimum standards.

(8) *Corporate Identity.* A company's building corporate identity that conflicts with the *General Overlay District Standards* shall be reviewed *case-by-case* basis as a variance in accordance with the requirements of [Subsection 9.02, Variances to the General Overlay District Standards, of Article XI, Development Applications and Review Procedures.](#)

(D) *Site Design Guidelines and Standards.*

(1) **Building Setbacks.** The building setbacks adjacent to the *Primary Roadway* (i.e. IH-30, SH-205, FM-740, SH-66, FM-549, John King Boulevard and SH-276) shall be as follows:

- (1) Scenic Overlay (SOV) District: 15-feet
- (2) SH-66 Overlay (SH-66 OV) District: 15-feet
- (3) IH-30 Overlay (IH-30 OV) District: 25-feet
- (4) SH-205 Overlay (SH-205 OV) District: 25-feet
- (5) North SH-205 Overlay (N. SH-205 OV) District: 25-feet
- (6) SH-205 By-Pass Overlay (SH-205 BY OV) District:

- Residential Land Uses: See [Section 6.3.5, SH-205 By-Pass Overlay \(SH-205 BY OV\) District](#)
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

(7) East SH-66 Overlay (E. SH-66 OV) District:

- Residential Land Uses: 25-feet
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

(8) FM-549 Overlay (FM-549 OV) District:

- Residential Land Uses: 25-feet
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

(9) SH-276 Overlay (SH-276 OV) District:

- Residential Land Uses: 25-feet
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

All other building setback regulations shall be the same as set forth in the underlying zoning district.

(2) **Parking Restrictions.** No more than one (1) full row of parking (i.e. two rows of parking with a drive aisle) shall be allowed between the primary building façade and the right-of-way of the *Primary Roadway* (i.e. IH-30, SH-205, FM-740, SH-66, FM-549, John King Boulevard and SH-276).

(3) **Access/Ingress/Egress.** In an effort to minimize potential vehicular and pedestrian conflicts, special attention must be given to the location of median breaks along major thoroughfares, the number and location of driveways providing ingress/egress, the design of driveways providing ingress/egress in relation to the parking areas and sight/visibility distances. Taking this into consideration it is important to review all site plans for the following guidelines:

- a. Driveways should be spaced a minimum of 100-feet from the intersection of any major thoroughfare.
- b. The ingress/egress driveways shall have a minimum radius of 30-feet;
- c. Driveways should maintain an appropriate visibility triangle at ingress/egress driveways.

- d. Main entrances should generally be located at median breaks that provide left turn access into the site.
- e. Main entrances should connect to a *straightaway* aisle that does not dead end or require an immediate turn to approach the main building.
- f. Aisles intersecting with entrance drives should be spaced at a minimum of 20-feet from the property line to provide for smooth turning movements.

(4) *Cross Access*. *Cross Access Easements* may be required by the Planning and Zoning Commission at the time of site plan approval to ensure access to future median breaks and to reduce the number of curb cuts needed along roadways.

(5) *Shared Parking*. In all office parks, shopping centers and mixed-use centers cross access and shared parking agreements may be required by the City Council along with final plat approval.

(6) *Loading and Service Areas*. All loading and service areas shall be located on the rear and side of buildings where possible. In the event that a loading or service area faces towards the *Primary Roadway* (i.e. IH-30, SH-205, FM-740, SH-66, FM-549, John King Boulevard and SH-276), additional screening of the loading and service area may be required by the Architectural Review Board (ARB) and Planning and Zoning Commission. A minimum of a ten (10) foot masonry screening wall shall be required to screen the view of loading docks and loading spaces intended for tractor/semi-trailer delivery from any public right-of-way. This ten (10) foot masonry screening wall must screen the entire loading dock or loading space. Screening materials shall utilize similar masonry materials as the front façade of the primary building. The accommodation of adequate access for service delivery trucks shall be evaluated to determine the extent of screening required.

(7) *Trash/Recycling Receptacles and Dumpster Enclosures*. Trash/Recycling Enclosures shall be four (4) sided. These receptacles shall be screened by a minimum eight (8) foot, solid masonry dumpster enclosure that utilizes the same masonry materials as the primary building and incorporates an opaque, self-latching gate. These enclosures shall be located to the side or rear of the primary building, and shall not front on to a public right-of-way. Every effort shall be made to reduce the visibility of these structures utilizing landscaping and/or the building.

(8) *Play Structures*. Play structures shall not be placed between the primary building façade and a public right-of-way.

(9) *Plan Review*. In addition to the other processes and factors established by this Unified Development Code (UDC), all concept plans, development plans and site plans for property situated within an established overlay district shall be reviewed for the following:

- (a) The conformance of the proposed site plan to the site design guidelines and standards.
- (b) The conformance of the proposed landscape plan to the intent of the landscaping and screening requirements.
- (c) The conformance of the building elevations to the intent of the architectural standards.
- (d) The provision of sufficient cross access and circulation on the site plan.
- (e) The provision of sufficient visibility triangles to avoid congestion at ingress/egress driveways.

(E) *Landscape Standards*.

(1) *Landscape Buffers*. The minimum landscape buffer adjacent to *Primary Roadways* (i.e. IH-30, SH-205, FM-740, SH-66, FM-549, John King Boulevard and SH-276) [outside of and beyond any required right-of-way dedication] shall be as follows:

- (1) Scenic Overlay (SOV) District: 20-feet
- (2) SH-66 Overlay (SH-66 OV) District: 20-feet
- (3) IH-30 Overlay (IH-30 OV) District: 20-feet
- (4) SH-205 Overlay (SH-205 OV) District: 20-feet
- (5) North SH-205 Overlay (N. SH-205 OV) District: 20-feet
- (6) SH-205 By-Pass Overlay (SH-205 BY OV) District:

- Residential Land Uses: 50-feet
- Retail/Commercial Land Uses: 25-feet
- Industrial/Office/Technology Land Uses: 50-feet

(7) East SH-66 Overlay (E. SH-66 OV) District:

- Residential Land Uses: 25-feet
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

(8) FM-549 Overlay (FM-549 OV) District:

- Residential Land Uses: 25-feet
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

(9) SH-276 Overlay (SH-276 OV) District:

- Residential Land Uses: 25-feet
- Retail/Commercial Land Uses: 15-feet
- Industrial/Office/Technology Land Uses: 50-feet

All landscape buffers shall incorporate ground cover, a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. Berms and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, two (2) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage along the *Primary Roadway*. In the E. SH-66 Overlay (E SH-66 OV), FM-549 Overlay (FM-549 OV), and SH-205 By-Pass Overlay (SH-205 BY OV) Districts the required landscape buffer shall incorporate one (1) additional cedar tree per 100-feet of linear of frontage along the *Primary Roadway*.

(2) *Plant Material Sizes and Selection*. All canopy trees, accent trees, shrubs and ground cover proposed to be planted in any overlay district shall be in conformance to the tables depicted in [Appendix F, Landscaping Guidelines and Requirements](#), of this Unified Development Code (UDC) and shall be subject to the following sizes:

- a. *Canopy Trees* shall be a minimum of four (4) caliper inches at DBH.
- b. *Accent Trees* shall be a minimum of four (4) feet in total height.
- c. *Deciduous Shrubs* shall be a minimum of ~~two (2)~~ five (5) gallons in size.
- d. *Evergreen Shrubs* shall be a minimum of ~~two (2)~~ five (5) gallons in size.

- (3) *Erosion Control/Retaining Walls.* Any slope embankments or retaining walls within the public right-of-way or within the required landscape buffer must be terraced every four (4) feet in height (maximum) with a minimum of a two (2) foot planting area provided between each vertical plane. Materials used for the vertical elements shall be natural stone or any masonry material, which matches the masonry materials used on the primary structure. The planting area must incorporate shrubs, ground cover and grasses.
- (F) *Signs.* All signage requirements and variances to these requirements shall conform to Chapter 32, *Signs*, of the Municipal Code of Ordinances; however, approval of any variance to the sign standards for property situated within an established overlay district shall require approval by the City Council by a supermajority vote (*i.e. a three-fourths vote of those members present*), with a minimum of four (4) votes in the affirmative required for approval.
- (G) *Lighting Standards.* No light standard, light fixture, light pole, pole base or combination thereof shall exceed 20-feet in total height in any overlay district with the exception of the IH-30 Overlay (IH-30 OV) District, which shall be limited to a maximum height of 30-feet.
- (H) *Utility Placement.* All overhead utilities within any overlay district shall be placed underground.
- (I) *Residential Standards.* No screening walls shall be erected adjacent to the *Primary Roadway* (*i.e. IH-30, SH-205, FM-740, SH-66, FM-549, John King Boulevard and SH-276*) in conjunction with any residential development. In addition, *eyebrow drives* with clusters of lots (*i.e. 5 – 12 homes*) shall be utilized along the *Primary Roadway* for residential developments. In lieu of *eyebrow drives*, a 50-foot landscape buffer may be utilized as an alternative. Farm fencing, including wood rail type and metal pipe and cable fencing, is allowed within the 50-foot landscape buffer. For residential developments within the SH-205 By-Pass Overlay (SH-205 BY OV) District, see *Section 6.3.5, SH-205 By-Pass Overlay (SH-205 BY OV) District*.

SUBSECTION 6.03: HISTORIC OVERLAY (HO) DISTRICT

Subsection 6.03, *Historic Overlay (HO) District*, is omitted from this ordinance change, but is retained in its entirety.

SUBSECTION 6.04: NORTH GOLIAD CORRIDOR OVERLAY (NGC OV) DISTRICT

Subsection 6.04, *North Goliad Corridor Overlay (NGC OV) District*, is omitted from this ordinance change, but is retained in its entirety.

SUBSECTION 6.05: SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT

Subsection 6.05, *Southside Residential Neighborhood Overlay (SRO) District*, is omitted from this ordinance change, but is retained in its entirety.

SUBSECTION 6.06: IH-30 OVERLAY (IH-30 OV) DISTRICT

- (A) *Purpose.* The intent of the IH-30 Overlay (IH-30 OV) District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage, which serves as the initial impression to those visiting and passing through the City of Rockwall. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through the Architectural Review Board (ARB).

These development requirements shall apply to non-residential and multi-family land uses only, single-family land uses shall be excluded from these standards except as otherwise stated.

- (B) *Application and Boundaries.* The IH-30 Overlay (IH-30 OV) District includes the entirety of all properties which adjoin or are located within 500-feet of the future right-of-way of IH-30. The IH-30 Overlay (IH-30 OV) District spans east to west along IH-30 from the eastern city limits (approximately 3,600-feet east of FM 549), west to the western city limit line along Lake Ray Hubbard. The standards and regulations set forth in the IH-30 Overlay (IH-30 OV) District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.
- (C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the IH-30 Overlay (IH-30 OV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards](#).

SUBSECTION 6.07: SH-205 OVERLAY (SH-205 OV) DISTRICT

- (A) *Purpose.* The intent of the SH-205 Overlay (SH-205 OV) District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage, which serves as the initial impression to those visiting and passing through the City of Rockwall. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through the Architectural Review Board (ARB). These development requirements shall apply to non-residential and multi-family land uses only, single-family land uses shall be excluded from these standards except as otherwise stated.
- (B) *Application and Boundaries.* The SH-205 Overlay (SH-205 OV) District includes the entirety of all properties which adjoin or are located within 200-feet of the future right-of-way of SH-205. The SH-205 Overlay (SH-205 OV) District spans north to south along SH-205 from the intersection point of SH-205 and FM 740, south to the southern city limits (approximately 2,800-feet south of FM-1139). The standards and regulations set forth in the SH-205 Overlay (SH-205 OV) District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.
- (C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the SH-205 Overlay (SH-205 OV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards](#).

SUBSECTION 6.08: SCENIC OVERLAY (SRO) DISTRICT

- (A) *Purpose.* The Scenic Overlay (SOV) District is a specialized overlay district along FM-740 which has been identified in the Comprehensive Plan as a scenic thoroughfare. The identified scenic aspects of FM-740 include views of the lake, existing natural topography, and existing natural landscaping. The district has been established to protect scenic or historic qualities through the use of additional development criteria and by requiring uses compatible with both existing uses and with the visual environment. The development requirements for non-residential uses are more restrictive than in other commercial classifications in order to encourage development that will protect and enhance the existing views, topography, landscape and quality of development. This district is designed to be primarily an office and retail/commercial shopping district with an intensity of uses normally found along major thoroughfares; however, these uses may be located close to residential areas. The type of allowed uses and the more restrictive development requirements provide protection for residential areas. In order to ensure that the visual impact of development does not detrimentally affect the area in which it

is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through the Architectural Review Board (ARB).

- (B) *Application and Boundaries.* The Scenic Overlay (SOV) District shall apply to all property located within the established boundary along FM-740 (as set forth in Ordinance No. 87-64). Property that has been zoned, platted and site planned at the time of adoption of the ordinance, from which this section is derived, shall be exempted from the provisions of this section unless and until an application for zoning, platting, or site planning is re-submitted on the property. All property developed within the Scenic Overlay (SOV) District must meet both the terms and requirements of the underlying zoning classification applicable to the property and the provisions set forth in the Scenic Overlay (SOV) District. The most restrictive requirement applicable to the property shall apply.
- (C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the Scenic Overlay (SOV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards](#).

SUBSECTION 6.09: SH-66 OVERLAY (SH-66 OV) DISTRICT

- (A) *Purpose.* The SH-66 Overlay (SH-66 OV) District is a specialized overlay district along SH-66 and Washington Street between Lake Ray Hubbard and SH-205, which has been identified as one of the important entry points into the City of Rockwall. The identified important scenic aspects of this corridor include views of the lake, existing natural topography, and existing natural landscaping adjacent to residential neighborhoods. The district has been established to protect scenic or historic qualities through the use of additional development criteria, and by requiring uses compatible with both existing uses and with the visual environment. The development requirements for non-residential uses are more restrictive than in other commercial classifications in order to encourage development that will protect and enhance the existing views, topography, landscape and quality of development. This district is designed to be primarily an office and retail/commercial shopping district with an intensity of uses normally found along major thoroughfares; however, these uses may be located close to residential areas. The type of allowed uses and the more restrictive development requirements provide protection for residential areas. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through the Architectural Review Board (ARB).
- (B) *Application and Boundaries.* The SH-66 Overlay (SH-66 OV) District shall apply to all property located within the established boundary along SH-66 and Washington Street, between Lake Ray Hubbard and SH-205 (as set forth in Ordinance No. 01-18). Property that has been zoned, platted and site planned at the time of adoption of the ordinance, from which this section is derived, shall be exempted from the provisions of this section unless an application for zoning, platting, or site planning is resubmitted on the property. All property developed within the SH-66 Overlay (SH-66 OV) District must meet both the terms and requirements of the underlying zoning classification applicable to the property and the provisions set forth in the SH-66 Overlay (SH-66 OV) District. The most restrictive requirement applicable to the property shall apply.
- (C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the SH-66 Overlay (SH-66 OV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards](#).

SUBSECTION 6.10: SH-205 BY-PASS OVERLAY (SH-205 BY OV) DISTRICT

- (A) *Purpose.* The intent of the SH-205 By-Pass Overlay (SH-205 BY OV) District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically

pleasing appearance of the frontage, which serves as the initial impression to those visiting and passing through the City of Rockwall. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility and plan review shall be conducted through the Architectural Review Board (ARB). These development requirements shall apply to non-residential and multi-family uses only. All other residential uses shall be excluded from these standards except as otherwise stated.

(B) *Application and Boundaries.* The SH-205 By-Pass Overlay (SH-205 BY OV) District includes the entirety of all properties which adjoin or are located within 500 feet of the current and future right-of-way of John King Boulevard. The SH-205 By-Pass Overlay (SH-205 BY OV) District ~~Zone~~ extends along the current and future right-of-way of John King Boulevard. to the existing city limits. The standards and regulations set forth in the SH-205 By-Pass Overlay (SH-205 BY OV) District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.

(C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the SH-205 By-Pass Overlay (SH-205 BY OV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards](#).

(D) *Special District Requirements.*

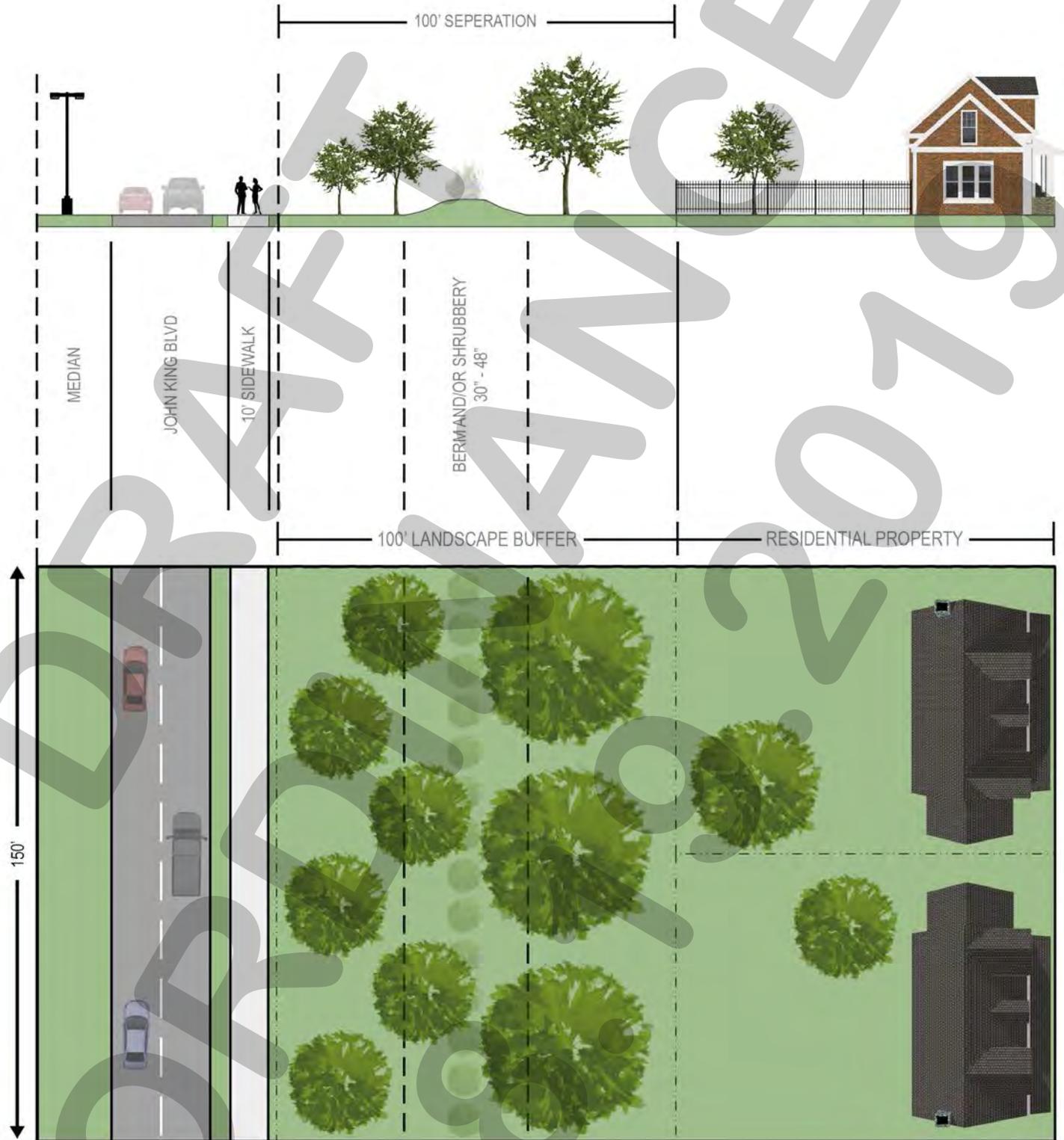
(1) *Residential Frontage Requirements.* To ensure proper separation of residential land uses from John King Boulevard all residential developments that have direct frontage on John King Boulevard shall utilize one (1) or a combination of the following design alternatives along the entire frontage of John King Boulevard:

- a. *Increased Landscape Buffer.* A minimum of a 100-foot landscape buffer maybe substituted for the required landscape buffer as depicted in *Design Alternative #1*.
- b. *Increased Rear Yard Building Setback.* A minimum of 50-foot rear yard building setback may be incorporated adjacent to the required landscape buffer as depicted in *Design Alternative #2*.
- b. *Incorporation of a Slip Street.* A slip street -- *meeting the Engineering Department's requirements for right-of-way design* -- may be incorporated adjacent to and running parallel with the required landscape buffer. Homes are permitted to front or side to the slip street. Examples of this design alternative are depicted in *Design Alternative #3* and *Design Alternative #4*.
- c. *Incorporation of an Eyebrow.* An eyebrow street meeting the -- *Engineering Department's requirements for right-of-way design* -- with a minimum cluster of five (5) homes and a maximum cluster of 12 homes can be incorporated with a 30-foot landscape buffer. All homes should front onto the eyebrow street and have a minimum of a 25-foot front yard building setback. An example of this design alternative is depicted *Design Alternative #5*.

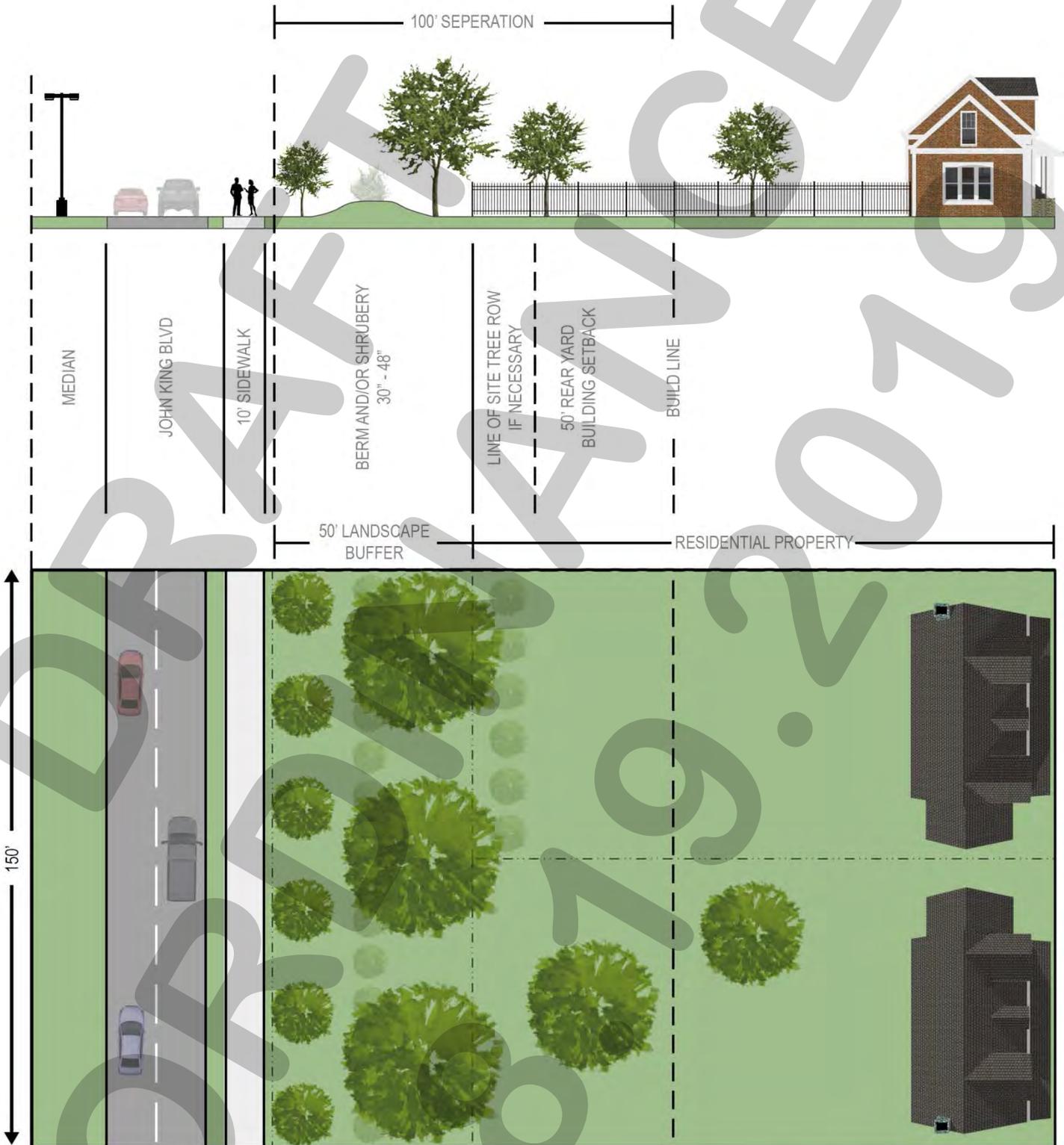
(2) *Design Alternatives.*

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ORDINANCE
08.19.2019

Design Alternative #1



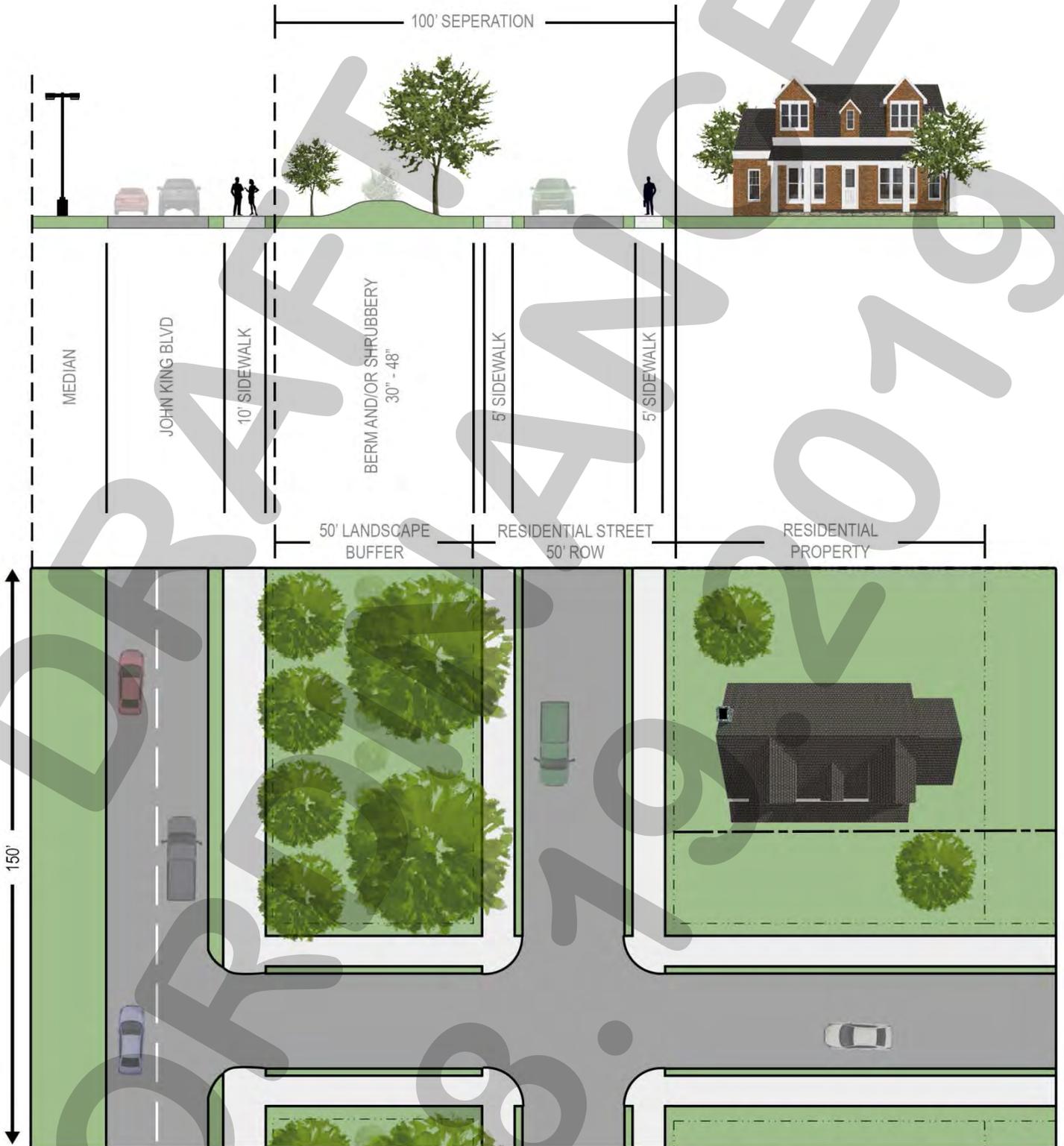
Design Alternative #2



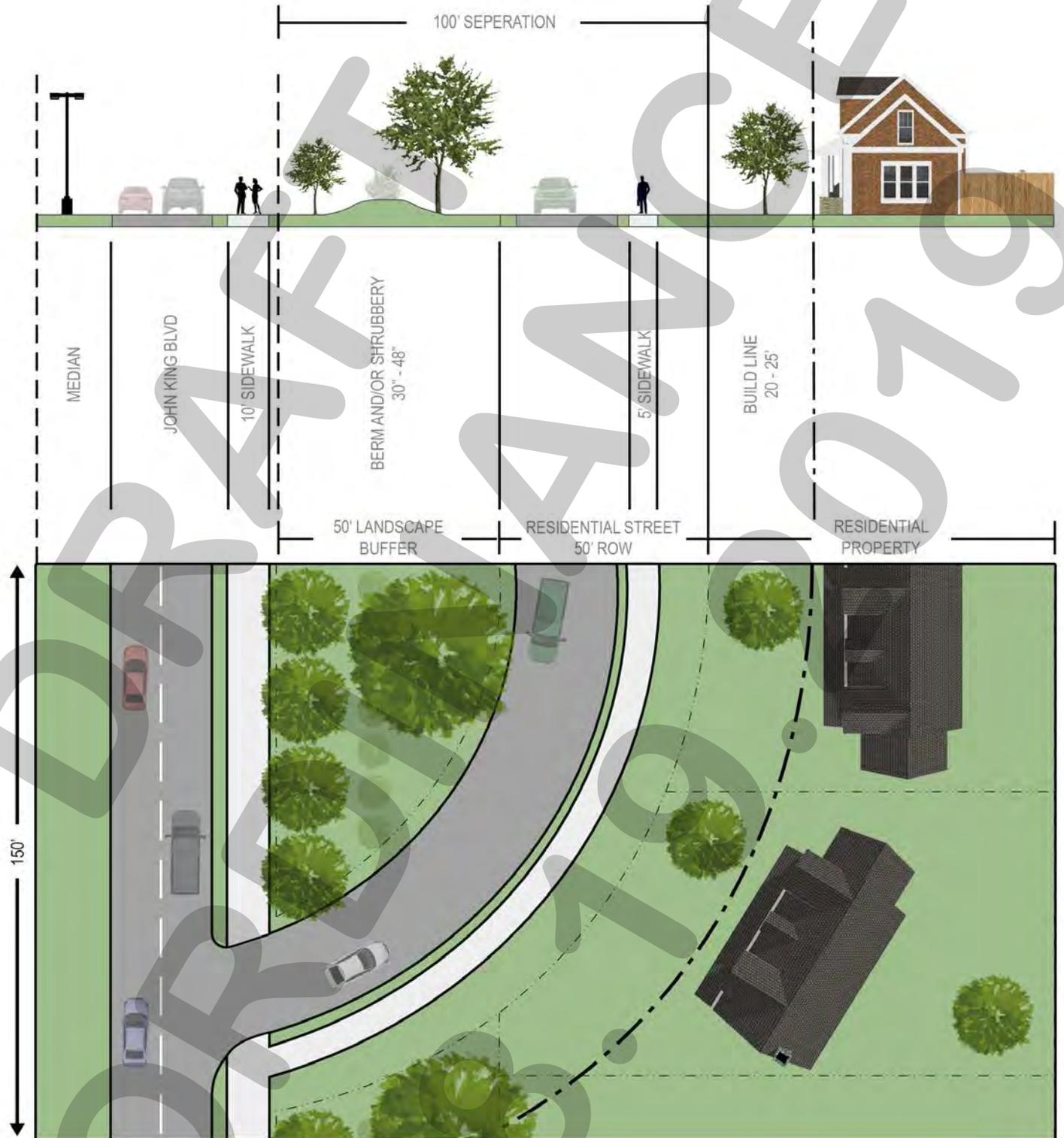
Design Alternative #3



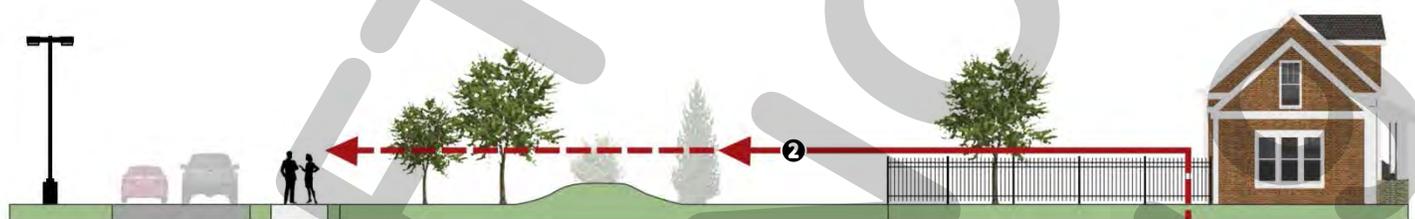
Design Alternative #4



Design Alternative #5



(3) *Line of Sight Requirements.* Homes that back to a required landscape buffer should be built in such a manner where the required berm visually impairs visibility to John King Boulevard. In cases where a berm proves to be ineffective at screening traffic from John King Boulevard (*due to topography, height, etc.*) the developer shall be responsible for incorporating additional landscaping to provide sufficient screening in the required landscape buffer. This will be reviewed by the Planning and Zoning Commission at the time of site plan.



①: Represents the line of sight at six (6) feet from grade.

②: The solid red line shows that visibility is impaired from John King Boulevard by [1] a row of trees or [2] a berm and/or row of shrubbery.

SUBSECTION 6.11: NORTH SH-205 OVERLAY (N. SH-205 OV) DISTRICT

(A) *Purpose.* The intent of the North SH-205 Overlay (N. SH-205 OV) District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage, which serves as the initial impression to those visiting and passing through the City of Rockwall. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through the Architectural Review Board (ARB). These development requirements shall apply to non-residential and multi-family land uses only, single-family land uses shall be excluded from these standards except as otherwise stated.

(B) *Application and boundaries.* The North SH-205 Overlay (N. SH-205 OV) District includes the entirety of all properties which adjoin or are located within 500-feet of the current or future right-of-way of N. SH-205. The North SH-205 Overlay (N. SH-205 OV) District spans north to south along SH-205 from the northern city limits (approximately 4,200-feet north of FM-552), south to the intersection point of SH-205 and Health Street. The standards and regulations set forth in the North SH-205 Overlay (N. SH-205 OV) District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.

(C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the North SH-205 Overlay (N. SH-205 OV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards](#).

SUBSECTION 6.12: EAST SH-66 OVERLAY (E. SH-66 OV) DISTRICT

(A) *Purpose.* The intent of the East SH-66 Overlay (E. SH-66 OV) District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage, which serves as the initial impression to those visiting and passing through the City of Rockwall. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through the Architectural Review Board

(ARB). These development requirements shall apply to non-residential and multi-family land uses only, single-family land uses shall be excluded from these standards except as otherwise stated.

(B) *Application and boundaries.* The East SH-66 Overlay (E. SH-66 OV) District includes the entirety of all properties which adjoin or are located within 500-feet of the current or future right-of-way of E. SH-66. The East SH-66 Overlay (E. SH-66 OV) District extends from FM-1141 to the east approximately 2,700-feet, and on property that lies within 500-feet of the south right-of-way line of SH-66 beginning at a point approximately 2,700-feet east of FM-1141 and then continuing east to FM-549. The standards and regulations set forth in the East SH-66 Overlay (E. SH-66 OV) District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.

(C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the East SH-66 Overlay (E. SH-66 OV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards](#).

SUBSECTION 6.13: FM-549 OVERLAY (FM-549 OV) DISTRICT

(A) *Purpose.* The intent of the FM-549 Overlay (FM-549 OV) District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage, which serves as the initial impression to those visiting and passing through the City of Rockwall. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through the Review Board (ARB). These development requirements shall apply to non-residential and multi-family land uses only, single-family land uses shall be excluded from these standards except as otherwise stated.

(B) *Application and boundaries.* The FM-549 Overlay (FM-549 OV) District includes the entirety of all properties which adjoin or are located within 500-feet of the current or future right-of-way of FM-549. The FM-549 Overlay (FM-549 OV) District extends from SH-276 to a point approximately 800-feet north of IH-30 and on property that lies within 500-feet of the west right-of-way line of FM-549 from a point approximately 800-feet north of IH-30 to SH-66. The standards and regulations set forth in the FM-549 Overlay (FM-549 OV) District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.

(C) *Overlay District Standards.* If any portion of a property is situated within the boundaries of the FM-549 Overlay (FM-549 OV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards](#).

SUBSECTION 6.14: SH-276 OVERLAY (SH-276 OV) DISTRICT

(A) *Purpose.* The intent of the SH-276 Overlay (SH-276 OV) District is to provide for consistent development of office, retail and commercial areas in concert with the most efficient and aesthetically pleasing appearance of the frontage, which serves as the initial impression to those visiting and passing through the City of Rockwall. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through the Architectural Review Board (ARB). These development requirements shall apply to non-residential and multi-family land uses only, single-family land uses shall be excluded from these standards except as otherwise stated.

(B) *Application and boundaries.* The SH-276 Overlay (SH-276 OV) District includes the entirety of all properties which adjoin or are located within 500-feet of the current or future right-of-way of SH-276.

The SH-276 Overlay (SH-276 OV) District extends from SH-205 east to the eastern city limits, as may be extended with future annexation(s). The standards and regulations set forth in the SH-276 Overlay (SH-276 OV) District are superimposed and shall supersede the standards and regulations of any underlying zoning district which are in conflict.

(C) *Overlay District Standards*. If any portion of a property is situated within the boundaries of the SH-276 Overlay (SH-276 OV) District, the entire property shall be subject to the requirements of [Section 6.01, General Overlay District Standards](#).

SUBSECTION 6.15: LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT

Subsection 6.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, is omitted from this ordinance change, but is retained in its entirety.

SUBSECTION 6.16: VARIANCES TO THE GENERAL OVERLAY DISTRICT STANDARDS

See [Subsection 9.02, Variances to the General Overlay Districts Standards, of Article IX, Development Applications and Review Procedures](#).

~~Unless otherwise specified in this section, an applicant may request the Planning and Zoning Commission grant a variance to any provision contained in [Section 6.02, General Overlay District Standards](#), where unique or extraordinary conditions exist or where strict adherence to the technical requirements of this section would create an undue hardship. If the Planning and Zoning Commission denies a variance request, the applicant may appeal the decision to the City Council by filing a written request to the Planning and Zoning Department. The request should provide justification for the variance or variances being requested (i.e. detail the unique or extraordinary conditions that exist and/or the undue hardship created by strict adherence to the technical requirements). Approval of any variance to the requirements of this section by the Planning and Zoning Commission or City Council shall require a supermajority vote (i.e. a three-fourths vote of those members present), with a minimum of four (4) votes in the affirmative required for approval.~~

SECTION 7: DISTRICT DEVELOPMENT STANDARDS

SUBSECTION 7.01: RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

Residential District Development Standards

Zoning Districts →

Development Standards ↓

		Single-Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single-Family Estate 4.0 (SFE-4.0) District	Single-Family 1 (SF-1) District	Single-Family 16 (SF-16) District	Single-Family 10 (SF-10) District	Single-Family 8.4 (SF-8.4) District	Single-Family 7 (SF-7) District	Zero Lot Line (ZL-5) District	Two-Family (2F) District	Agricultural (AG) District
Abbreviation		SFE-1.5	SFE-2.0	SFE-4.0	SF-1	SF-16	SF-10	SF-8.4	SF-7	ZL-5	2F	AG
Dwelling Units/Lot		1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	2.0	1.0
Dwelling Units/Acre		0.67	0.5	0.25	1.0 ¹	2.7	4.4	5.2	6.2	8.7	12.4	0.1 ¹¹
Minimum Dwelling Unit (SF)		2,000	2,200	2,500	2,500	2,400	2,200	1,500	1,100	1,000	800	1,600
Minimum Lot Requirements	Area (Square Feet)	65,340	87,120	174,240	8,400	16,000	10,000	8,400	7,000	5,000	7,000	43,560
	Width (Feet) ²	150	150	200	70	90	80	70	60	50	60	100
	Depth (Feet)	250	250	250	100	100	100	100	100	90	100	200
Minimum Setbacks	Front (Feet)	50	50	50	20	25	20	20	20	20	20	40
	Rear (Feet)	10	10	10	10	10	10	10	10	10	10	10
	Side (Feet) ³	25	25	25	6	8	6	6	6	0/10 ⁴	0 ⁵ /6 ⁶	6
Between Buildings (Feet)		10	10	10	10	10	10	10	10	10	10	12
Building Height (Feet)		36	36	36	36	36	36	36	32	30	32	36
Minimum Masonry Content (%)		80	80	80	80	80	80	80	80	80	80	80
Maximum Lot Coverage (%)		35	35	35	45	45	45	45	45	50	45	N/A
Required Parking Spaces ⁷		2 ⁸	2 ⁸	2 ⁸	2 ⁸	2 ⁸	2 ⁸	2 ⁸	2 ⁸	2 ⁹	2 ¹⁰	2 ⁸

ADDITIONAL REQUIREMENTS:

1. The Single Family 1 (SF-1) District allows for one (1) unit per gross acre.
2. Frontage on a Public Street
3. The side setback adjacent to a street is treated the same as a front yard building setback.
4. Minimum maintenance easement is ten (10) feet. Minimum maintenance easement on the non-zero lot line side, when adjacent to another lot in the same zoning district is five (5) feet (*this easement shall be maintained as an open space except upon a finding by the building official that the proposed improvements do not impede the use of said easement for maintenance of the adjoining structure*).
5. Abutting structures separated by fire retardant walls.
6. Townhouses separated by firewall meeting the requirements of the building code may build to the property line where such structures abut.
7. Minimum length of driveway pavement from public right-of-way for rear and side yard is 20-feet.
8. An enclosed garage shall not be considered in meeting the off-street parking requirements. For all other uses see [Article VI, Parking and Loading](#).
9. A two (2) car garage is required.

¹⁰: Two (2) off-street parking spaces plus one (1) garage parking space for each dwelling unit is required.

¹¹: A minimum lot size of ten (10) acres is required for the construction of any single-family dwelling.

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ORDINANCE
08.19.2019

SUBSECTION 7.02: MULTI-FAMILY DISTRICT DEVELOPMENT STANDARDS

**Multi-Family District
Development Standards**

Zoning Districts →

Multi-Family 14 (MF-14) District ¹

Development Standards ↓

Abbreviation		MF-14
Dwelling Units/Acre		14.0 ²
Minimum Lot Requirements	Site Area (Square Feet)	10,000
	Lot Area (Square Feet)	2,000 (Per Unit)
	Width (Feet) ³	60
	Depth (Feet)	100
Minimum Setbacks	Front (Feet)	25
	Rear (Feet) w/ Residential Adjacency (Feet) ^{3 & 8}	One Story = 25
		Two Stories = 50
		Three Stories = 75
	Rear (Feet)	10
	Side w/ Residential Adjacency (Feet) ^{4 & 8}	One Story = 25
		Two Stories = 50
		Three Stories = 75
Side (Feet)	One Story = 10	
	Two or More Stories = 15	
Between Buildings (Feet)	Main to Accessory = 10	
	Two Main Buildings w/ Doors or Windows in Facing Walls = 20	
	Two Main Buildings w/o Doors or Windows in Facing Walls = 15	
Building Height (Feet)		36
Minimum Masonry Content (%)		100
Maximum Lot Coverage (%)		45 ⁵
Minimum Landscaping (%) ⁷		30% 25% of Total Lot Area w/ 30% of Total Required in the Front and Alongside Buildings w/ Street Frontage ⁶
Required Parking Spaces		See Article VI, Parking and Loading

ADDITION REQUIREMENTS:

- ¹: Duplexes shall meet the requirements of the Two-Family (2F) District, with only one (1) duplex per lot.
- ²: Density is calculated by gross acre.
- ³: Unenclosed carports may be built within five (5) feet of any property line that abuts an alley, but no closer than 20-feet from any street intersection.
- ⁴: Side on street is treated the same as a front yard building setback.
- ⁵: Each development containing over 100 dwelling units shall provide 300 SF of open space per two (2) and three (3) bedroom units, with at least one (1) open area with the minimum dimensions of 200-feet by 150-feet. Swimming pools, tennis courts and other recreational facilities can be counted toward the overall open space requirement, but not toward the required 200-feet by 150-foot area.

6. Any parking lot with more than two (2) rows of parking spaces shall have a minimum of two (2) percent of the interior of the parking lot landscaped. Such landscaping shall be counted toward the landscaping requirement.
7. All required landscaped areas shall be permanently maintained and shall have an irrigation system installed meeting all applicable city codes.
8. Lots with more than five (5) dwelling units that are contiguous to a residential zoning district, must be separated by a buffer as established in [Article VIII, Landscape Standards](#).

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ORDINANCE
08.19.2019

SUBSECTION 7.03: NON-RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

Non-Residential District Development Standards

*: For development in the Downtown (DT) District see the standards in [Section 4.8, Downtown \(DT\) District](#).

Zoning Districts →

Development Standards ↓

		Residential-Office (RO) District	Neighborhood Services (NS) District	General Retail (GR) District	Commercial (C) District	Heavy Commercial (HC) District	Light Industrial (LI) District	Heavy Industrial (HI) District
Abbreviation		RO	NS	GR	C	HC	LI	HI
Maximum Building Size (SF)		N/A	5,000 ¹	25,000 ²	N/A	N/A	N/A	N/A
Minimum Lot Requirements	Area (SF)	6,000 ³	6,000	6,000 43,560	10,000 43,560	12,500 43,560	12,500 43,560	87,120
	Width (Feet)	60	60	60 200	60 200	100 200	100 200	200
	Depth (Feet)	100	100	100 200	100 200	125 200	125 200	350
Minimum Setbacks	Front (Feet)	25 ^{4, 12}	15 ⁵	15 ^{4, 5}	15 ^{4, 5}	25 ⁴	25 ⁴	50+1/2H>36 ⁷ 50 ⁴
	Rear (Feet)	30	20 w/o FRW & Alley	10 w/o FRW & Alley	10 w/o FRW & Alley	20 w/o FRW & Alley	10 w/o FRW ⁷	20 + 1/2H>36 w/o FRW ⁷
			0 w/ FRW & Alley	0 w/ FRW & Alley	0 w/ FRW & Alley	1/2H>36 w/ FRW & Alley	1/2H>36 w/ FRW & Alley ⁷	8 + 1/2H>36 w/ FRW & Alley ⁷
	Rear Adjacent Residential (Feet) ⁶	N/A	20	20 + 1/2H>36 ⁷	20 + 1/2H>36 ⁷	20 + 1/2H>36 ⁷	20 + 1/2H>36 ⁷	50 + 1/2H>36 ⁷
	Side (Feet)	10	5 w/o FRW	10 w/o FRW	10 w/o FRW	15 + 1/2H>36 w/o FRW ⁷	15 + 1/2H>36 w/o FRW ⁷	15 + 1/2H>36 w/o FRW ⁷
0 w/ FRW			0 w/ FRW	0 w/ FRW	1/2H>36 w/ FRW ⁷	1/2H>36 w/ FRW ⁷	8 + 1/2H>36 w/ FRW ⁷	
Side Adjacent Residential (Feet) ⁶	20	20	20 + 1/2H>36 ⁷	20 + 1/2H>36 ⁷	20 + 1/2H>36 ⁷	20 + 1/2H>36 ⁷	50	
Between Buildings (Feet)		15 w/o FRW 0 w/ FRW	15 w/o FRW 0 w/ FRW	15 w/o FRW 0 w/ FRW	15 w/o FRW 0 w/ FRW	15 + 1/2H>36 w/o FRW ⁷ 1/2H>36 w/ FRW ⁷	15 + 1/2H>36 w/o FRW ⁷ 1/2H>36 w/ FRW ⁷	25 + 1/2H>36 w/o FRW ⁷ 16 + 1/2H>36 w/ FRW ⁷
Building Height [H] (Feet)		36	36	36 ⁸	60 ⁹	60 ⁹	60 ¹³	60 ¹³
Minimum Masonry Content (%)		90	90	90	90	90	90	90
Maximum Lot Coverage (%)		40	40	40	60	60	60	85
Floor Area Ratio (FAR)		0.33	N/A	2:1	4:1	4:1	2:1	4:1
Maximum Impervious Parking (%)		75-80 ¹¹	80-85	85-90	85-90	90-95	90-95	90-95
Maximum Number of Entrances and/or Exits	Arterial Streets	1/200 ¹⁰	1/200 ¹⁰	1/200 ¹⁰	1/200 ¹⁰	1/200 ¹⁰	1/200 ¹⁰	1/200 ¹⁰
	Collector Streets	1/100 ¹⁰	1/100 ¹⁰	1/100 ¹⁰	1/100 ¹⁰	1/100 ¹⁰	1/100 ¹⁰	1/100 ¹⁰
	Local Streets	1/50 ¹⁰	1/50 ¹⁰	1/50 ¹⁰	1/50 ¹⁰	1/50 ¹⁰	1/50 ¹⁰	1/50 ¹⁰

Minimum Landscaping (%)

See [Article VIII, Landscape Standards](#)

NOTES:

Blue: When adjacent to Interstate 30.

H: Building Height

1/2H>36: One-Half the Building Height Over 36-Feet

FRW: Fire Retardant Wall

w/o FRW: Without Fire Retardant Wall

ADDITIONAL REQUIREMENTS:

- 1: A maximum building size of 5,000 SF in area, unless otherwise approved through a Specific Use Permit (SUP) by the Planning and Zoning Commission and City Council.
- 2: A maximum building size of 25,000 SF in area, unless otherwise approved through a Specific Use Permit (SUP) by the Planning and Zoning Commission and City Council.
- 3: Maximum lot area is 43,560 SF.
- 4: From future right-of-way as shown on the adopted Master Thoroughfare Plan or as actually exists, whichever is greater.
- 5: Parking should not be located between the front façade and the property line.
- 6: Lots with non-residential uses that have a side or rear yard contiguous or separated only by an alley, easement, or street, from any residential district must be separated from such residential district by a buffer as defined in [Article VIII, Landscape Standards](#), or as approved by the Planning and Zoning Commission.
- 7: Not to exceed 50-Feet.
- 8: Building height may be increased up to 60-feet if approved through a Specific Use Permit (SUP) by the Planning and Zoning Commission and City Council.
- 9: Building height may be increased up to 240-feet if approved through a Specific Use Permit (SUP) by the Planning and Zoning Commission and City Council.
- 10: (or) as approved by Planning and Zoning Commission.
- 11: A minimum of seven (7) percent of the interior of the parking lot -- *not including the setback and landscape buffer* -- shall be pervious land area with additional plantings to create an amenity open space.
- 12: Parking shall not be permitted in the required setback.
- 13: Building height may be increased up to 120-feet if approved through a Specific Use Permit (SUP) by the Planning and Zoning Commission and City Council.

SUBSECTION 7.04: ACCESSORY STRUCTURE DEVELOPMENT STANDARDS

Accessory Structure Development Standards		Accessory Structures & Accessory Buildings ^{1 & 3, 8, & 9}					Portable Accessory Building 0 SF – 120 SF ⁸	Detached Garage ^{8 & 9}	Carports ^{7 & 8}
		Single Family Estate 1.5 (SFE-1.5) District	Single Family Estate 2.0 (SFE-2.0) District	Single Family Estate 4.0 (SFE-4.0) District	All Other Single Family Zoning Districts (i.e. SF-7, SF-8.4, SF-10, SF-16 & SF-1)	Two Family (2F) District			
Zoning Districts or Accessory Structure Type →									
Development Standards ↓									
Number of Accessory Structures or Number of Specific Accessory Structure		2 ²	2 ²	2 ²	2	1	1	1	1
Maximum SF of Accessory Structure ⁵		1,250 1,000 ²	1,500 1,000 ²	2,000 1,250 ²	225 144 ⁶	100	120	900 625	500
Minimum Setbacks	Rear (Feet)	10	10	10	3	3	3	10	10
	Rear w/ Alleyway (Feet)	20 ⁴	20 ⁴	20 ⁴	3	3	3	20 ⁴	20
	Side (Feet)	See Zoning District	See Zoning District	See Zoning District	See Zoning District	3	3	See Zoning District	See Zoning District
Between Buildings (Feet)		10	10	10	6	3	3	10	10
Building Height (Feet) ⁸		15	15	15	15	10	10	15	15
Minimum Masonry Content (%) ³		80 ⁵	80 ⁵	80 ⁵	80 ⁵	80 ⁵	0	80 ⁵	80 ⁵

ADDITIONAL REQUIREMENTS:

- Accessory buildings and accessory structures shall be accessory to a residential use and located on the same lot. Unless stipulated above, only two (2) accessory structures are permitted per single-family lot; excluding carports that are integrated into the main accessory structure.
- If more than one (1) accessory building is proposed or if an accessory building, 625 SF or less, is existing then the maximum accessory building that can be constructed is 625 400 SF. If there is an existing accessory building greater than 625 SF no additional accessory buildings or structures are permitted.
- Greenhouses are exempt from the minimum masonry requirements. Accessory buildings and structures shall be architecturally compatible with the primary structure, and be situated behind the front façade of the primary structure.
- If the accessory building does not have garage doors facing the alleyway the setback is the same as the base zoning district.
- The exterior of the accessory building or structure shall be clad in the same materials in roughly the same proportions as the primary structure; however, accessory buildings or structures that are less than 120-SF and under ten (10) feet in height may be constructed with non-masonry materials, or may be all metal with a baked-on pre-painted surface. Accessory buildings and structures not meeting the size requirements stipulated by this section shall require a Specific Use Permit (SUP).
- Each property shall be permitted one (1) detached garage up to 900 625 SF and one (1) accessory building up to 225 144 SF.
- In residential districts, carports must be open on at least two (2) sides, architecturally integrated into the primary structure, and be located 20-feet behind the corner of the front façade and meet the garage setback adjacent to an alley. Porte-cocheres are not considered carports, and are allowed, if they are attached and integral with the design of the house.
- Accessory buildings and accessory structures not meeting the masonry requirements shall require the approval of an exception from the Planning and Zoning Commission. Two (2) story accessory buildings or structures shall be prohibited.
- Barns used for agricultural and/or farm animal purposes, on sites ten (10) acres or more that are zoned Agricultural (AG) District, are excluded from this masonry requirement. Shall include a minimum of one (1) garage bay door large enough to pull a standard size motor vehicle through.

Additions: **Highlighted**

Deletions: ~~Highlighted, Strikeout~~

Staff Notes: **Highlighted, Red Text**

Links/References: Blue, Underlined

ARTICLE VIII, LANDSCAPE AND FENCE STANDARDS, UDC

SECTION 1: PURPOSE

The purpose of Article VIII, Landscape and Fence Standards, is to create standards for landscaping and fencing that will complementary to the design and location of existing buildings, streets, sidewalks, and open spaces in the City of Rockwall. By doing this, this Article acknowledges the unique natural beauty of the City, its environment, and the existing vegetation and tree canopy, and sets forth standards that ensure their protection. This article also strives to create natural barriers and soft transition for land uses through the use of natural screening methods and non-transparent fencing.

The process of development with its alteration of the natural topography, vegetation, and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and sedimentation. The economic base of the city can and should be protected through the preservation and enhancement of the unique natural beauty, environment, and vegetative space in this area. Recognizing that the general objectives of this article are to promote and protect the health, safety and welfare of the public, the city council further declares that this article is adopted for the following specific purposes:

- (1) To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retardation, while at the same time aiding in noise, glare, and heat abatement.
- (2) To provide visual buffering between land uses of differing character.
- (3) To enhance the beautification of the city.
- (4) To safeguard and enhance property values and to protect public and private investment.
- (5) To conserve energy.

SECTION 2: APPLICATION OF ARTICLE

SUBSECTION 2.01: APPLICABILITY

(A) Landscape and Screening.

(1) The landscape and screening provisions of this Article shall apply to:

- (a) All new residential or non-residential development within the corporate limits of the City of Rockwall with the exception of the exemptions listed in Subsection 2.01.(A)(2).
- (b) The expansion of a non-residential building or structure that increases the existing floor area by 30% or that adds 2,000 SF of floor area.
- (c) The expansion of a non-residential parking lot that increases the existing impervious area by 30% or that adds 2,000 SF of impervious coverage.

(2) The landscape and screening provisions of this Article shall not apply to:

- (a) Any property with a Landscape Plan and/or Site Plan that was approved prior to the adoption of this Article, unless an amended Landscape Plan and/or Site Plan is required by the requirements of [Subsection 2.01.A](#) or [Article XI, Development Applications and Review Procedures](#).
- (b) The restoration of a building or structure that has been damaged by fire, flood, explosion, riot, act of the public enemy, natural disaster, or accident of any kind and is permitted by [Section 8, Non-Conforming Uses, Structures, and Sites, of Article IV, Permissible Uses](#). For the purposes of this exemption restoration is defined as repairing a building or structure to return it to its former state.
- (c) Properties containing only single-family and/or duplex land uses.
- (d) Properties zoned Downtown (DT) District, as defined by [Subsection 4.07, Downtown \(DT\) District, of Article V, District Development Standards](#).

(A) This article does not apply to:

- (1) Any property with a previously approved landscape and/or site plan prior to the adoption of the ordinance from which this article is derived, unless such plan is required to be resubmitted for consideration;
- (2) Lots containing only single family and/or duplex uses; and
- (3) Lots zoned DT Downtown, as defined in this Unified Development Code.

(B) Except as otherwise provided in subsection 2.1.A, this article, applies to all uses on a lot when an application for a building permit for work on the lot is made, unless the application is for:

- (1) The restoration of a building that has been damaged by fire, flood, explosion, riot, act of the public enemy, other natural disaster, or accident of any kind, if said structure may be restored under the nonconforming use provisions of this Unified Development Code. For purposes of this subsection, "restoration" means the act of putting back into a former or original state; or
- (2) Construction work on an existing structure that does not increase:
 - (a) The number of stories in a building on the lot;
 - (b) The total floor area of all buildings on the lot by more than ten percent or 10,000 square feet, whichever is less; or
 - (c) The non-permeable coverage of the lot by more than 2,000 square feet.

(B) Fences.

(1) The fence provisions of this Article shall apply to:

- (a) The construction of all new residential or non-residential fences.
- (b) The repair of an existing residential or non-residential fence that requires the replacement of 25-linear feet or more.
- (c) The repair of an existing residential or non-residential fence that requires the replacement of five (5) or more posts.

(2) The fence provisions of this Article shall *not* apply to:

- (a) The repair of a residential or non-residential fence that does not require a fence permit and that is not subject to the requirements of [Subsection 2.01.B\(1\)](#).

(C) *Overlay Districts.* In addition to the requirements contained in this Article, properties within an establish Overlay District shall be subject to the requirements stipulated by [Subsection 6.02, General Overlay District Standards, of Article V, District Development Standards](#). In instances where the requirements of this Article conflict with the requirements of the *General Overlay District Standards*, the more restrictive standard will apply.

~~(D) *Planned Development Districts.* The landscaping requirements contained in this Article shall be incorporated into all new or amended Planned Development Districts, unless otherwise approved by the City Council upon recommendation from the Planning and Zoning Commission. development districts. Landscaping requirements consistent with the standards and purposes of this article shall be a part of all ordinances establishing or amending planned development districts, unless otherwise approved by the city council.~~

~~(D) *Special exceptions.* The planning and zoning commission and city council may grant a special exception to the landscaping requirements of this article upon making a special finding that the resulting landscape will provide an improved amenity for both the general public and users of the facility being landscaped.~~

~~(Ord. No. 10-14, § 53, 7-6-2010)~~

SUBSECTION 2.02: EXCEPTIONS TO THE LANDSCAPING STANDARDS

The Planning and Zoning Commission may grant an exception to the landscaping standards contained in this Article upon a finding that the resulting landscaping or landscaping plan will be equivalent to or exceed the requirements stipulated by this Article, and provide an improvement to the aesthetics of the surrounding area. All exceptions to these requirements will be subject to the approval criteria and voting requirements of [Section 9.01, Exceptions to the General Standards, of Article XI, Development Applications and Review Procedures](#).

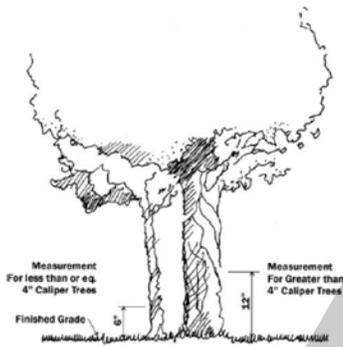
~~The planning and zoning commission and city council may grant a special exception to the landscaping requirements of this article upon making a special finding that the resulting landscape will provide an improved amenity for both the general public and users of the facility being landscaped.~~

SUBSECTION 2.03: EXCEPTIONS TO THE FENCE STANDARDS

All exceptions to the fence standards contained in this Article will be subject to the requirements of [Section 8, Fence Standards](#).

SECTION 3: DEFINITIONS

[MOVED TO ARTICLE XIII, UDC]



Caliper means the diameter of the trunk measured six inches above ground level up to and including four inch caliper size, and measured 12 inches above ground level if the measurement taken at six inches above ground level exceeds four inches. If a tree is of a multi-trunk variety, the caliper of the tree is the total caliper of all of its trunks at the elevation being measured.

Canopy or shade tree means a species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity.

Enhanced pavement means any permeable or non-permeable decorative pavement material intended for pedestrian or vehicular use. Examples of enhanced pavement include brick or stone pavers, grass paver, exposed aggregate concrete, and stamped and stained concrete.

Evergreen tree or shrub means a tree or shrub of a species which normally retains its leaves throughout the year.

Ground cover means natural mulch or plants of species which normally reach a height of less than two feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

Landscape architect means a person licensed to practice or teach landscape architecture in the State of Texas pursuant to state law.

Landscape buffer strip means a strip of land:

- a. Which serves a buffer function on the perimeter of a building site adjacent to another building site or to a public or private street or alley; and
- b. At least 80 percent of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening).

Large shrub means a shrub which normally reaches a height of six feet or more upon maturity.

Large tree means a tree of a species which normally reaches a height of 30 feet or more upon maturity.

Non permeable coverage means coverage with non-permeable pavement.

Screening means screening that complies with the construction and maintenance regulations in section 5, Mandatory Provisions, except as those regulations may be expressly modified in this article.

Small tree means a tree of a species which normally reaches a height of less than 30 feet.

Soil means a medium that plants will grow in.

Visibility triangle means the term “visibility triangle” as defined in article V, section 1.9 of this Unified Development Code.

Xeriscaping means type of landscaping design that uses a combination of native plants and grasses, approved hardscapes and drought tolerant ground covers and planting materials for the purpose of conserving water and protecting the local environment.

(Ord. No. 15-32, § 2, 12-7-2015)

SECTION 43: LANDSCAPE PLAN SUBMISSION

SUBSECTION 43.01: LANDSCAPE PLAN SUBMITTAL

(A) *Submittal of a Landscape Plan.* A Landscape Plan is required to be submitted as part of an application for a Site Plan or an Amended Site Plan as stipulated by [Section 3, Site Plans, of Article XI, Development Applications and Review Procedures](#).

(B) *Landscape Plan Content.* The Director of Planning and Zoning or his/her designee shall establish and maintain a list of the required criteria necessary for the submittal of a Landscape Plan.

(C) *Preparation of a Landscape Plan.* Landscape Plans shall be prepared by a *Landscape Architect* or a member in good standing of the American Society of Landscape Architects (ASLA) unless otherwise permitted by the Director of Planning and Zoning.

Landscape plans shall be submitted to the director of planning on all sites required to submit a site plan for approval by the planning and zoning commission and city council.

SUBSECTION 43.02: APPROVAL OF A LANDSCAPE PLAN

(A) *Administrative Approval.* Landscape Plans that are submitted in conjunction with a Site Plan or an Amended Site Plan that can be reviewed and acted upon at an administrative level -- as defined in [Section 3, Site Plans, of Article XI, Development Applications and Review Procedures](#) -- may be approved, approved with condition, or denied by the Director of Planning and Zoning or his/her designee.

(B) *Approval by the Planning and Zoning Commission.* The Planning and Zoning Commission may approve a Landscape Plan in accordance with the procedures for approving a Site Plan or an Amended Site Plan as stipulated by [Section 3, Site Plans, of Article XI, Development Applications and Review Procedures](#).

Landscape plans shall be approved or denied by the director of planning or, at his discretion, referred to the planning and zoning commission for approval or denial.

SUBSECTION 4.03: PLAN CONTENT

The landscape plan shall be submitted in the form and number as prescribed by the city and must contain the following information:

- (1) Date, scale, north arrow, and the names, addresses, and telephone numbers of both the property owner and the person preparing the plan.
- (2) Project name, street address, and lot and block description.
- (3) Location of existing boundary lines and dimensions of the lot, street address, approximate centerline of existing water courses and the location of the 100-year floodplain, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, utility easements, driveways and sidewalks on or adjacent to the lot.
- (4) Location, height, and material of proposed screening and fencing (with berms to be delineated by one-foot contours).
- (5) Locations and dimensions of proposed landscape buffer strips.
- (6) Complete description of plant materials shown on the plan, including names, locations, quantities, container or caliper sizes at installation, heights, spread, and spacing. The location and type of all existing trees on the lot over six inches in caliper must be specifically indicated.
- (7) Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area to be provided internal to parking areas, the total square footage included in the parking area, and the number and location of required off-street parking and loading spaces.
- (8) Location and description, by type and size, of existing trees proposed to be retained. Such trees shall be marked and dripline of said trees shall be protected prior to and during all construction, including all dirt work.
- (9) Size, height, location and material of proposed seating, lighting, planters, sculptures, water features and landscape paving and other site amenities.
- (10) Identification of visibility triangles on the lot for all driveway intersections with public streets.

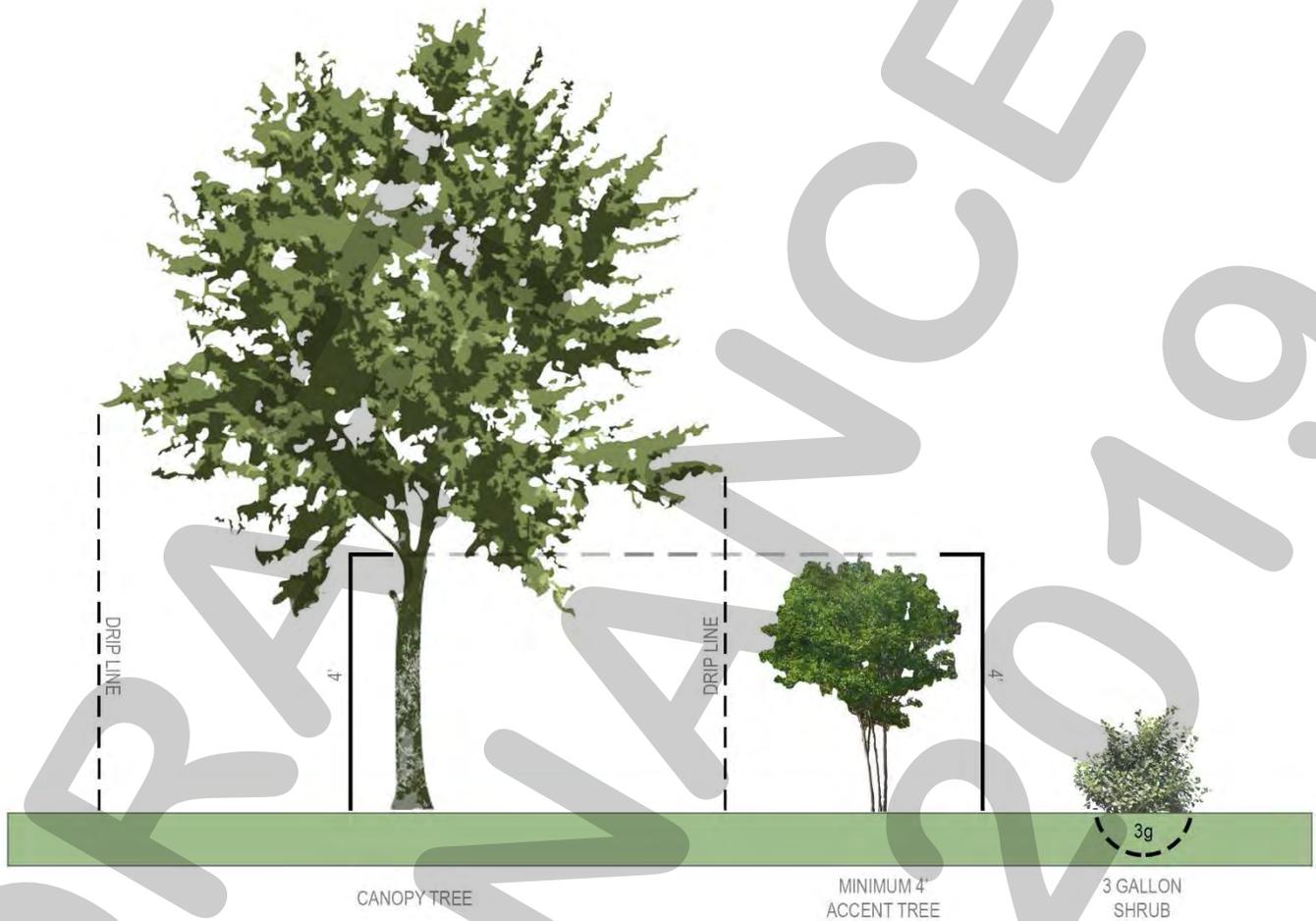
SECTION 4: APPROVED LANDSCAPING MATERIALS

In satisfying the landscape requirements of this Article, it is recommended that all landscaping utilize high-quality, hardy plant materials. Such plant materials shall adhere to the following requirements:

(A) *Approved Planting Materials.*

- (1) All planting materials should conform to the recommended planting materials outlined in [Appendix F, Landscape Guidelines and Requirements](#); however, alternative tree, shrub, and grass varieties may be approved by the Director of Planning and Zoning pending the submission of a Landscape Plan and/or a written request.
- (2) Unless otherwise noted in this Unified Development Code (UDC), the minimum tree and shrub size at the time of installation shall be as follows:
 - (a) *Canopy Trees* shall be a minimum of four (4) caliper inches at DBH.
 - (b) *Accent Trees* shall be a minimum of four (4) feet in total height.
 - (c) Shrubs shall be a minimum of three (3) gallons in size.

Figure 1: *Approved Planting Materials and Sizes*



(3) For the purposes of this section, the height of an Accent Tree shall be measured from the root flare or from the soil level if still in the container.

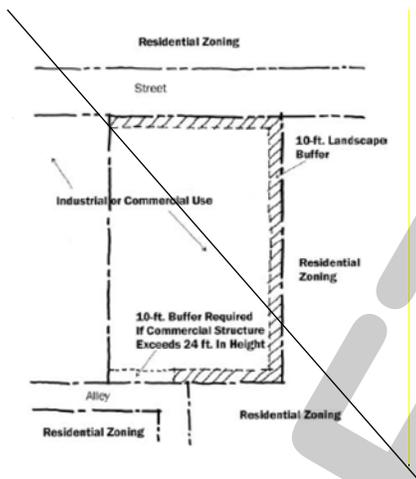
(4) DBH or *Diameter at Breast Height* is the standard dendrometric measurement for trees, and is measured at a height of four (4) feet above grade.

(5) The City of Rockwall encourages developments to incorporate xeriscaping/smartscaping to promote reduced water usage through the use of drought tolerant plants. The City's *Xeriscaping/Smartscaping Standards and Guidelines* are outlined in [Section 5.05, Xeriscaping and Smartscaping Standards](#).

(B) Prohibited Planting Materials.

(1) Artificial or synthetic plant materials (e.g. artificial grass, turf, trees shrubs) shall be prohibited.

SECTION 5: MANDATORY PROVISIONS LANDSCAPE STANDARDS



SUBSECTION 5.01: LANDSCAPE BUFFERS-STRIP

The minimum requirements for landscape buffers shall be as follows:

(A) Residential Landscape Buffers in Subdivisions.

- (1) *Abutting a Collector Street.* A minimum of a ten (10) foot wide landscape buffer shall be required along the entire length of any residential lot or subdivision that abuts a collector street. All residential lots adjacent to a collector street shall incorporate one (1) canopy tree per 50-linear feet of frontage along the collector street inside the required landscape buffer. Clustering of trees shall be permitted as long as all required trees are situated within the landscape buffer.
- (2) *Abutting a Perimeter Collector Street or Arterial Roadway.* A minimum of a ten (10) foot wide landscape buffer shall be required along the entire length of any residential lot or subdivision that abuts a perimeter collector street or arterial roadway. All landscape buffers adjacent to a perimeter collector street or arterial roadway shall incorporate ground cover, a *built-up berm* and shrubbery along the entire length of the frontage. Berms and shrubbery shall have a total minimum height of 30-inches. In addition, one (1) canopy tree and one (1) accent tree shall be required to be planted in the required landscape buffer per 50-linear feet of frontage along the perimeter collector street or arterial roadway. Clustering of trees shall be permitted as long as all required trees are situated within the landscape buffer.

Figure 2: Residential Landscape Buffers Example



(B) Non-Residential Landscape Buffers.

(1) *Abutting a Public Right-of-Way.* A minimum of a ten (10) foot wide landscape buffer shall be required along the entire length of any non-residential lot that abuts a public right-of-way (*i.e. collector street, arterial roadway, or alleyway*) or a residentially zoned or used property that is located directly across a public street (*regardless of the size of the street*). All landscape buffers adjacent to a public right-of-way shall incorporate ground cover, a *built-up berm* and shrubbery along the entire length of the frontage. Berms and shrubbery shall have a total minimum height of 30-inches. In these areas a minimum of one (1) canopy tree and one (1) accent tree shall be incorporated into the landscape buffer per 50-linear feet of frontage along the adjacency. Clustering of trees shall be permitted as long as all required trees are situated within the landscape buffer.

(2) *Abutting Residential.* A minimum of a 20-foot wide landscape buffer shall be required along the entire length of any non-residential lot that abuts a residentially zoned or used property. For planting requirements in these landscape buffers see [Subsection 5.02\(B\), Screening from Residential.](#)

Figure 3: Commercial Landscape Buffers Example

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(C) Buildings and Paving within a Required Landscape Buffer. Buildings and paving (e.g. parking lots) shall not be permitted within any required landscape buffer; however, sidewalks and trails shall be permitted.

A minimum ten-foot wide landscape buffer strip must be provided along the entire length of the portion of the perimeter of any commercial or industrial lot that abuts, without an alley or drive separation, or is directly across a public street from a residential zoning district, exclusive of driveways and access ways.

If the proposed commercial structures exceed 24 feet in height adjacent to an alley, a ten-foot buffer shall also be required along the length of the alley.

SUBSECTION 5.02: SCREENING OF OFF-STREET LOADING DOCKS LANDSCAPE SCREENING

(A) **Loading Docks and Outside Storage Areas.** Off-street loading docks and outside storage areas shall be screened from all public streets, open space, adjacent properties and any residential zoning districts or residentially used properties that abut or are directly across a public street or alley from the loading dock or outside storage area in accordance with the requirements of [Subsection 1.05, Screening Standards, of Article V, District Development Standards](#). As an alternative, the Planning and Zoning Commission may approve an alternative screening method that incorporates one (1) of the following options:

- (1) **Alternative #1.** A wrought iron fence and three (3) tiered screening (i.e. small to mid-sized shrubs, large shrubs or accent trees, and canopy trees) along the entire length of the adjacency. The canopy trees shall be placed on 20-foot centers.

Figure 4: Alternative #1



- (2) **Alternative #2.** A wrought iron fence with a mix of two (2) rows of staggered mature evergreen trees and one (1) row of deciduous canopy trees (a minimum six [6] caliper inches) along the entire length of the adjacency. All trees will be planted on 20-foot centers.

Figure 5: Alternative #2



(B) Screening from Residential. Any non-residential or multi-family land use or parking area that has a side or rear contiguous to any residentially zoned or used property shall be screened with a masonry fence a minimum of six (6) feet in height with canopy trees planted on 20-foot centers (as depicted in Figures 6 & 7 below). As an alternative, the Planning and Zoning Commission may approve an alternative screening method that incorporates a wrought iron fence and three (3) tiered screening (i.e. [1] small to mid-sized shrubs, large shrubs or accent trees, and canopy trees or [2] evergreen trees and canopy trees) along the entire length of the adjacency (as depicted in Figure 8, 9, & 10 below). The canopy trees shall be placed on 20-foot centers.

Figure 6: Masonry Fence with Canopy Trees in Plan View

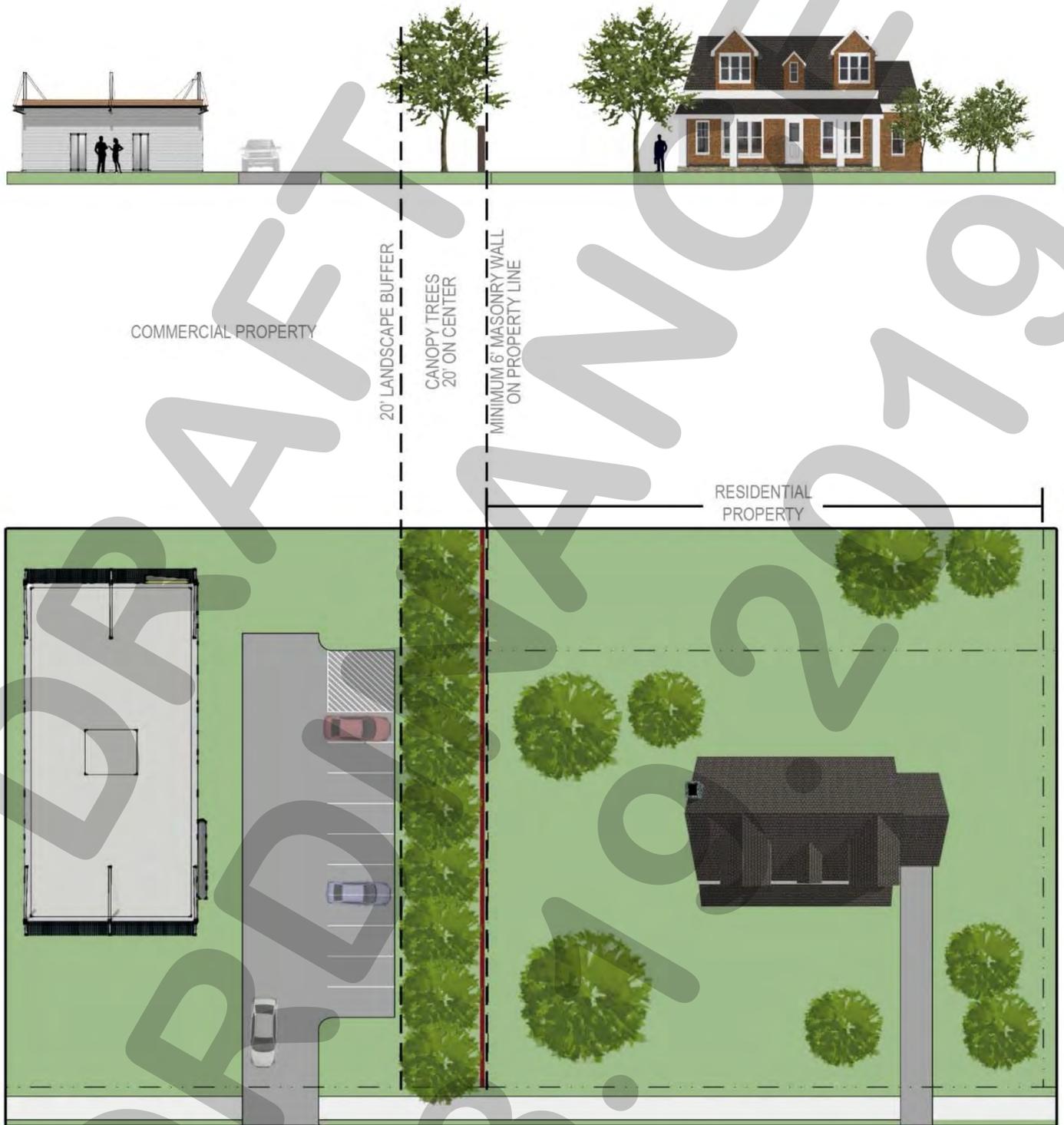


Figure 7: Masonry Fence with Canopy Trees in Perspective View



Figure 8: Wrought Iron Fence with Three (3) Tiered Screening in Plan View

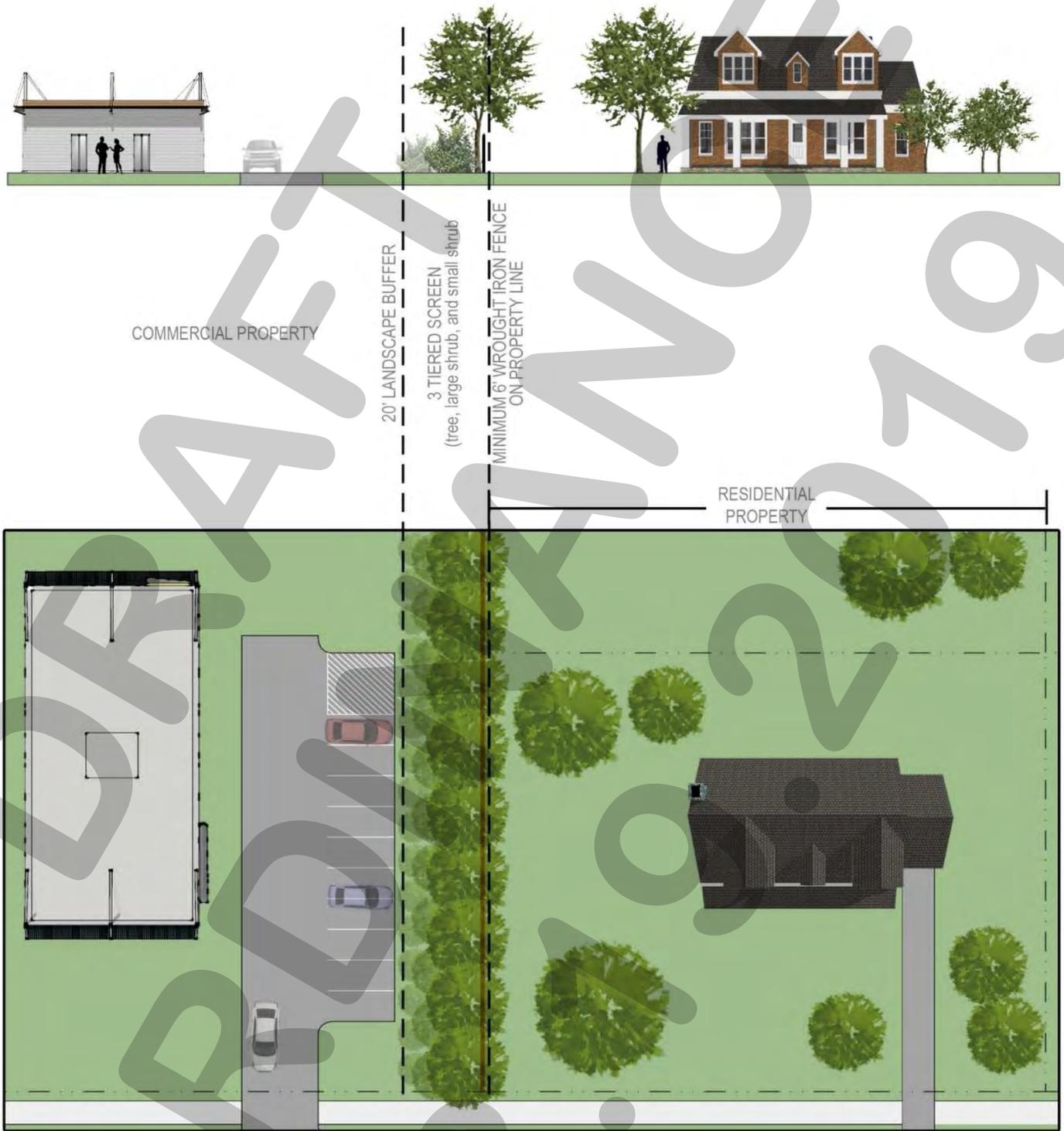


Figure 9: Alternative #1 (Wrought Iron Fence with Three (3) Tiered Screening in Perspective View)



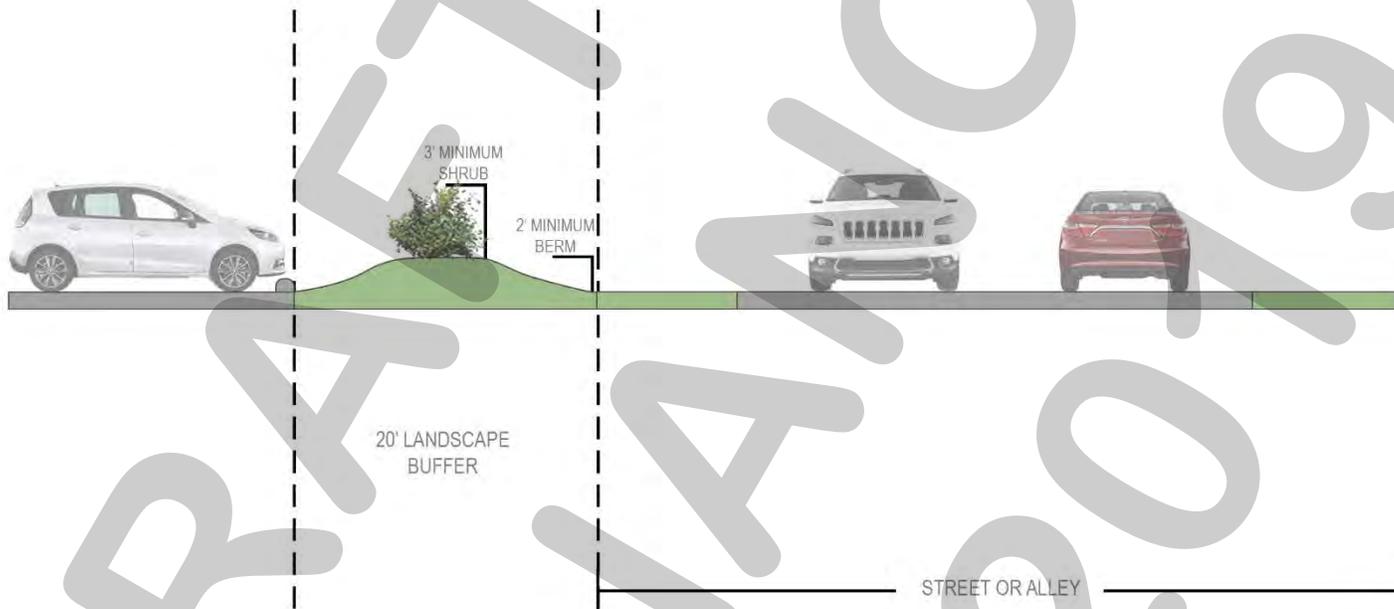
Figure 10: Alternative #2 (Wrought Iron Fence with Three (3) Tiered Screening in Perspective View)



(C) **Headlight Screening.** Head-in parking adjacent to a street shall incorporate one (1) of the following screening methods to mitigate the potential hazard that headlights may pose for on-street vehicular traffic:

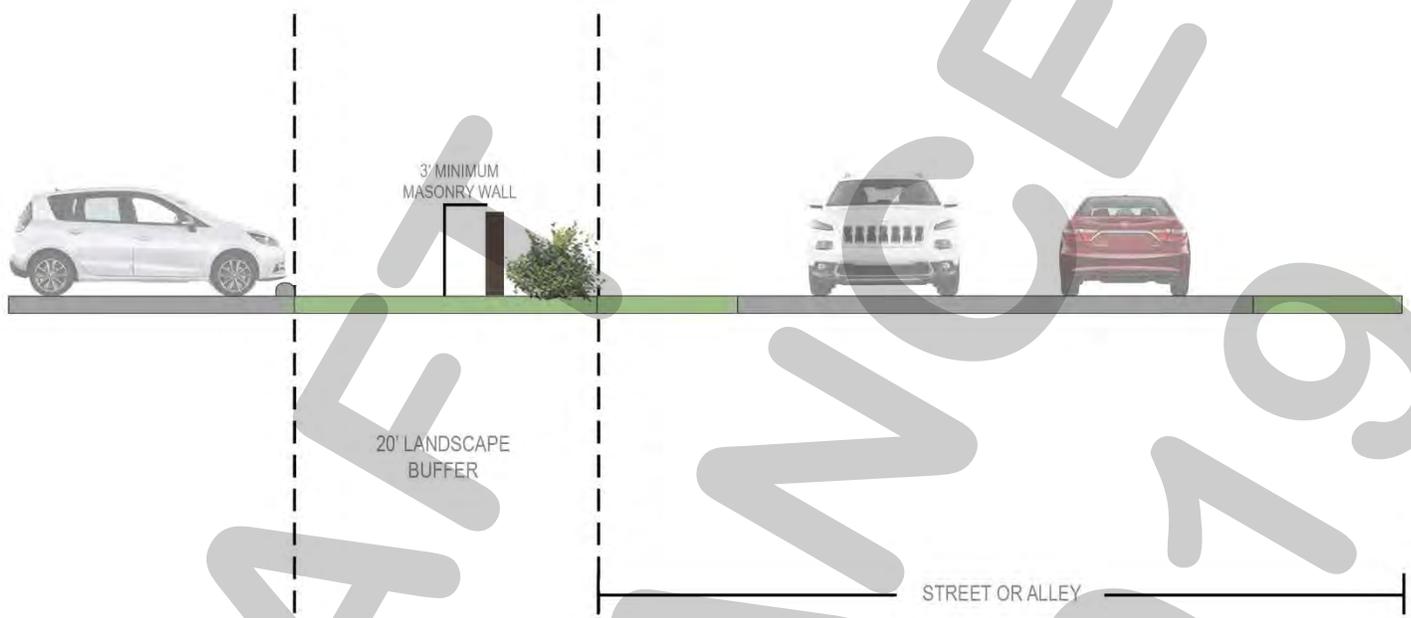
(1) **Alternative #1.** A minimum of a two (2) foot berm with mature evergreen shrubs along the entire adjacency of the parking areas.

Figure 11: Alternative #1 (Headlight Screening using Landscaping and a Berm)



(2) **Alternative #2.** A minimum of a three (2) foot masonry wall with mature shrubs situated between the wall and the right-of-way along the entire adjacency of the parking areas.

Figure 12: Alternative #2 (Headlight Screening using a Masonry Wall and Landscaping)



(D) General Screening Requirements. All screening shall meet the following requirements:

(1) **Approval of a Screening Plan.** Prior to construction of any required screening, a site plan and landscape plan shall be approved by the Planning and Zoning Commission showing the type of screening, the proposed materials, and the plant spacing. In approving screening plans, the Planning and Zoning Commission shall determine:

- (a) If the proposed screening plan will adequately screen the non-residential land use.
- (b) If the proposed screening plantings will withstand the pressures of time and nature.

(2) **Certificate of Occupancy (CO).** Prior to the issuance of a Certificate of Occupancy (CO), the proposed screening shall be installed and verified by the Director of Planning and Zoning or his/her designee.

A. Off-street loading docks in commercial zoning classifications must be screened from:

- (1) All public streets; and
- (2) Any residential district that abuts or is directly across a public street or alley from the lot.

B. Off-street loading docks in industrial zoning classifications must be screened from:

- (1) Arterial streets, as indicated on the city's thoroughfare plan; and
- (2) Any residential district that abuts or is directly across a public street or alley from the lot.

C. The screening required under subsections 5.2.A and B must be at least six feet in height and may be provided by using any of the methods for providing screening described in this section.

SUBSECTION 5.03: LANDSCAPE REQUIREMENTS

(A) **Amount of Landscaping.** The following landscaping percentages shall be required and shall apply to the total site area to be developed:

ZONING DISTRICT	REQUIRED LANDSCAPING (%)	REQUIRED LANDSCAPING WITH MAXIMUM ELIGIBLE CREDITS (%)
Multi-Family 14 (MF-14) District	35	22½
Downtown (DT) District	See Subsection 4.07, Downtown (DT) District, of Article V, District Development Standards	
Residential Office (RO) District	30	17½
Neighborhood Services (NS) District	25	12½
General Retail (GR) District	20	7½
Commercial (C) District	20	7½
Heavy Commercial (HC) District	15	2½
Light Industrial (LI) District	15	2½
Heavy Industrial (HI) District	10	2½

(B) *Location of Landscaping.* A minimum of 50% of the required landscaping shall be located in the front of and along the side of buildings with street frontage in the Multi-Family 14 (MF-14), Residential Office (RO), Neighborhood Services (NS), General Retail (GR) and Commercial (C) Districts. A minimum of 100% of the total required landscaping shall be located in front of and along the side of buildings with street frontages in the Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) Districts.

(C) *Minimum Size of Required Landscape Areas.* All required landscaping shall be no less than five (5) feet wide and be a minimum of 25 SF in area unless it is within ten (10) feet of a building on the same lot.

(D) *Detention Basins.* Detention basins shall be landscaped in a natural manner using ground cover, grasses, shrubs, berms, and accent and canopy trees. There shall be a minimum of one (1) Canopy Tree per 750 SF and one (1) Accent Tree of detention area.

(E) *Parking Lot Landscaping.* The following landscape requirements will apply to parking lots:

(1) Parking lots with more than two (2) rows of parking spaces (*i.e. one [1] drive isle with rows of parking on either side*) shall have a minimum for five (5) percent or 200 SF of landscaping -- *whichever is greater* -- in the interior of the parking lot area. Such landscaping shall be counted toward the total required landscaping.

(2) If the parking and maneuvering space exceeds 20,000 SF, one (1) large canopy tree for every ten (10) parking spaces shall be required to be planted internal to the parking areas.

(3) No tree shall be planted closer than five (5) feet to the edge of pavement or five (5) feet from any water or wastewater line that is less than 12-inches. Water and wastewater lines that are 12-inches and greater require trees to be planted a minimum of ten (10) feet from the centerline of the pipe.

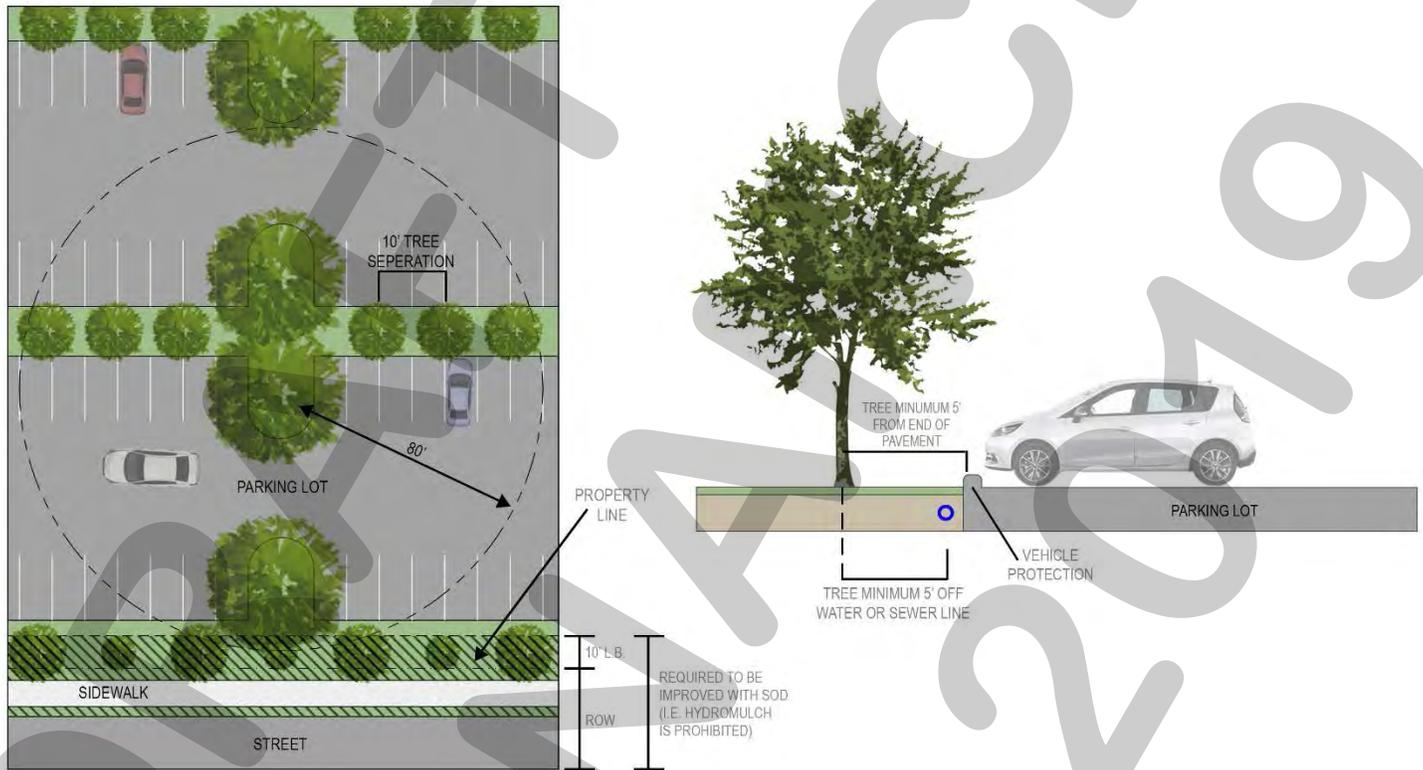
(4) No required parking spaces may be located more than 80-feet from the trunk of a canopy tree.

(F) *Protection of Landscape Areas.* Required landscape areas must be protected from vehicular traffic through the use of a concrete curb, or other permanent barrier.

(G) *Landscaping in Landscape Buffers and Public Right-of-Way.* All landscape buffers and public right-of-way located adjacent to a proposed development shall be improved with grass (*i.e. sod -- hydro mulch shall be prohibited in these areas*) prior to the issuance of a Certificate of Occupancy (CO). In addition, it shall be the responsibility of the developer to design the irrigation system within the lot to ensure that the grass placed in public right-of-way is watered and maintained, and to ensure that minimal water will be shed on to the street.

The designer of the irrigation system shall base the systems design on the ultimate proposed width of the street. The plans for design of the irrigation system shall be approved by the Building Inspections Department prior to installation and acceptance of the project.

Figure 13: Landscape Requirements



SUBSECTION 5.03: ACCEPTABLE LANDSCAPE MATERIALS [MOVED TO SECTION 4]

- A. No artificial plant materials may be used to satisfy the requirements of this article.
- B. Plant materials used to satisfy the requirements of this article must comply with the following minimum-size requirements at the time of installation:
 - ✓ Large trees must have a minimum caliper of three inches, or a minimum height of six feet, depending on the standard measuring technique for the species.
 - ✓ Shrubs shall be a minimum of three gallons in size.
- C. For purposes of this section, “height” is measured from the root crown or, if the plant is in a container, from the soil level in the container.
- D. In satisfying the landscaping requirements of this article, the use of high quality, hardy plant materials on the approved plant list below is recommended and encouraged. Plants found on the disapproved plant list below shall not be placed within the right of way or within the required building setback along a street.

E. As an alternative, the xeriscaping standards in Section 5.10 of this Article have been adopted to encourage new and existing developments to implement landscaping standards targeted at reducing water usage by using drought tolerant plantings and plans.

F. Trees allowed in street landscape buffer areas. The following trees are allowed within the street landscape buffers along public streets:

- (1) Afghan Pine.
- (2) Bald Cypress.
- (3) Burr Oak.
- (4) Caddo Maple.
- (5) Cedar Elm.
- (6) Chinquapin Oak.
- (7) Eastern Red Cedar.
- (8) Homestead Elm.
- (9) Lace Bark Elm.
- (10) Leyland Cypress.
- (11) Little Gem Magnolia.
- (12) Live Oak.
- (13) October Glory Maple.
- (14) Pecan.
- (15) Red Oak.
- (16) Texas Ash.
- (17) Texas Red Oak.

and various native understory trees such as:

- (1) Desert Willow.
- (2) Downy Hawthorn.
- (3) Eastern Redbud.
- (4) Eve's Necklace.
- (5) Mexican Buckeye.
- (6) Possumhaw Holly.
- (7) Shantung Maple.
- (8) Yaupon Holly.

(Ord. No. 06-14, 4-17-2006; Ord. No. 15-32, § 2, 12-7-2015)

SUBSECTION 5.04: PROTECTION OF LANDSCAPE AREAS [MOVED TO SECTION 5.03]

Required landscape areas must be protected from vehicular traffic through the use of concrete curbs, or other permanent barriers. Vehicular wheels shall be prevented from extending into landscaped areas.

SUBSECTION 5.054: IRRIGATION REQUIREMENTS

A. **Generally-General Irrigation Requirements.** The owner shall be responsible for the health and vitality of plant material through the irrigation of all landscaped areas, turf and plant materials, and shall:

- (1) Provide a moisture level in an amount and frequency adequate to sustain growth of the plant materials on a permanent basis.
- (2) Be in place and operational at the time of the landscape inspection for Certificate of Occupancy (CO).

(3) Be maintained and kept operational at all times to provide for efficient water distribution.

B. *Irrigation Methods.*

(1) *Landscaped Areas.* One (1) of the following irrigation methods shall be used to ensure adequate watering of plant material in landscaped areas:

- (a) *Conventional System.* An automatic or manual underground irrigation system ~~which~~-that may be a conventional spray or bubbler type heads.
- (b) *Drip or Leaky-Pipe System.* An automatic or manual underground irrigation system in conjunction with a water-saving system such as a drip or a leaky pipe system.
- (c) *Temporary and Aboveground Watering.* Landscape areas utilizing xeriscape plants and installation techniques, including areas planted with native grasses and wildflowers, may use a temporary and above ground system, and shall be required to provide irrigation for the first two (2) growing seasons only.

(2) *Natural and Undisturbed Areas.* No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

(3) *Compliance with State Law.* All irrigation systems shall comply with the irrigation code of [Chapter 10, Buildings and Building Regulations, Article XVI, Irrigation Code, of the City of Rockwall Code of Ordinances](#), and all applicable state laws, as may be amended.

(Ord. No. 09-23, 6-15-2009)

~~SUBSECTION 5.06: SCREENING FROM RESIDENTIAL USES~~ **[MOVED TO SECTION 5.03]**

~~A. Any commercial or industrial use or parking lot that has a side or rear contiguous to any residential district, or any multi family use with more than five dwelling units or parking lot that has a side or rear contiguous to any single family, townhouse, or duplex district, shall be screened with a masonry fence (tilt wall or concrete block are prohibited; however, precast walls may be approved by the planning and zoning commission), six feet in height. As an alternative, berms in conjunction with a minimum of a six foot wrought fence and a combination of trees and shrubs can be utilized to meet the screening requirements if the planning and zoning commission determines that the proposed alternative will provide sufficient screening. The screen shall be located no closer to the street than the property line. Any ordinances concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or driveway.~~

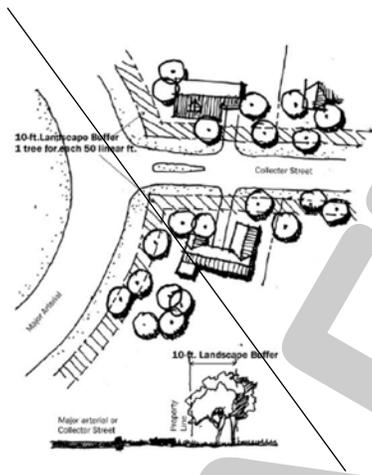
~~B. Prior to construction of any required screens, complete plans showing type of material, depth of beam, and structural support shall be analyzed by the building permit office to determine whether or not:~~

- ~~(1) The screen will withstand the pressures of time and nature;~~
- ~~(2) The screen adequately accomplishes the purpose for which it was intended;~~
- ~~(3) Plans shall be sealed by a registered engineer or they shall conform to the city's standard design for screening walls.~~

~~C. Such screen shall be constructed prior to the issuance of a certificate of occupancy for any building or portion thereof.~~

~~D. The areas adjacent to the required screening wall, or areas adjacent to a public street or right-of-way, shall be maintained by the property owner in a clean and orderly condition, free of debris and trash in accordance with the applicable codes of the city.~~

(Ord. No. 15-32, § 2, 12-7-2015)



SUBSECTION 5.07: STREET LANDSCAPING [MOVED TO SECTION 5.03]

A street landscape buffer strip with a minimum width of ten feet, must be provided along the entire length of the property to be developed that is adjacent to a major arterial or collector street, as defined in the city's thoroughfare plan, exclusive of driveways and access ways. Large trees, as herein defined, shall be provided in the required buffer in numbers equal to one tree for each 50 feet of street frontage.

SUBSECTION 5.08: RIGHT-OF-WAY LANDSCAPING REQUIREMENTS [MOVED TO SECTION 5.03]

All street rights-of-way located adjacent to the proposed development shall be improved with grass or ground cover material and shall be maintained. It shall be the responsibility of the developer to design the irrigation system within the lot to ensure that the grass placed in the right-of-way is watered and maintained and to ensure that minimal water will enter the street itself. The designer of the irrigation system shall base the design on the ultimate proposed width of the street when designing the system. The plans for design of the irrigation system shall be approved by the city prior to installation.

SUBSECTION 5.09: PARKING LOT LANDSCAPING [MOVED TO SECTION 5.03]

A. Any parking lot with more than two rows of spaces shall have a minimum of five percent or 200 square feet, whichever is greater, in the interior of the parking lot in landscaping. Such landscaping shall be counted toward the total landscaping.

B. If the parking and maneuvering space exceeds 20,000 square feet one large canopy tree for every ten required parking spaces shall be required internal to the parking lot. No tree shall be planted closer than 2½ feet to the pavement.

- (1) No required parking space may be located more than 80 feet from the trunk of a large canopy tree.
- (2) No tree may be planted closer than 2½ feet to the pavement.
- (3) All trees must be internal to the parking lot.

SUBSECTION 5.0510: XERISCAPING/SMARTSCAPING STANDARDS

- (A) *Purpose.* The purpose of this section is to promote the establishment of water conscious landscaping through the implementation of xeriscaping/**smartscaping** principles. Additionally, this section is intended to provide an alternative to the typical landscape requirements for commercial properties.
- (B) *Principles.* All xeriscaping/**smartscaping** plans submitted to the city should demonstrate conformance with the following principles:
- (1) *Planning and Design.* Landscape designs and plans should take into account the regional and microclimatic conditions of the site, its existing vegetation and topographical conditions, the intended use, and the zoning (*i.e. vegetation zone*) of plant materials according to their unique water needs. Plans should take into account the various heights of landscaping materials. If the landscape plan is proposed in phases, to account for optimum planting times, all future phases should be included on the submitted landscape plan. In reviewing plans to ensure proper site planning and design, staff shall ensure that the plan: [1] preserves and protects existing vegetation, [2] preserves and protects topsoil, [3] stabilizes and covers all bare soil areas, and [4] incorporates energy/water conservation.
 - (2) *Soil Improvement.* Since soil tends to vary from site to site all soil should be analyzed to determine what plants are suitable to include on the landscape plan and if any soil amendments are required. Soil may require additional organic material be added to ensure the continued health of plants.
 - (3) *Appropriate Plant Selection.* Plant selection should be based on the plant's adaptability to the existing site conditions and need for supplemental watering. Most xeriscape/**smartscaping** plants will not require supplemental watering. In selecting plant materials, mature plants and shrubs should be used to ensure establishment after installation. A list of plants that are native and acceptable within the city has been provided in [Appendix F, Recommended Plantings](#), of the **Unified Development Code**; however, staff may approve alternate plantings if they are deemed appropriate for the site. In reviewing plans for conformance to this principle staff will consider the: [1] diversity of the plant species being proposed, [2] size, maturity and water requirements of the selected plantings, and [3] variation of height, spread and color.
 - (4) *Practical Turf Areas.* The type and location of turf areas are considered to be a major design element in xeriscape/**smartscaping** plans. Turf in this case involves typical varieties of Bermuda, St. Augustine, Ryegrass blends, etc. The maintenance needs of turf can be minimized by the shape, area, irrigation equipment, and turf type selected. Drainage areas and sloped areas are especially suited to the use of native grasses as opposed to turf. In reviewing plans to ensure that the turf areas being proposed are practical staff will review: [1] the design of the turf areas (with rounded, compact turf areas being more efficient), [2] turf areas should be designed to be on a separate zone from other landscaping, [3] turf should be appropriate for the selected location, [4] turf should be avoided on slopes and drainage areas in favor of native grasses, and [5] minimize turf areas by using native grasses, hardscape elements and alternatives.
 - (5) *Efficient Irrigation.* All landscaping is required to have an irrigation system that is designed by a licensed irrigator. Additionally, all irrigation systems should be designed to be water efficient utilizing low-flow irrigation equipment. The plan should show that turf areas should be watered separately, and plants should be grouped in separate zones based on water need. Finally, all irrigation systems are required to be maintained in proper working order.
 - (6) *Use of Mulches.* Mulches minimize evaporation, reduce weed growth, slow erosion and help maintain soil temperature. In reviewing the use of mulches in xeriscape/**smartscaping** plans staff shall ensure: [1] the use of a deep layer of mulch in planting beds (*typically three to four inches*) is utilized, and [2] mulches

should be locally or regionally derived materials. Additionally, mulches may include the use of pea gravel, crushed granite, rock or pebbles in unplanted areas.

(7) *Appropriate Maintenance.* Proper pruning, weeding and fertilization as required with all landscape plans shall be required. Typically, xeriscape/smartscape plans require less maintenance, fertilizer and other chemicals and pesticides.

(C) *Standards.*

(1) If approved with a *Landscape Plan* native grasses shall be exempt from the rules and requirements of Section 16-43, Weeds, Brush and Grass, of Chapter 16, Environment, of the Municipal Code of Ordinances; however, the grass should be maintained to a height typical for the particular native grass.

(2) Drainage or detention areas that utilize native grasses in lieu of turf shall be exempt from the requirements stipulated by Section 5.03(E) section 5.12.C (i.e. one [1] tree per every 750 SF and one [1] accent tree per 1,500 SF of dry-land detention area). Instead, a shrub or ornamental grass per every 750 SF of dry land area shall be required to be planted on the site or around the detention area.

(3) A maximum of 30% percent mulches or hardscape is permitted to be incorporated into all xeriscape plans. This may be increased by the Planning and Zoning Commission if deemed appropriate and necessary for the proposed plan.

(D) *Approval of Xeriscape/Smartscape Plans.* All xeriscape/smartscape plans shall require approval by the Planning and Zoning Commission, upon a recommendation by staff concerning conformance to the requirements of this section, at the time of site plan approval.

(Ord. No. 15-32, § 2, 12-7-2015)

SUBSECTION 5.11: DIMENSIONS OF LANDSCAPING - [MOVED TO SECTION 5.03]

All required landscaping shall be no less than five feet wide and a minimum of 25 square feet in area unless it is within ten feet of the building.

SUBSECTION 5.12: REQUIRED LANDSCAPING - [MOVED TO SECTION 5.03]

A. Amount of landscaping.

1. Minimum square footage requirements for landscaping shall be provided and maintained in the zoning districts set forth as follows. The requirements shall be applied to the total site area to be developed:

	Percent Requirement	Net Percent Requirement with Maximum Credits
Multi-family	25	20
Residential-office	25	20
Neighborhood service	20	15
Research/technology	20	15
General retail	15	10
Commercial	15	10
Heavy commercial	10	5

Light industrial	10	5
Heavy industrial	10	5

2. The total site area required for landscaping may be reduced by no more than five percent in accordance with the provisions of section 6. For example, the required percentage of 15 percent for commercial zoning could be reduced to a total of ten percent under the terms of section 6.

B. Location of landscaping. No less than 50 percent of the total requirement shall be located in front of and along side buildings with street frontage in the following zoning districts: "MF-14," "RO," "NS," "GR," "C" and "RT." One hundred percent of the total requirement shall be located in front of and along side buildings with street frontage in the following zoning districts: "HC," "LI," "HI."

C. Detention basins. Detention basins shall be landscaped in a natural manner using ground cover, grasses, shrubs and trees in all dry land areas. There shall be a minimum of one tree for each 750 square feet of dry land area.

(Ord. No. 06-11, 4-17-2006)

SECTION 6. - LANDSCAPE CREDITS

Credits toward achieving to the landscape requirements may be achieved as follows:

SUBSECTION 6.01: CREDIT FOR REQUIRED LANDSCAPE BUFFERS STRIPS BETWEEN NON-RESIDENTIAL AND NON-RESIDENTIAL ZONING-USED OR ZONED LAND

The overall landscaping requirement may be reduced by 2.5 percent when the buffer strip, whether required or not, has a minimum average width of 15 feet or greater and contains at least one large tree every 40 feet, or large shrubs at least every ten feet the entire length of the perimeter adjacent to property with residential zoning. This perimeter must equal at least 25 percent of the total perimeter of all adjacent private property.

The overall landscape requirement may be reduced by five (5) percent when the required landscape buffer between a non-residential or multi-family land use and a residentially zoned or used property is increased from 20-feet to 40-feet, and utilizes a berm along the entire length of the required landscape buffer. The length of the landscape buffer must be at least the length of the minimum lot depth of the zoning district for which the subject property is located as stipulated by [Article V, District Development Standards](#).

SUBSECTION 6.02: CREDIT FOR SURFACE PARKING SCREENING

The overall landscaping requirement may be reduced by 2.5 percent when a surface parking lot located adjacent to a public street is screened as follows:

A. The screen must be voluntary, not required by this Unified Development Code.

B. The screening must be located along the entire length of street frontage of the parking lot, exclusive of driveways, accessways, and visibility triangles. Visibility triangles will be maintained at all driveway intersections.

C. The screening must be at least three feet in height utilizing only evergreen planting materials, berms, and/or masonry walls.

D. The adjacent street must be generally at the same grade level of the parking lot or below for such credit to qualify.

SUBSECTION 6.03: CREDIT FOR ~~RIGHT-OF-WAY LANDSCAPING REQUIRED LANDSCAPE BUFFER~~ ADJACENT TO A PUBLIC STREET

The overall landscape requirement may be reduced by five (5) percent when the required landscape buffer adjacent to a public street is increased from ten (10) feet to 20-feet, and a minimum of two (2) Canopy Trees and four (4) Accent Trees are added per 100-linear feet of frontage. The landscape buffer shall also incorporate a *built-up* berm and/or shrubbery or a combination thereof along the entire length of the frontage. The berm and/or shrubbery shall have a minimum height of 30-inches and a maximum height of 48-inches.

The overall landscaping requirement may be reduced by 2.5 percent when the public right of way adjacent to a proposed development is landscaped meeting the following requirements:

- A. All landscaping in the right of way shall be provided sufficient irrigation for maintenance.
- B. Plants used in landscaping in the right of way shall only be varieties included on the approved plant list.
- C. The plan for landscaping in right of way shall be submitted and approved by the city prior to any work being done in the right-of-way.
- D. In certain cases, the city may determine that landscaping in the right of way may be infeasible and in such cases this credit shall not apply.
- E. Landscaping shall include ground cover, shrubs, trees and/or other plant materials and must cover at least 50 percent of the adjacent right of way, exclusive of driveways, to qualify for this credit. Grass alone shall not qualify for this credit.
- F. If the city has an adopted landscape plan for the street adjacent to the proposed project, any proposed improvements must be in compliance with said plan.

SUBSECTION 6.04: CREDIT FOR XERISCAPING/SMARTSCAPING

The overall landscaping requirement may be reduced by 2½% percent when the Director of Planning and Zoning or his/her designee determines that the standards stipulated by [Section 5.4005, Xeriscaping/Smartscaping Standards](#), of this Article have been satisfied.

(Ord. No. 15-32, § 2, 12-7-2015)

SECTION 7. - COMPLETION OF LANDSCAPING

SUBSECTION 7.01: IN ACCORDANCE WITH APPROVED PLANS

Except as otherwise provided in [Subsection 7.02](#), all landscaping must be completed in accordance with the approved *Landscape Plan* before a Certificate of Occupancy (CO) may be issued for any building on the lot; however, during drought or water emergency response stages the Director of Planning and Zoning or his/her designee can grant an applicant permission to delay the installation of required landscaping (independent of [Subsection 7.02](#)) upon receipt of a letter from the applicant stating that the landscaping will be installed by a specific date that is within a reasonable time period not to exceed six (6) months. The Director of Planning and Zoning may extend the agreement for successive terms if the City is still under drought or water emergency response stages.

(Ord. No. 15-32, § 2, 12-7-2015)

SUBSECTION 7.02: ESCROW AND ASSURANCE

If, due to circumstances beyond the property owner's control, the required landscaping cannot be installed prior to completion of the building and if the property owner provides the Chief Building Official with documented assurance that the landscaping will be completed within six (6) months and the funds required to complete the project are placed in escrow with the City, the Chief Building Official may issue one (1), six (6) month temporary Certificate of Occupancy (CO) and permit the property owner to complete his landscaping during the six (6) month period. For purposes of this subsection, "documented assurance" means a copy of a valid contract to install the landscaping in accordance with the landscape plan within the six (6) month period. The City shall hold the funds in escrow until such time as the landscaping is completed in accordance with the approved plan.

SUBSECTION 7.03: FORFEITURE OF ESCROW

If a temporary Certificate of Occupancy (CO) is issued under [Subsection 7.02](#), and, at the end of the six (6) month period, no permanent Certificate of Occupancy (CO) has been issued because the landscaping has not been installed in accordance with the landscape plan, the property owner shall be deemed in violation of this section, the funds placed in escrow shall be forfeited, and the City shall issue a citation for said violation, unless an extension is granted by the City Manager.

SECTION 8: RESERVED FENCE STANDARDS

SUBSECTION 8.01: FENCE PERMIT

No fence shall be constructed within the City without the owner or authorized agent of the owner having secured a permit from the Chief Building Official or his/her designee. A fence repair permit shall be required for the replacement of 25-feet or more of fencing and/or the replacement of five (5) or more posts. The Chief Building Official or his/her designee shall establish and maintain an application for a fence permit that can be utilized for the purpose of issuing fence permits. The fees for such permits shall be established by resolution by the City Council.

SUBSECTION 8.02: GENERAL FENCE STANDARDS

The following general fencing requirements shall apply for all residential and non-residential fences:

- (A) *Projections*. No fence guy wire, brace, light standard, sign, vee arm barbed wire base and arm, or any structure attached to a fence shall protrude over any property line.
- (B) *Material Requirements*. Unless otherwise provided for in this section [*i.e.* [Section 8, Fence Standards](#)], the following material requirements shall apply to all residential and non-residential fences:

- (1) Permitted fencing materials are limited to wood pickets, vinyl coated chain link, wrought iron, decorative metal (*i.e. with the appearance of wrought iron but is made of powder-coated steel, aluminum or covered with a corrosion protection finish*), brick, stone, split face CMU or burnished block, vinyl, fiberglass composite, and concrete with stone face/form liner.
- (2) Steel pipe shall be allowed for residential fences as specified in [Subsection 8.03\(C\)](#).
- (3) Barb wire fences may be used without restrictions when in conjunction with an agricultural related land use; however, no barbed wire fence shall be located on any property that is zoned or used as a residential property. In areas where barbed wire fences are allowed, arms or base and arms with barbed wire shall

not have more than three (3) stands a fixed to the arm or base and arm. Constantine or razor wire is prohibited. Any projection of an arm or base for the purpose of affixing barb wire will be considered a part of the fence for the purposes of determining the maximum height.

- (4) It shall be unlawful for any person to construct or maintain any electrical fence or electrical attachment to a fence.
- (5) Precast, smooth face CMU, and corrugated or *R-Panel* fencing shall be prohibited.
- (6) Solid wood fencing exceeding 48-inches in height shall be constructed using metal posts set in concrete, or brick, stone or a combination of brick and stone columns.

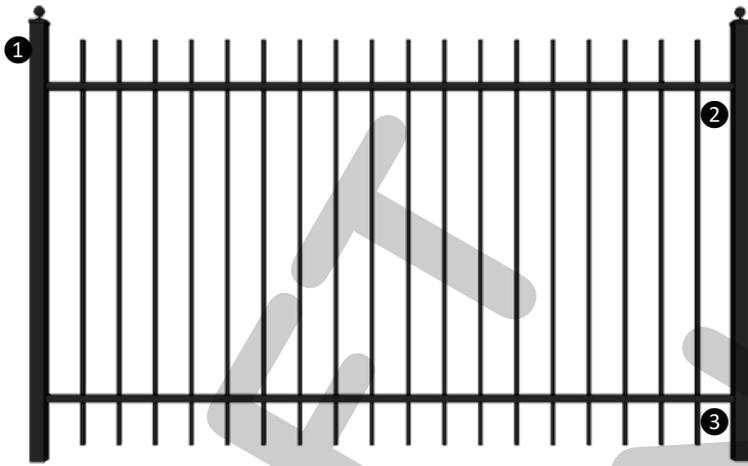
(C) *General Fence Details.* Unless otherwise specified in this section, fences constructed in the City of Rockwall shall generally conform to the following minimum fence details:

(1) *Wood Fences.*



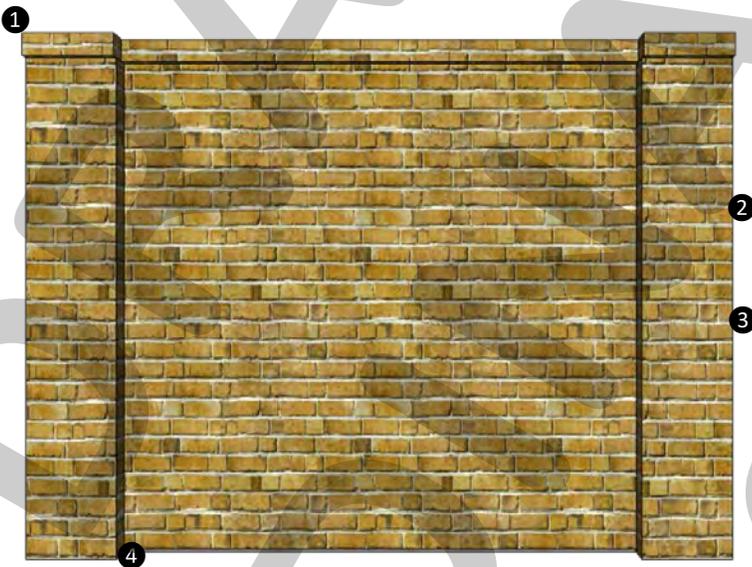
① Top Rail; ② Galvanized or Stainless-Steel Post (*Recommended Minimum of 2³/₈"*); ③ Stinger Board (*Recommended Minimum of 2" x 3"*); ④ Minimum ½" Wood Screen.

(2) *Wrought Iron Fence.*



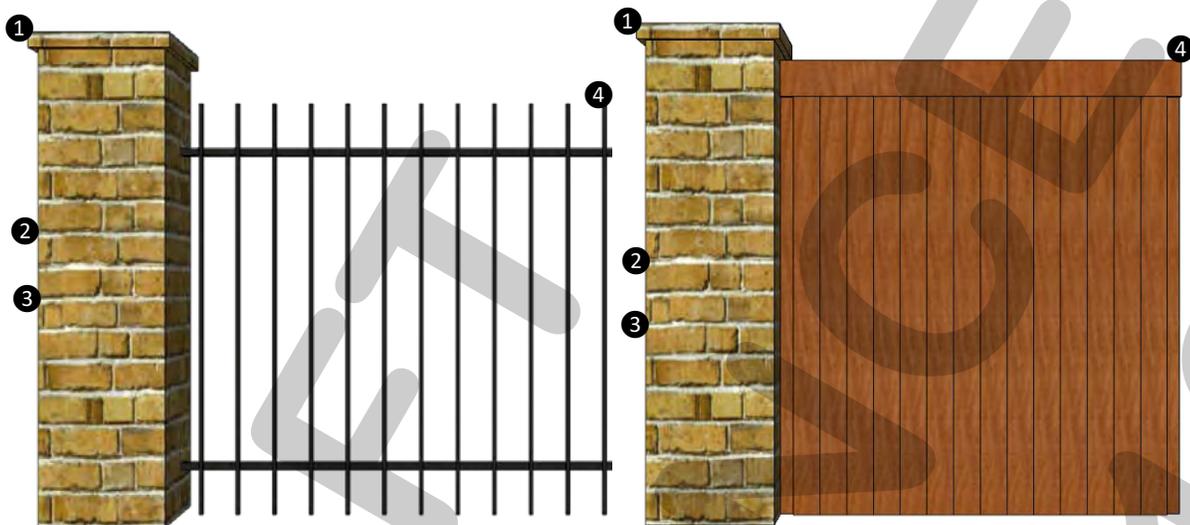
① Painted or Powder Coated with a Decay Resistant Paint; ② Top Rail; ③ Bottom Rail.

(3) *Masonry Wall.*



① Rowlock Cap; ② Running Bond; ③ 3/8 Tooled Joints (*Typical*); ④ Concrete Footing/Mow Strip.

(4) *Fence with Masonry Columns.*



① Rowlock Cap; ② Running Bond; ③ 3/8 Tooled Joints (Typical); ④ Wrought Iron or Board-On-Board Wood Fence.

(5) Vinyl Coated Chain-Link Fence.



① Post Cap; ② Top Rail; ③ Bottom Rail; ④ Tension Band; ⑤ Tension Bar.

(D) *Fence Height Requirements.* All fence heights shall be measured vertically from the inside natural or mean grade elevation of the yard, and shall adhere to the following height requirements:

- (1) Residential fencing shall have a maximum height of eight (8) feet.
- (2) Non-residential fencing shall have a maximum height of 12-feet.

(E) *Temporary Fences.* The Chief Building Official or his/her designee may permit temporary fencing for the purpose of protecting or securing a construction site. The temporary fences duration of use, location, height, and materials of the temporary fence shall be stated in the request to the Chief Building Official or his/her designee. Barbed wire fencing may be permitted for temporary use; however, Constantine or razor wire is prohibited.

SUBSECTION 8.03: RESIDENTIAL FENCES

(A) *Fence Standards for New Subdivisions.* All individual residential fencing and walls proposed for new subdivisions shall be architecturally compatible with the design, materials, and colors of the primary structure or structures on the same lot or within the subdivision, and meet the following minimum standards:

(1) *Solid Fencing.* All solid fencing shall be constructed utilizing standard cedar fencing materials (*spruce fencing is prohibited*) that are a minimum of ½-inch or greater in thickness. Fences shall be *board-on-board* panel fence that is constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Posts, fasteners, and bolts shall be formed from hot dipped galvanized or stainless steel. All cedar pickets shall be placed on the *public side (i.e. facing streets, alleys, open space, parks, and/or neighboring properties)*. All posts and/or framing shall be placed on the *private side (i.e. facing towards the home)* of the fence. All wood fences shall be smooth-finished, free of burs and splinters, and be stained and sealed on both sides of the fence. Painting a fence with oil or latex based paint shall be prohibited. All solid fences shall incorporate a decorative top rail and/or cap detailing the design of the fence.

(2) *Transparent Fencing.* All transparent fencing shall be wrought iron that is a minimum of four (4) feet in height and a maximum of eight (8) feet in height. Transparent fencing is required adjacent to all perimeter roadways (*i.e. along the perimeter of the subdivision*), abutting open spaces, greenbelts and parks.

(3) *Corner Lots.* Corner lot fences (*i.e. adjacent to a street, open space, or parks*) shall provide masonry columns at 45-foot off center spacing that begins at the rear of the property line. A solid cedar *board-on-board* panel fence that is a minimum of six (6) feet in height and a maximum of eight (8) feet in height shall be allowed between the masonry columns along the side and/or rear lot adjacent to an interior street. The fence shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.

(4) *Perimeter Subdivision Fencing.* Perimeter subdivision fencing shall be constructed of six (6) foot tall tubular steel or wrought-iron type fencing with masonry columns, landscaping, and entry features. All common areas and perimeter subdivision fencing shall be maintained by a Homeowner's Association (HOA) as specified in the City's subdivision regulations.

(5) *Exceptions.* The Planning and Zoning Commission may consider alternative materials that are permitted by [Subsection 8.02\(B\)](#) (*e.g. vinyl or split rail fencing*) or alternative screening for perimeter fencing (*e.g. earthen berms with landscaping*) on a *case-by-case* basis at the time of preliminary plat and/or site plan for all new residential subdivisions. These exceptions will be subject to the approval criteria and voting requirements stipulated by [Section 9.01, Exceptions to the General Standards, of Article XI, Development Applications and Review Procedures](#).

(B) *Fence Standards for Existing and Infill Single-Family and Duplex Properties.* All fences being proposed in established residential areas (*i.e. established single-family or duplex subdivision or areas*) -- *that are not regulated by a Planned Development District ordinance* -- shall be architecturally compatible with the design, materials, and colors of the existing fences in the area; however, the following minimum standards shall apply to all fences requiring a fence permit in these areas:

(1) *Solid Fencing.* All solid fencing shall be constructed utilizing standard cedar fencing materials (*spruce fencing is prohibited*) that are a minimum of ½-inch or greater in thickness. Fences shall be constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Posts, fasteners, and bolts shall be formed from hot dipped galvanized or stainless steel. All cedar pickets shall be placed on the *public side (i.e. facing streets, alleys, open space, parks, and/or neighboring properties)*. All posts and/or

framing shall be placed on the *private side (i.e. facing towards the home)* of the fence. All wood fences shall be smooth-finished, free of burs and splinters, and be stained and sealed on both sides of the fence. Painting a fence with oil or latex based paint shall be prohibited. All solid fences shall incorporate a decorative top rail and/or cap detailing the design of the fence.

(2) Transparent Fencing.

(a) **Wrought Iron Fences.** All new transparent fencing shall be wrought iron that is a minimum of four (4) feet in height and a maximum of eight (8) feet in height.

(b) **Chain-Link Fences.**

(I) **New Chain-Link Fences.** New chain-link fences shall be prohibited.

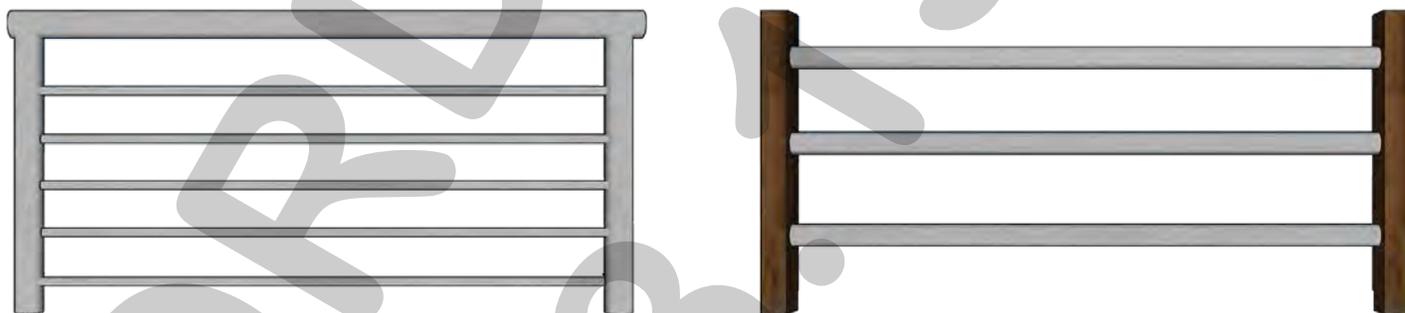
(II) **Replacement of an Existing Chain-Link Fence.** Existing chain-link fences may be replaced with a new vinyl coated, chain-link fence that is a minimum of four (4) feet in height and a maximum of six (6) feet in height. Replacement chain-link fences may only be placed in the location of the existing chain-link fence.

(III) **Chain-Link Fences in Conjunction with an Accessory Use.** Chain-link fences that are integral to the design of an accessory use (e.g. dog run, batting cage, etcetera) may be permitted; however, the fence shall be placed a minimum of ten (10) feet from the property lines unless completely screened from adjacent properties, open spaces, right-of-way, and parkland by a structure, fence or solid landscape screen.

(3) **Special Exceptions.** The Planning and Zoning Commission may consider alternative materials that are permitted by [Subsection 8.02\(B\)](#) (e.g. vinyl or split rail fencing) on a case-by-case basis. These exceptions will be subject to the approval criteria and voting requirements stipulated by [Section 9.01, Exceptions to the General Standards, of Article XI, Development Applications and Review Procedures.](#)

(C) **Fence Standards for Agricultural and Single-Family Estate Properties.** Fences in the Agricultural (AG), Single-Family Estate 1.5 (SFE-1.5), Single-Family Estate 2.0 (SFE-2.0), and Single-Family Estate 4.0 (SFE-4.0) Districts shall meet all the requirements stipulated for [Subsections 8.03\(A\) & 8.03\(B\)](#); however, a metal split-rail or pipe fencing shall be permitted in these districts. Metal split-rail or pipe fencing shall be a minimum of four (4) feet and a maximum of eight (8) feet in height.

EXAMPLE OF METAL SPLIT-RAIL AND/OR PIPE FENCING



(D) Fence Placement.

(1) *Fences in the Rear and Side Yard.* Fences may be placed in the rear and side yards; however, the following conditions shall apply:

(a) *Side Yard Fences.* Side yard fences shall not extend beyond the front façade of a single-family structure. In cases where a structure has a front porch or other encroachment, the fence shall not extend beyond where the front porch or encroachment meets the front façade of the single-family structure (as depicted in Figure 18).

(b) *Abutting an Alleyway.* Fences abutting an alleyway are permitted to be constructed on the side or rear property lines (as depicted in Figure 14).

(c) *Through Lots.* Fences proposed for *Through Lots* (i.e. lots that have street frontage adjacent to the front and rear yard property lines) may construct a fence on the rear yard property line if all lots within the block have the same lot configuration (i.e. if all lots are *Through Lots* fronting in the same direction) (as depicted in Figure 15). If a *Through Lot*'s rear property line is adjacent to a house, the rear yard fence for the *Through Lot* shall not extend past the front yard building line (as depicted in Figure 17).

(d) *Corner Lots.* Corner lots shall be permitted to construct a fence along the side yard property line adjacent to a street (as depicted in Figure 14); however, in cases where a house is facing in the same direction as the side yard of a corner lot, the side yard fence adjacent to the street shall not extend beyond the front yard building setback (as depicted in Figure 16).

Figure 14: Corner Lots.

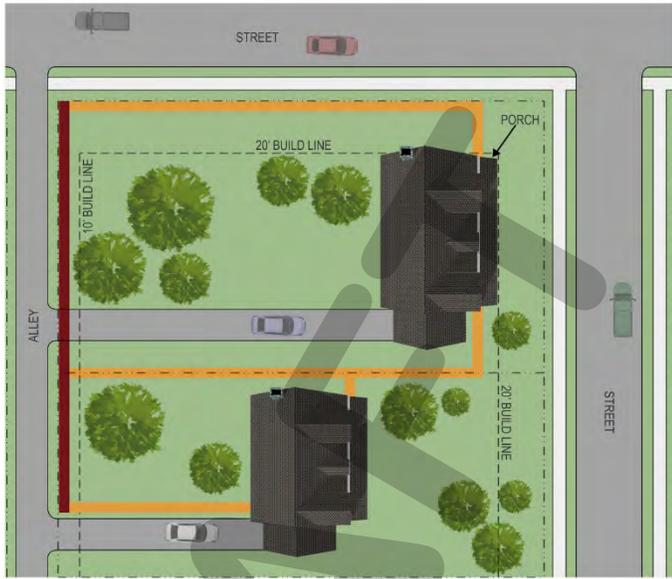


Figure 15: Fences Back to a Street.

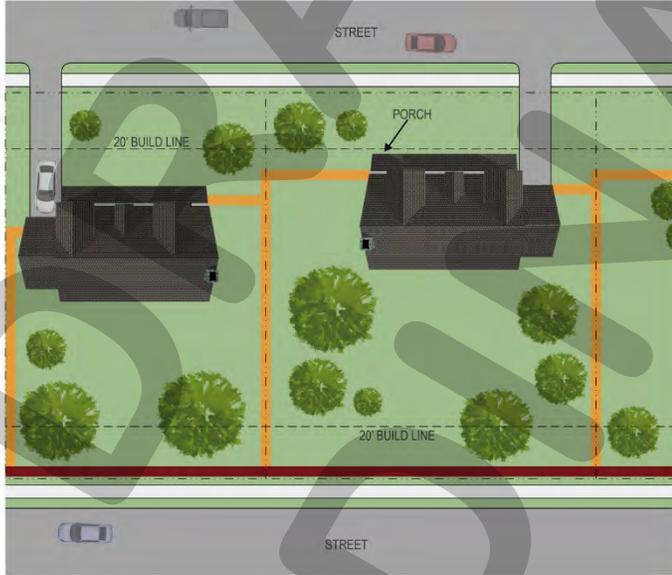


Figure 16: Fences Backing to a Side Yard.

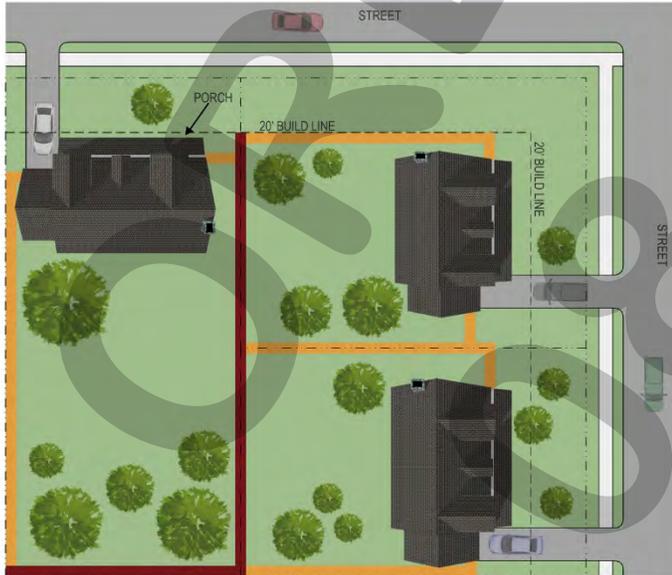


Figure 17: Through Lots.

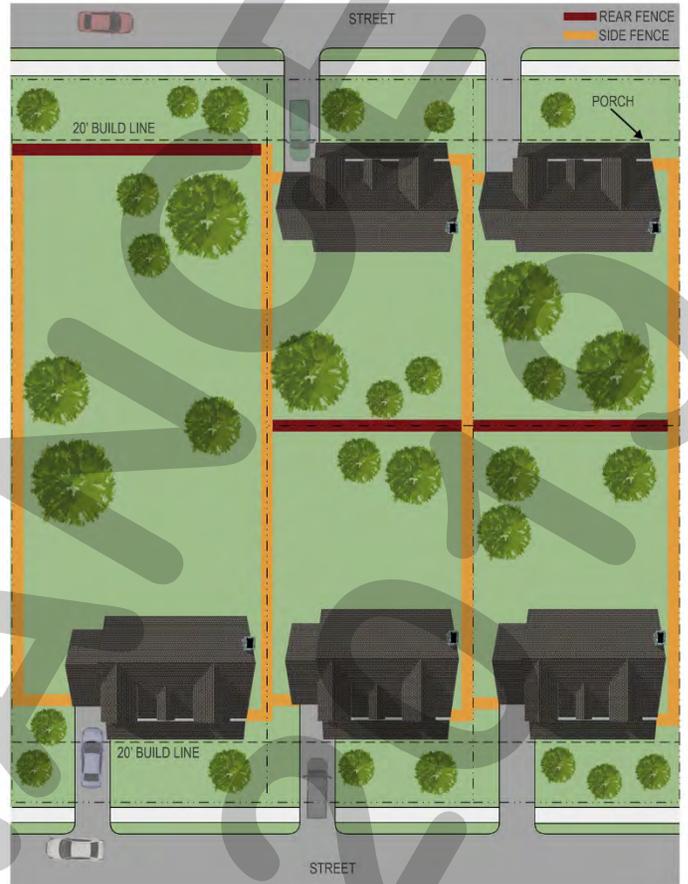


Figure 18: Fences with Common Rear Yards.



(2) **Fences in the Front Yard.** No fence shall be constructed in the front yard of a residential property without being granted an exception from the Planning and Zoning Commission unless specifically permitted by [Subsection 8.03\(D\)\(3\)](#). For the purposes of this provision the front yard is defined as the area between the front façade of the primary structure and the front property line (as depicted in Figure 14). The Planning and Zoning Commission may authorize the issuance of an exception for the construction of a front yard fence subject to the following provisions:

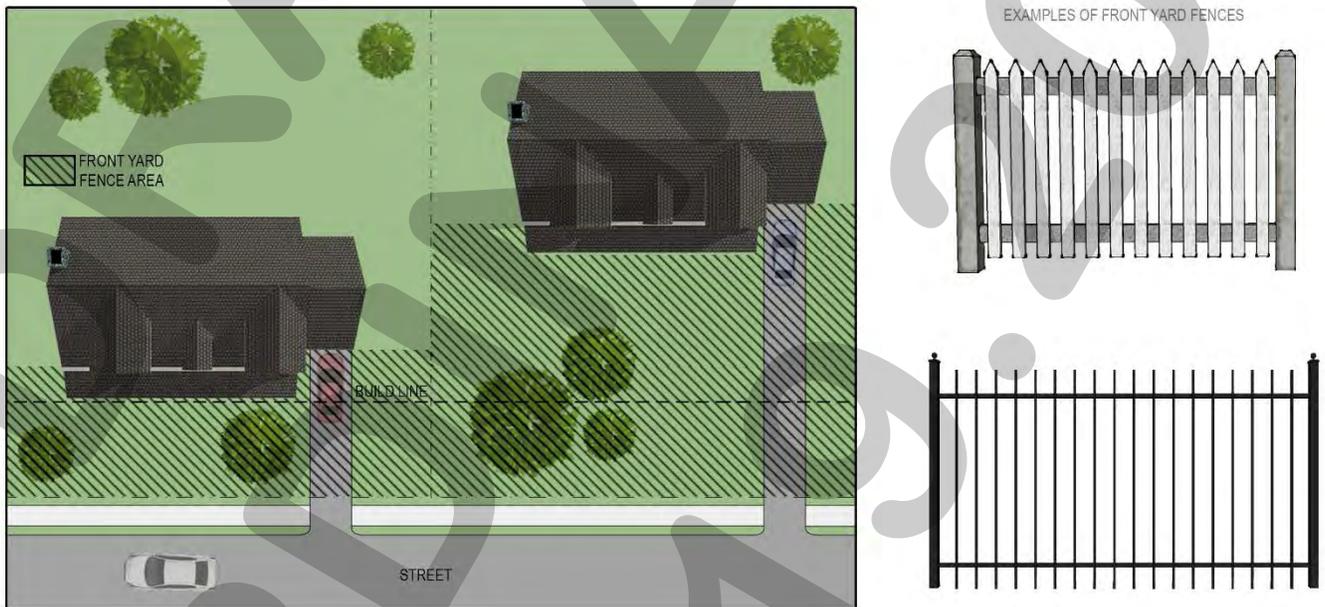
(a) **Wood Fences.** Wood fences that are 50% transparent (e.g. as depicted in Figure 14) shall not exceed 42-inches in height.

(b) **Wrought Iron or Decorative Metal Fences.** Wrought iron or decorative metal fences that are 50% transparent (e.g. as depicted in Figure 14) shall not exceed 48-inches in height.

(c) **Opaque Fences.** Opaque fences are prohibited in the front yard of residential properties.

In considering a front yard fence, the Planning and Zoning Commission may require applicants to provide additional information, plans, drawings, and/or other information concerning the proposed front yard fence. In addition, the Planning and Zoning Commission may establish additional conditions of construction for any fence.

Figure 19: Residential Front Yard Fences



(3) **Exemptions to the Front Yard Fence Requirements.** The following front yard fences are exempted from the exception process for front yard fences:

(a) **Model Homes.** Model homes that incorporate a fence that is 50% transparent (e.g. as depicted in Figure 14), and that does not exceed a maximum height of 42-inches may establish a front yard fence; however, these fences are considered to be temporary and must be removed at the time a permanent residence is established. Alternatively, an exception for a front yard fence can be approved in accordance with the procedures outline in [Subsection 8.03\(D\)\(2\)](#).

(b) **Single-Family Estate Properties.** Properties in a Single-Family Estate 1.5 (SFE-1.5), Single-Family Estate 2.0 (SFE-2.0), or Single-Family Estate 4.0 (SFE-4.0) District shall be permitted to construct a

front yard fence that is 50% transparent (e.g. as depicted in Figure 14) and that does not exceed 48-inches in height as long as the fence is [1] architecturally harmonious with the development, and [2] constructed of metal split rail, wood picket, vinyl, wrought iron, and/or painted steel.

SUBSECTION 8.02: NON-RESIDENTIAL FENCES

(A) *Fence Standards for Properties in a Commercial District.* Non-required fences in the Neighborhood Services (NS), General Retail (GR), and Commercial (C) Districts, shall be constructed of the materials outlined in [Subsection 8.02\(B\)](#); however, wood and vinyl coated chain-link fences shall be prohibited.

(B) *Fence Standards for Properties in the Residential Office (RO) and Downtown (DT) Districts.* Fences in the Residential Office (RO) District and the Downtown (DT) District shall be constructed of the materials outlined in [Subsection 8.02\(B\)](#). Unless otherwise specified in [Subsection 4.07, Downtown \(DT\) District, of Article V, District Development Standards](#), wood fences proposed in a Residential Office (RO) District or Downtown (DT) District -- in conformance with the requirements of [Subsection 8.03\(B\)](#) -- shall be permitted on properties that have adjacency with a residential zoning district, residentially used property, or a property that has an existing wood fence.

(C) *Fence Standards for Properties in an Industrial District.* Non-required fences in the Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) Districts, shall be constructed of the materials outlined in [Subsection 8.02\(B\)](#); however, wood fences shall be prohibited.

(D) Fence Placement.

(1) *Side and Rear Yard Fences.* Fences may be placed on the side and/or rear yard property line of any non-residential property; however, the Planning and Zoning Commission may require a fence location to be adjusted to account for site constraints through the site plan process.

(2) *Front Yard Fences.* No fence shall be constructed in the front yard of a non-residential property without being granted an exception from the Planning and Zoning Commission. For the purposes of this provision the front yard is defined as the area between the front façade of the primary structure and the front property line (as depicted in Figure 15). The Planning and Zoning Commission may authorize the issuance of an exception for the construction of a front yard fence subject to the following provisions:

(a) *Location.* Properties adjacent to IH-30, John King Boulevard, and SH-205 shall be prohibited from having a front yard fence.

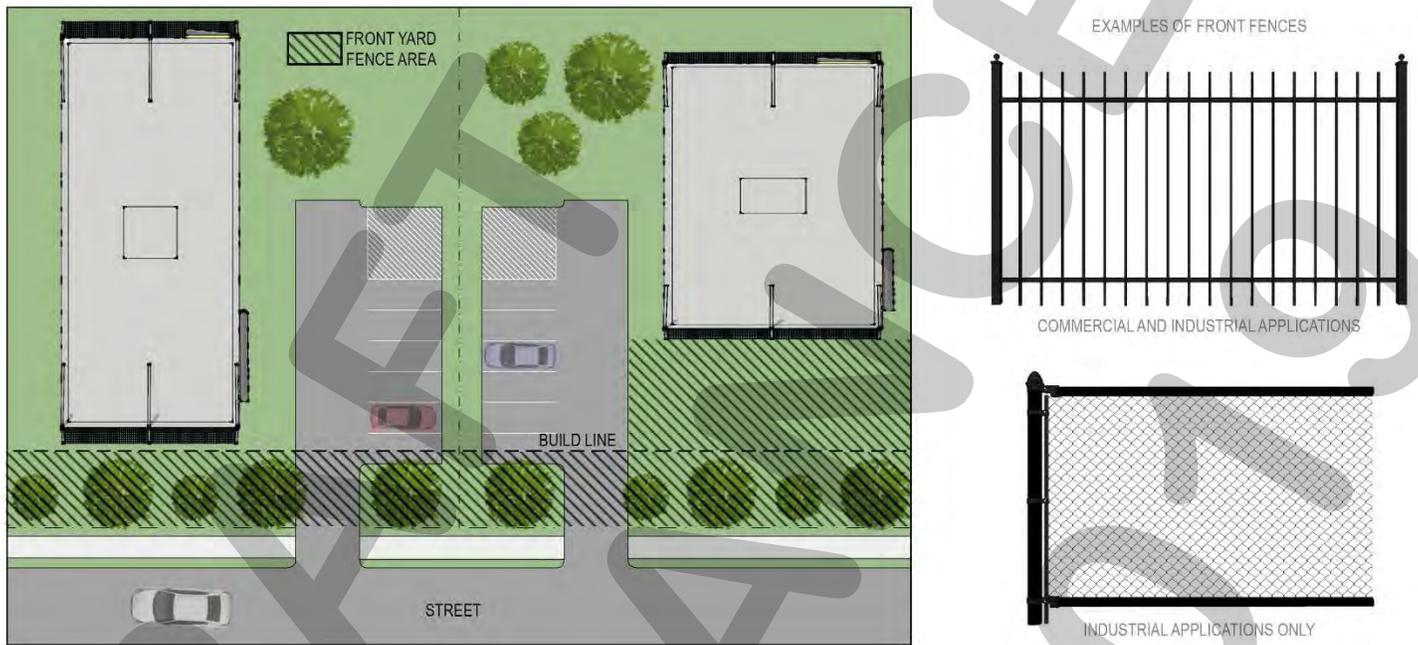
(b) *Wrought Iron or Decorative Metal Fences.* Wrought iron or decorative metal fences (e.g. as depicted in Figure 15) shall not exceed eight (8) feet in height.

(c) *Vinyl Coated Chain-Link.* In the Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) District a vinyl coated chain-link fence may be established in the front yard pending that it [1] is situated a minimum of ten (10) feet off of the front property line, and [2] three (3) tiered screening (i.e. small to mid-sized shrubs, large shrubs or accent trees, and canopy trees) is established in front of the proposed front yard fence along the entire length of the front property line.

(d) *Opaque Fences.* Opaque fences are prohibited in the front yard of non-residential properties.

In considering a front yard fence, the Planning and Zoning Commission may require applicants to provide additional information, plans, drawings, and/or other information concerning the proposed front yard fence. In addition, the Planning and Zoning Commission may establish additional conditions of construction for any fence.

Figure 20: Non-Residential Front Yard Fences



SECTION 9: GENERAL MAINTENANCE

SUBSECTION 9.01: MAINTENANCE REQUIREMENTS FOR LANDSCAPING

Required landscaping must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all plantings as needed. Any plant that dies must be replaced with another approved plant variety, generally of the same size, that complies with the approved *Landscape Plan* within 90 days after notification by the City.

SUBSECTION 9.01: MAINTENANCE AND INSPECTION REQUIREMENTS FOR FENCES

For information concerning the inspection and maintenance of fences see [Article XI, Fences, of Chapter 10, Building and Building Regulations](#), of the Municipal Code of Ordinances.

SUBSECTION 9.023: UTILITY LINES AND RIGHTS-OF-WAY

Any damage to utility lines resulting from the negligence of the property owner, his agents, or employees in the installation and maintenance of required landscaping in a utility easement is the responsibility of the property owner. If a public utility disturbs a landscaped area in a utility easement, it shall make every reasonable effort to preserve the landscaping materials, and return them to their prior locations after the utility work. If, nevertheless, some plant materials die, it is the obligation of the property owner to replace the plant materials.

Additions: **Highlighted**
Deletions: **Highlighted, Strikeout**
Staff Notes: **Highlighted, Red Text**
Links/References: Blue, Underlined

ARTICLE X, PLANNED DEVELOPMENT REGULATIONS, UDC

SECTION 1: **PLANNED DEVELOPMENT**—GENERAL

SUBSECTION 1.01: PURPOSE

The purpose of this article is to provide for the creation of planned development zoning districts ("PD Districts"). PD Districts are intended to provide for the development of land as an integral unit for single or mixed use in accordance with a PD concept plan that may include uses, regulations and other requirements that vary from this Unified Development Code or from other ordinances, rules or regulations of the city. PD Districts are intended to implement the goals and objectives of the city's comprehensive plan, but may be accompanied by specific amendments to provisions of the comprehensive plan, the parks and open space plan or the thoroughfare plan. PD Districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- ☑ To provide for a superior design of lots or buildings;
- ☑ To provide for increased recreation and/or open space opportunities for public use;
- ☑ To provide amenities or features that would be of special benefit to the property users or community;
- ☑ To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes or hills and view corridors;
- ☑ To protect or preserve existing historical buildings, structures, features or places; or
- ☑ To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services.

(Ord. No. 10-14, § 55, 7-6-2010)

SUBSECTION 1.02: NATURE OF PD DISTRICTS **AND MINIMUM STANDARDS**

Each **PD Planned Development (PD)** District is intended to be a freestanding zoning district in which land uses and intensities of land use may be tailored to fit the physical features of the site and to achieve compatibility with existing and planned adjacent uses. In order to ensure that a PD District implements the policies of the comprehensive plan, and to further ensure that the PD District is in accordance with a comprehensive plan of zoning regulation, it is necessary to establish minimum standards for residential and nonresidential uses proposed for the PD District that must be incorporated within an ordinance adopted by the council (the "PD ordinance").

(A) Land Use.

- (1) **Uses.** ~~Unless otherwise provided by the PD Planned Development (PD) District Ordinance, only those uses authorized by this Unified Development Code are permitted in PD Planned Development (PD) Districts.~~

(Ord. No. 10-14, § 56, 7-6-2010)

- (2) **Location.** ~~The location of all authorized uses shall be consistent with the PD concept plan and/or PD site plan submitted with the Planned Development (PD) District.~~

(B) Open Space Standards.

Public and private open space. Unless otherwise provided by the PD ordinance, a minimum of 20 percent of the gross land area within the entire PD District shall be devoted to open space, except where a floodplain exists in the proposed development in which case the dedicated floodplain shall be allowed to count for up to 50 percent of the 20 percent open space requirement, and shall be consistent with the open space requirements of the city's parks and open space plan. Open space for PD Districts may be satisfied by either public or by a combination of public and private open space. Open space requirements specified in this subsection are in addition to requirements for site landscaping and buffering. Public open space shall be dedicated to the city.

(Ord. No. 07-18, 6-04-2007)

(1) Preservation of natural features. Unless otherwise provided by the PD ordinance or PD concept plan:

- (a) Floodplain areas shall be preserved and maintained as open space; and
- (b) Significant stands of native trees and shrubs shall be preserved and protected from destruction or alteration.

(2) Open space allocation. Open space requirements shall be satisfied for each phase of a multi-phased residential development. If open space is not to be provided proportionally among phases of development, the applicant must execute a reservation of open space in a form that will assure the city that such open space will be provided. The city may require that all open space within the district must be provided prior to completion of development within the district.

(3) In a residential planned development, all lots less than 12,000 square feet shall be located within 800 feet of a neighborhood-oriented park or open space corridor, which shall be landscaped and serve as a visual amenity and/or gathering place for socializing with neighbors.

(Ord. No. 07-18, 6-04-2007)

(C) Other minimum development standards.

(1) Dimensional and area standards. Unless otherwise provided by the PD ordinance, dimensional and area standards for uses shall be the most restrictive standards authorized by this Unified Development Code for the same or similar uses.

(Ord. No. 10-14, § 57, 7-6-2010)

(2) Density standards for residential use. Unless otherwise provided by the PD ordinance, a residential planned development shall allow for a density greater than one unit per gross acre and up to two units per gross acre with a mixture of uses and residential unit size with no minimum lot size. The planned development zoning may be allowed based on the following:

- Topographic conditions that will result in quality open space and building arrangements.
- Mix of unit types to accommodate elements of "life-cycle" housing.
- Amount and distribution of open space to enhance value creation.
- The overall master plan and arrangement of buildings and uses.
- The property should be 50 acres or more in size to adequately accommodate the transition to surrounding development.

Additionally, in a residential planned development, a density up to 2.5 units per gross acre may be allowed with the dedication and/or development of additional amenities that would exceed the minimum standards for residential planned developments which could include:

- Parks and open space.
- Golf course.
- Neighborhood amenity/recreation center.
- Integration of schools into the community fabric.

- Development of trails and parks in floodplains.
- Development of municipal parks and recreation facilities.

(3) Anti-Monotony Standards for Residential Use.

- (a) Exterior wall materials must comply with section 3.1, General Residential District Standards, of article V of this [Unified Development] Code. Additionally, masonry chimneys shall be required on all homes.
- (b) Front elevations shall not repeat along any block face without at least four intervening homes of differing appearance on the same side of the street and two intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to open spaces or thoroughfares shall not repeat without at least two intervening homes of differing appearance. Identical brick blends may not occur on adjacent (side by side) properties. Homes may differ in appearance in any two of the following ways:

- Number of stories.
- Garage location.
- Roof type and layout.
- Articulation of the front facade.

(4) Fencing Standards.

- (a) Solid fencing shall be cedar standard fencing material (minimum one-half-inch thickness or more). Spruce fencing will not be allowed. All cedar pickets shall be placed on the "public side" facing a street or an alley. All posts and framing shall be placed on the "private side" of the fence. Other types of solid fencing (such as vinyl) may be considered on a case by case basis during the review of the PD development plan.
- (b) Tubular steel or wrought iron type fencing shall also be allowed.
- (c) Tubular steel or wrought iron type fencing shall be required on all lots located adjacent to perimeter roadways, open spaces, greenbelts and parks.
- (d) Split rail fencing shall be allowed on lots containing 20,000 square feet or more.
- (e) Fencing on corner lots constructed adjacent to the street shall provide masonry columns at 45 feet off center spacing that begins at the rear property lien corner and terminates at least 15 feet behind the front yard building setback line. A maximum six-foot high, solid board on board "panel" cedar fencing or wrought iron type fencing shall be allowed between the masonry columns along the side and/or rear yard adjacent to a street.
 - On corner lots which have rear lot liens adjacent to alleys or other rear lot lines, fences may be constructed along the side yard adjacent to the street, subject to a minimum five feet setback from the right-of-way. The property owner shall maintain that portion of the property outside of the fence.
 - On corner lots which have rear lot lines adjacent to a side lot line of an adjoining lot(s), only tubular steel or wrought iron type fences not exceeding 42 inches in height may be constructed beyond the building line. Fences constructed on or behind the building line shall comply with the materials requirement in section 4.e above.
- (f) All common areas and perimeter fencing shall be maintained by a homeowners association as specified in the city's subdivision regulations. Perimeter fencing shall be constructed of six-foot tall tubular steel or wrought iron type fencing with masonry columns and entry features. The planning and zoning commission may consider alternative perimeter screening such as earthen berms with landscaping during the review of the PD development plan.

(Ord. No. 07-18, 6-04-2007)

SUBSECTION 1.03: PD PLANS REQUIRED

There are three types of plans that may be required as part of the development process within a PD District. Each successive plan may modify the previous plan provided that it does not substantially change the general intent of the original PD district. Each successive plan becomes part of the zoning ordinance governing the property and replaces the previously approved plan.

- (A) PD concept plan. The PD concept plan is mandatory and is intended to be used as the first step in the PD development process. It establishes the most general guidelines for the PD District by identifying the land uses and intensities, thoroughfare locations, and open space boundaries (including public trail systems). It may include images of intended style and type of development. The concept plan illustrates the integration of these elements into a master plan for the whole PD District. The PD concept plan establishes the development standards for the PD district.
- (B) PD development plan. A PD development plan is optional and is intended to be used where appropriate as the second step of the PD development process. It may be required by the PD ordinance, or it may be submitted voluntarily by the property owner. A PD development plan constitutes an amendment to the approved PD concept plan and PD ordinance and may be used where the developer requests, or the council requires, certain standards for the PD District to be specified after initial establishment of the PD District. A PD development plan includes more detailed information as to the specific development standards and land uses, including their boundaries. The purposes of a PD development plan are to allow flexibility in the development process by deferring specification of all development standards at the time of PD District creation and to enable developers to satisfy conditions imposed on creation of the District prior to submittal of a PD site plan.
- (C) PD site plan. A PD site plan is mandatory and is the final step of the PD development process. The purposes of a PD site plan are to ensure that the development of individual building lots, parcels, or tracts within the PD District are consistent with the approved concept plan and development plan, if any, and to ensure that the standards applicable within the PD District are met for each such lot, parcel or tract. A PD site plan shall continue to be valid for a period of two years after it is approved by the commission; however, such period may be extended by the council upon recommendation of the planning commission.
- (1) The site plan shall be accompanied by building elevations and landscape and master sign plans, which shall be reviewed by the architectural review board for consistency with the overall objectives of the district. The board's recommendation shall be forwarded to the planning and zoning commission for consideration in their recommendation to city council, if applicable.
- (2) A PD site plan shall terminate at the end of a two-year period (or more with an extension approved by the city council) unless, within such period, a preliminary or master plat as required by the city's subdivision ordinance has been filed with the city for all of the land covered by the PD site plan. In which case, the site plan will remain valid as long as there is an approved plat for the property. If a PD site plan terminates, development of the land covered by the terminated plan cannot occur until a new PD site plan has been approved for the land as provided by this article.

(Ord. No. 06-14, 4-17-2006)

SUBSECTION 1.04: PD COMPLIANCE WITH APPROVED PLANS

Except as otherwise provided by the subdivision provisions of this Unified Development Code, no development shall begin and no building permit shall be issued for any land within a PD District until a PD site plan that is consistent with the PD concept plan and applicable PD development plan has been approved. Each PD District shall be developed, used, and maintained in compliance with the approved PD site plans for the district. Compliance with the PD ordinance shall be construed as a condition precedent to granting of certificates of occupancy.

(Ord. No. 10-14, § 58, 7-6-2010)

SECTION 2: PLANNED DEVELOPMENT DISTRICT STANDARDS

SUBSECTION 2.01: GENERAL STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS

All Planned Development (PD) District ordinances shall conform to the following general standards:

- (A) *Size and Acreage Requirements.* A Planned Development (PD) District requires a minimum of 15 contiguous acres for non-residential PD Districts, and 25 contiguous acres for residential PD Districts; however, PD Districts may be less than the stated acreages when the Director of Planning and Zoning determines that the PD District will be in conformance with the policies and guidelines contained in the City's Comprehensive Plan or will serve the public's interest.
- (B) *Permitted Land Uses.* Unless otherwise provided by the Planned Development (PD) District ordinance, only those uses authorized by [Article IV, Permissible Uses](#), shall be permitted within a PD District.
- (C) *Base Zoning.* All Planned Development (PD) District ordinances shall reference an appropriate base zoning district that can provide standards for density and dimensional requirements not specifically addressed in the PD District ordinances. If the standards of the base zoning district are amended, then the amended standards shall apply to a PD District unless the standards are specifically addressed in the PD District ordinance. Any amendments to a base zoning district that affect a PD District do not require special notice to be provided to the properties within the PD District.

SUBSECTION 2.01: MINIMUM STANDARDS FOR RESIDENTIAL PLANNED DEVELOPMENT DISTRICTS

The minimum requirements for residential Planned Development (PD) Districts shall be in accordance with [Section 3, Residential Districts, of Article V, District Development Standards](#), unless otherwise specified below. If the subject property is situated within an established overlay district -- as noted in [Section 6, Overlay Districts, of Article V, District Development Standards](#) --, and a particular use or standard conflicts with the below minimum requirements then the more restrictive standard would apply.

- (A) *Density.* Residential Planned Development (PD) Districts shall allow for density in conformance to the density guidelines contained in the Comprehensive Plan or as otherwise approved by the City Council upon a recommendation from the Planning and Zoning Commission.
- (B) *Roof Pitch.* A minimum of an 8:12 roof pitch is required on all structures with the exception of sunrooms and porches, which shall have a minimum of a 4:12 roof pitch. Rear elevations may have a minimum of 6:12 roof pitch.
- (C) *Fencing Standards.* The fence standards contained in a Planned Development (PD) District ordinance shall -- at a minimum -- conform to the requirements contained in [Section 8, Fence Standards, of Article VIII, Landscape and Fence Standards](#).
- (D) *Landscape and Hardscape Standards.*
 - (1) *Landscape Buffer.* A minimum of a 30-foot landscape buffer shall be provided adjacent to all perimeter roadways (outside of and beyond any required right-of-way dedication), and shall incorporate ground cover, a built-up berm and shrubbery along the entire length of the frontage. Berms shall have a minimum height of 30-inches and a maximum height of 48-inches. In addition, three (3) canopy trees and four (4) accent trees shall be planted per 100-feet of linear frontage.
 - (2) *Street Trees.* The Homeowner's Association (HOA) shall be responsible for the maintenance of all street trees and will be required to maintain a minimum of 14-foot vertical clearance height for any trees overhanging a public right-of-way.
 - (3) *Hardscape.* Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the PD Site Plan.
- (E) *Open Space.* A minimum of 20 percent of the gross land area within the entire Planned Development (PD) District shall be devoted to public and private open space. Floodplains shall be counted towards open space requirement at a rate of ½-acre for every acre of dedicated floodplain. Open space for PD Districts may be satisfied by either public, private, or a combination of public and private open space. Open space requirements specified in this subsection are in addition to the requirements for site landscaping and buffering. Public open space shall be dedicated to the City. In addition, open space in a PD District shall adhere to the following:

(1) *Preservation of Natural Areas.* Floodplain areas shall be preserved and maintained as open space. Significant stands of native trees and shrubs shall be preserved and protected from destruction or alteration.

(2) *Multi-Phase Developments.* Open space requirements shall be satisfied for each phase of a multi-phased residential development. If open space is not to be provided proportionally among phases of the development, the applicant must execute a reservation of open space in a form that will assure the City that such open space will be provided. The City may require that all open space within the district be provided prior to completion of development within the Planned Development (PD) District.

(4) *Open Space Proximity Requirements.* In a residential Planned Development (PD) Districts, all lots less than 12,000 SF shall be located within 800-feet of a neighborhood-oriented park or open space (*i.e. private or public*). All open space areas shall be landscaped and serve as a visual amenity and/or gathering place for socializing with neighbors.

(F) *Lighting Standards.* Light poles shall not exceed 20-feet in total height (*i.e. base and lighting standard*). All fixtures shall be directed downward and positioned to contain all light within the developed area.

(G) *Buried Utilities.* New distribution power-lines required to serve the *Subject Property* shall be placed underground, whether such lines are located internally or along the perimeter of the *Subject Property*, unless otherwise authorized by the City Council. Temporary power-lines constructed across undeveloped portions of the *Subject Property* necessary to facilitate development phasing and looping may be allowed above ground, but shall not be considered *existing lines* at the time the area is developed, and if they are to become permanent facilities, such lines shall be placed underground pursuant to this paragraph. Franchise utilities shall be placed within a ten (10) foot public utility easement behind the sidewalk, between the home and the property line.

(H) *Homeowner's Association (HOA).* A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of *Section 38-15* of the *Subdivision Regulations* contained within the Municipal Code of Ordinances of the City of Rockwall. The HOA shall also maintain all neighborhood parks, trails, open space and common areas (*including drainage facilities*), irrigation, landscaping, amenity center, screening fences and neighborhood signage associated with this development.

(I) *Variances.* The variance procedures and standards for approval that are set forth in [Section 9, Exceptions and Variances, of Article XI, Development Applications and Review Procedures](#) shall apply to all Planned Development (PD) Districts.

SUBSECTION 2.01: MINIMUM STANDARDS FOR NON-RESIDENTIAL PLANNED DEVELOPMENT DISTRICTS

Unless otherwise specified in the Planned Development (PD) District ordinance, the minimum standards for all non-residential development shall conform to the minimum standards for overlay districts, which are outlined in [Subsection 6.02, General Overlay District Standards, of Article V, District Development Standards](#). In cases where the standards differ by overlay district, the most restrictive standard shall apply.

SECTION 23: PLANNED DEVELOPMENT PROCEDURES

SUBSECTION 23.01: ESTABLISHMENT OF A PD DISTRICT

(A) *Zoning amendment.* An application for the establishment of a PD District shall be made to the [planning and zoning] commission. The application shall:

- (1) Be accompanied by a PD concept plan;
- (2) Be accompanied by a list of proposed PD District development standards;

- (3) Identify the city's then-current zoning district which shall apply to the extent not otherwise provided by the PD concept plan or by the proposed PD District development standards;
- (4) Be accompanied by a concept plan informational statement, and traffic impact analysis unless waived by the council.

(a) Except to the extent provided by the PD concept plan and the PD ordinance, development within the PD District shall be governed by all of the ordinances, rules, and regulations of the city in effect at the time of such development (including the standards of the city's zoning district so identified in the application). In the event of any conflict between:

- (1) The PD concept plan and the PD ordinance; and
- (2) The then-current ordinances, rules, and regulations of the city;
- (3) the terms, provisions, and intent of the PD concept plan and PD ordinance shall control. In addition, prior to action by the commission on the establishment of the PD District, the applicant shall submit a traffic impact analysis.

(B) PD concept plan. A PD concept plan (or, at the applicant's option, a PD development plan) shall be processed simultaneously with the zoning amendment application, and if the zoning amendment application is approved, the PD concept plan (or PD development plan) shall be incorporated as part of the PD ordinance. The graphic depictions contained on a PD concept plan shall be considered as regulatory standards. Each PD concept plan shall be prepared on one or more standard sheets of sizes of 30 inches by 42 inches or 24 inches by 36 inches and at an engineering scale of one inch equals 100 feet or larger. If multiple sheets are required, an overall plan shall be submitted as well (which may be to any scale). Unless waived by the council on recommendation of the zoning administrator, each PD concept plan shall graphically depict the following:

- (1) A diagram or drawing of the boundaries of the proposed PD District;
- (2) Proposed and existing land uses by category (including, if applicable, proposed and existing land uses by category for any sub-areas to be developed within the PD District);
- (3) Proposed density by type of residential uses, including the maximum numbers of dwelling units for residential uses other than single-family detached, and lot sizes for single-family detached;
- (4) Proposed estimated total floor area and floor area ratios by category of nonresidential uses, together with residential view analysis, if any;
- (5) Proposed configuration of public and private open space serving the development, showing the relationship to the city's parks and open space plan, including trail system and access points to the trail system, estimated dimensions and approximate area, and areas to be dedicated to the public or to a private maintenance organization, if known;
- (6) Proposed and existing thoroughfares, boulevards and roadways;
- (7) To the extent known for adjoining land, existing land uses (by zoning district), existing thoroughfares; and existing open space for such adjoining land; and
- (8) A general plan for circulation of traffic and pedestrians within and external to the development, including designated points of access.

(C) Concept plan informational statement. A PD concept plan shall be accompanied by an informational statement containing the information set forth below. If the zoning amendment application is approved, the informational statement shall not be binding on the applicant or the land owner and shall not be considered part of the PD concept plan or the PD ordinance. Informational statements shall be updated concurrently with any amendment to the PD concept plan and with each PD development plan. Each statement shall include the following:

- (1) A general statement setting forth how the proposed PD District will relate to the city's comprehensive plan;
- (2) The total acreage within the proposed PD District;
- (3) If the development is to occur in phases, a conceptual phasing plan that identifies the currently anticipated general sequence of development, including the currently anticipated general sequence for installation of major capital improvements to serve the development; and
- (4) An aerial photograph with the boundaries of the PD concept plan clearly delineated.

- (D) Proposed PD development standards. Proposed PD District development standards shall be processed simultaneously with the zoning amendment application, and if the zoning amendment application is approved, such standards shall be incorporated as part of the PD ordinance. Such proposed development standards may include (but shall not be limited to) uses; density; lot size; lot dimensions; setbacks; coverage; height; landscaping; lighting, fencing, parking and loading; signage; open space; drainage; and utility and street standards. Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD ordinance, shall be considered as regulatory standards.
- (E) Traffic impact analysis. Prior to or simultaneous with submission of an application for the establishment of a PD District, the applicant shall submit to the city's transportation engineer a traffic impact analysis for the proposed PD District, unless waived by council. The analysis must be approved by the council prior to or concurrently with the approval by the council of the PD District. The traffic analysis shall not be considered part of the PD concept plan or the PD ordinance but may be used to condition the density or intensity of uses or the timing of development within the district based upon the existence of a supporting roadway network adequate to accommodate the traffic expected to be generated. The traffic impact analysis shall be updated with each PD site plan.
- (F) Complete application. No application for the establishment of a PD District shall be deemed to be filed with the city until the zoning administrator has determined that the PD concept plan is complete, that the proposed PD District development standards have been identified, a traffic impact analysis has been submitted, and that the informational statement is complete. Fifteen copies of all such materials shall be submitted.
- (G) Commission recommendation. The commission, after notice and public hearing in accordance with this Unified Development Code procedures, shall formulate its recommendation with respect to establishment of a PD District. The recommendation of the commission shall be forwarded to the council for decision.
- (Ord. No. 10-14, § 59, 7-6-2010)*
- (H) Council decision. Following receipt of the commission's recommendation, the council, after notice and public hearing in accordance with this [Unified Development Code] procedures, shall conduct a public hearing and shall approve, approve with conditions, or deny the application for establishment of the PD District.
- (I) Approval criteria. Based upon the PD concept plan, the commission, in making its recommendations to the council, and the council, in determining whether the PD District should be established, shall consider whether the following criteria have been met:
- (1) The plan of development is generally consistent with the city's comprehensive plan (as such plan may be amended prior to or concurrently with approval of the PD District);
 - (2) Proposed uses and the configuration of uses are compatible with existing and planned adjoining uses;
 - (3) The general arrangement of streets conforms to the city's thoroughfare plan (as such plan may be amended prior to or concurrently with approval of the PD District);
 - (4) Proposed uses, development densities and intensities, and development regulations are generally consistent with this article;
 - (5) The configuration of the proposed open space serving the development is consistent with the city's parks and open space plan (as such plan may be amended prior to or concurrently with approval of the PD District);
 - (6) The amenities proposed justify proposed densities or intensities;
 - (7) The proposed plan of development furthers the public health, safety and general welfare of the community; and
 - (8) The traffic impact analysis demonstrates that the capacity of the proposed roadways shown on the proposed PD concept plan, together with any roadways within related PD Districts and the supporting roadway network, are adequate to accommodate the traffic expected to be generated by the uses, densities and intensities of use shown on the PD concept plan in and authorized in the PD ordinance in a timely and efficient manner.
- (J) Conditions. The commission may recommend, and the council may require, such conditions to the establishment of a PD District and to the approval of a PD concept plan as are reasonably necessary to ensure that the purposes of the district and the approval criteria for the PD concept plan are met. Such conditions may include the requirement of a PD development plan.

(K) Adopting ordinance. The PD ordinance shall include the PD concept plan as an exhibit to [this article] and shall include the following:

- (1) A statement of the purpose and intent of the PD District;
- (2) A metes and bounds description of the land within the PD District;
- (3) A list of the specific land uses permitted within the PD District, together with a description of the sub-areas, if any, in which such uses are allowed;
- (4) The maximum density or intensity of each permitted land use;
- (5) A list of all the PD District development standards, together with necessary graphic illustrations;
- (6) Identification of the city's then-current zoning district standards that shall apply to the extent not otherwise provided by the PD concept plan or PD ordinance;
- (7) Identification of the development standards, if any (whether in the PD ordinance or in the then-existing ordinances, rules, or regulations of the city), that may be deferred for specification until approval of a PD development plan or that may be varied by the council as part of the approval process for a PD site plan;
- (8) Unless otherwise identified on the PD concept plan, the general location and size of open space serving the development, including any proposed dedication of open space to the public or to a maintenance organization;
- (9) Provisions governing amenities, if any, to justify densities or intensities;
- (10) Such additional conditions as are established by the council to ensure that the PD District and PD concept plan are consistent with the purposes of the district and the approval criteria for the concept plan.

SUBSECTION 23.02: PD DEVELOPMENT PLANS

If the council requires as a condition of establishing the PD District and approving a PD concept plan that PD development plans be submitted prior to submittal of a PD site plan, a PD development plan may be prepared and submitted for the entire development at one time or for individual phases of development. Each required copy of the PD development plan shall be accompanied by (i) a development plan informational statement and (ii) a preliminary drainage study for the area covered by the proposed plan. If deemed necessary by the city's transportation engineer or zoning administrator, the applicant for a PD development plan shall also submit an updated traffic impact analysis prior to commission action.

(A) Submittal requirements for PD development plans.

- (1) Approximations of the following: site boundaries and dimensions, lot lines, site acreage and square footage, and distances to the nearest cross streets;
- (2) Location map, north arrow, title block and site data summary table;
- (3) Existing land uses and zoning classifications on adjacent properties;
- (4) Preliminary tree survey;
- (5) Any features omitted from the PD concept plan upon council authorization; and
- (6) Such additional features as are necessary to ensure compliance with conditions established by the council to be satisfied by the development plan.

(B) PD development standards. Development standards that were not specified in the PD ordinance, as authorized by the council, shall be submitted and approved as an amendment to the PD ordinance and incorporated therein, in conjunction with approval of the PD development plan.

(C) Development plan informational statement. Each PD development plan shall be accompanied by an informational statement containing the information set forth below. Informational statements shall be updated concurrently with any amendment to a PD development plan and with each PD site plan. Each informational statement shall include the following:

- (1) Name and address of landowner and date of preparation of the PD development plan;
- (2) Name and address of architect, landscape architect, planner, engineer, surveyor, or other persons involved in the preparation of the PD development plan;
- (3) A table listing the specific permitted uses proposed for the property, and, if appropriate, the boundaries of the different land uses and the boundary dimensions;
- (4) Development standards for each proposed land use, as follows:

- (a) Minimum lot area;
 - (b) Minimum lot width and depth;
 - (c) Minimum front, side, and rear yard areas;
 - (d) Maximum height of building; and
 - (e) Maximum building coverage;
- (5) A list of the development standards, if any (whether in the PD ordinance or in the then-existing ordinances, rules, or regulations of the city that apply to development within the PD District), for which the applicant is seeking amendment by the council as part of the PD development plan approval process;
 - (6) If council approval of any height increase is being requested, a view analysis of the impact of such requested variance on adjacent residential areas of the city;
 - (7) Preliminary and approximate building locations and building footprints;
 - (8) Preliminary elevations and perspectives to show the relationship of building heights to surrounding topography;
 - (9) Location of parking areas and structures for multi-family and nonresidential uses, including areas for off-street parking;
 - (10) A detailed description of how open space serving the development will be satisfied for the phase of development represented by the PD development plan, including any proposed dedications of open space to the public or to a private maintenance organization;
 - (11) If the PD development plan is a phase of the project (as described in the applicant's original informational statement submitted with the PD concept plan), depiction of the area subject to the development in relation to the then-current phasing plan, together with any updates of the then-current phasing plan that was submitted as part of the applicant's original informational statement; and
 - (12) A list identifying each proposed addition or amendment to the PD ordinance.
- (D) Preliminary drainage study. Each PD development plan shall be accompanied by a preliminary drainage study for the area covered by the study. The study shall be prepared by a professional engineer licensed in the State of Texas and experienced in the study of drainage issues.
- (1) Purpose. The purposes of the drainage design policies are to prevent flooding of adjacent properties, owned by third parties and to regulate water surface elevations and peak discharges. Development within the PD District shall not produce any increase in the water surface elevation (either upstream or downstream) due to a five-year, ten-year, 50-year, or 100-year storm. If the discharge from the area proposed for development would increase the water surface elevation above predevelopment conditions on any property owned by third parties due to any of such storms, then such peak discharge must be regulated to the extent necessary to eliminate the increased water surface elevation. The regulation of discharges to eliminate such increases may be achieved using either on-site or off-site stormwater management facilities (such as detention areas, retention areas, and infiltration and sedimentation ponds).
 - (2) Content. The preliminary drainage study shall:
 - (a) Contain a topographical map of the area proposed for development to a scale not smaller than one inch equals 200 feet;
 - (b) Generally describe how the proposed development will comply with the drainage design policies set forth below;
 - (c) Include all information deemed necessary by the preparing engineer to support his determination that the proposed development will comply with the drainage design policies; and
 - (d) Include all information reasonably requested by the city engineer to support his review of the preliminary drainage study.
- (E) Updated traffic impact analysis. If deemed necessary by the city's transportation engineer or if required by the PD ordinance, the applicant for a proposed PD development plan shall submit an updated traffic impact analysis prior to action by the commission. The purpose of the updated analysis is to determine whether the traffic estimated to be generated by the development shown on the proposed PD development plan will necessitate specific on-site or adjacent traffic improvements (e.g., turn lanes, stacking lanes, signalization, etc.) and to determine whether conditions attached to the concept plan based on the original traffic impact analysis have been met.

(F) Commission recommendation. The commission, after notice and public hearing in accordance with this Unified Development Code procedures, shall recommend to the council whether to approve, approve with conditions, or disapprove each PD development plan, together with each proposed amendments to the PD ordinance.

(Ord. No. 10-14, § 60, 7-6-2010)

(G) Council decision. Upon receipt of the commission's recommendation, the council, after notice and public hearing in accordance with this Unified Development Code procedures, shall approve, approve with conditions, or disapprove each PD development plan and each proposed addition or amendment to the PD ordinance.

(Ord. No. 10-14, § 60, 7-6-2010)

(H) Approval criteria. The commission, in making its recommendation to the council, and the council, in acting upon each PD development plan and proposed addition or amendment to the PD ordinance, shall determine whether the proposed PD development plan and ordinance addition or amendment meets the following criteria:

- (1) The plan generally is consistent with the approved PD concept plan (including open space, trails, and thoroughfares);
- (2) The plan generally is consistent with the development standards set forth in the PD ordinance;
- (3) The plan satisfies any conditions established by the council in the PD ordinance relating to development plan approval;
- (4) The plan is generally consistent with the standards and conditions of this Unified Development Code and of other ordinances, rules and regulations of the city (to the extent that such standards and conditions are applicable to development within the PD District);
- (5) The traffic estimated to be generated by the plan is generally consistent with the original, council approved traffic impact analysis and any conditions to be satisfied at the time of the development plan approval have been met;
- (6) The plan includes the necessary on-site or adjacent traffic improvements to accommodate traffic generated by the plan (e.g., turn lanes, stacking lanes, signalization, etc.); and
- (7) The preliminary drainage study for the plan indicates that the proposed development can be achieved without increasing the upstream or downstream water surface elevation on property owned by third parties and that detention and drainage areas can be improved in a natural manner.

(Ord. No. 10-14, § 61, 7-6-2010)

(I) Conditions. The commission may recommend, and the council may require, such conditions to the approval of a PD development plan as are reasonably necessary to ensure that the approval criteria are met.

(J) Approving ordinance. The development plan shall be incorporated within an ordinance amending the PD ordinance and the concept plan. The amending ordinance shall set forth all standards necessary for development of the land subject to the development plan that were not included in the PD ordinance. The amending ordinance also shall repeal or amend any conditions that were attached to the PD ordinance that have been satisfied as a result of approving the development plan and associated amendments.

SUBSECTION 23.03: PD SITE PLANS

(A) Delegation to commission. The commission hereby is delegated the authority to approve, conditionally approve, or deny PD site plans and all amendments thereto, subject to appeal to the council. Any site plan subject to a request for variances or other modifications that are reserved for the council by these PD regulations shall be decided by the council upon recommendation of the commission.

(B) Submittal requirements. The following requirements apply to each application for PD site plan approval:

- (4) Size. PD site plans shall be prepared on one or more standard sheets of sizes of 30 inches by 42 inches or 24 inches by 36 inches and at an engineering scale of one inch equals 100 feet or larger. If multiple sheets are required,

an overall plan shall be submitted as well (which may be to any scale). PD site plans shall be prepared by a registered engineer, architect, or landscape architect.

(5) General information.

- (a) North arrow;
- (b) Total site acreage;
- (c) Submission date;
- (d) Scale (written and graphic);
- (e) Vicinity map;
- (f) Names, addresses, and telephone numbers of designer, engineer, developer, and owner;
- (g) A boundary survey of the site with the location of proposed land uses;
- (h) Adjacent subdivision names and property lines; and
- (i) Adjacent land uses and structures.

(6) Structures.

- (a) Location, dimensions, and use of all existing facilities and proposed building sites;
- (b) Setback and separation distances between building sites;
- (c) Proposed construction type and facade materials for all multi-family and nonresidential buildings (the commission may require elevations and perspective drawings);
- (d) Proposed density of each use;
- (e) Proposed location of screening along public roadways shown on the PD concept plan;
- (f) Location and types of signs, including lighting and heights;
- (g) Elevation drawings citing proposed exterior finish materials; and
- (h) Location of solid waste collection facilities.

(7) Streets and sidewalks.

- (a) Location and width of all rights-of-way and easements;
- (b) Location and dimensions of all pavement and curbing;
- (c) Location and width of all sidewalks;
- (d) Location and width of all ingress/egress points;
- (e) Location and width of all medians and median breaks;
- (f) Location of any special traffic regulation facilities;
- (g) Location of fire lanes; and
- (h) Street names on proposed streets.

(8) Off-street parking and loading areas.

- (a) Number, location, and dimension of spaces;
- (b) Type of surface material of parking facility;
- (c) Dimension of aisles, driveways, maneuvering areas, and curb return radii;
- (d) Distance between spaces and adjacent rights-of-way;
- (e) Location of all existing and proposed fire lanes and hydrants; and
- (f) Proposed lighting diagram.

(9) Landscaping.

- (a) Location and size of major tree groupings and existing hardwood trees of four inches caliper or greater, and other protected trees as specified in article IX, Tree Preservation, noting whether they are to be removed or retained;

(Ord. No. 06-14, 4-17-2006)

- (b) Location and size of proposed plant materials, including paving, together with type and species of plants;
- (c) Number and type of each landscape element;
- (d) Height and type of all fencing or buffering;
- (e) Height of all planters, sculptures, and decorative screens;
- (f) Location and type of trash receptacle screening;
- (g) Location and type of lighting for streets, signage, and parking areas; and
- (h) Location of visibility triangles, where required.

(10) Drainage.

- (a) Direction of water flow;
- (b) Quantity of on-site and off-site water generation;
- (c) Topographic contours at a minimum of five-foot intervals;
- (d) Points of concentrated water discharge;
- (e) Areas where special design and construction may be necessary due to slope or soil conditions;
- (f) Location and design of all water detention and drainage areas; and
- (g) Drainage ways, creeks, and limits of the 100-year floodplain and floodway as shown on current FEMA mapping or the city's master drainage plan, including location and acreage, together with a general plan for accommodating flood waters and drainage.

(11) Preliminary service plan.

- (a) A preliminary drainage plan of the area showing the size and location of each existing and proposed drainage way and retention or detention area. If no development plan has been required and approved by the council, the drainage plan shall incorporate the requirements of the preliminary drainage study;
- (b) The proposed method of providing water and sewer service; and
- (c) If no development plan has been required and approved by the council, an updated traffic impact analysis.

(12) Special exceptions. A list of the development standards, if any (whether in the PD ordinance or in the then-existing ordinances, rules, or regulations of the city that apply to development within the PD District), for which the applicant is seeking a special exception by the council as part of the PD site plan approval process.

(C) Commission decision. The commission shall approve, approve subject to conditions, or deny each PD site plan.

(Ord. No. 06-14, 4-17-2006)

(D) Approval criteria. The commission, in approving, conditionally approving, or denying a PD site plan, shall consider the following criteria:

- (1) The plan complies with the applicable PD concept plan or development plan, if any, and with the PD ordinance, expressly including conditions attached to the concept plan, development plan or PD ordinance;
- (2) The plan complies with the standards and conditions of this Unified Development Code and other ordinances, as well as other rules and regulations of the city (to the extent that such standards and conditions are applicable to development within the PD District);
- (3) If no development plan was required and approved by the council, the traffic estimated to be generated by the plan is generally consistent with the original council-approved traffic impact analysis;
- (4) If no development plan was required and approved by the council, the plan includes the necessary on-site or adjacent traffic improvements to accommodate traffic generated by the plan (e.g., turn lanes, stacking lanes, signalization, etc.);
- (5) If no development plan was required and approved by the council, the preliminary drainage study for the plan indicates that the proposed development can be achieved without increasing the upstream or downstream water surface elevation on property owned by third parties and that detention and drainage areas can be improved in a manner approved by the council; and
- (6) Landscaping promotes continuity and unity consistent with the landscape plan for the development and encourages views to public open space and public landmarks.

(Ord. No. 10-14, § 62, 7-6-2010)

- (E) Conditions. The commission, or the council on appeal, may establish such conditions to the approval of a PD site plan as are reasonably necessary to ensure that the approval criteria are met.
- (F) Appeal from commission action. If the commission approves a PD site plan with conditions or if it disapproves a PD site plan, the applicant may appeal the decision to the council by filing a written request with the city secretary within ten days after the commission's decision.
- (G) Variances. The granting of variance for Planned Development District regulations shall be the purview of city council, not the board of adjustment. If the applicant requests a variance from PD ordinance standards or other ordinance requirements, the variance request will be forwarded to the council with the commission's recommendation for decision. Procedures and criteria for approval shall be those applicable to special exceptions under article II, section 8.5, Criteria for Granting Special Exceptions.

(Ord. No. 06-14, 4-17-2006)

SUBSECTION 23.04: AMENDMENT OF PD PLANS

- (A) PD concept plans. PD concept plans (excluding informational statements) are considered part of the PD ordinance. Any amendment to a PD concept plan shall be considered a zoning change, and the provisions of V.T.C.A., Local Government Code ch. 211 relating to notices, public hearings, and written protests for changes in zoning districts or regulations shall apply. If a PD District is established subject to approval of PD development plans, the provisions of this subsection 2.4.A shall apply to such PD development plan.
- (B) PD site plans. PD site plans are not considered part of a PD ordinance. Except as otherwise provided, any amendment to an approved PD site plan must be approved by the commission. However, "minor modifications" to any PD site plan may be approved by the zoning administrator. If the zoning administrator believes that a request for minor modification entails a significant change in the site plan, he may refer the request to the commission for determination. A "minor modification" to a PD site plan is defined as any modification that does not:
 - (1) Alter the basic relationship of proposed development to adjacent property;
 - (2) Change the uses permitted;
 - (3) Increase the maximum density, floor area, or height;
 - (4) Decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to [article] requirements; or
 - (5) Reduce the minimum yards or setbacks.

SUBSECTION 23.05: PERIODIC REVIEW

- (A) Applicability. Each tract of land not yet fully developed, for which (PD) Planned Development District zoning has been granted, shall be reviewed by the planning and zoning commission in order to make inquiry and ascertain the following:
 - (1) Whether a preliminary plan and/or development plan can reasonably be expected to be filed;
 - (2) If a preliminary plan and/or development plan can be reasonably expected to be filed at any time within the two-year interval as set out herein;
 - (3) Whether the granted uses for the tract of land under consideration continues to have a desired relationship with the surrounding area; and
 - (4) If such density and other design standards originally granted are in accordance with the current community growth patterns and values.
- (B) Determination. If, upon inquiry and review, the planning and zoning commission finds that a particular tract of land zoned (PD) Planned Development is not reflective of current community growth patterns or community design policies,

or is not in accordance with the comprehensive plan, it may request the city council to initiate hearings on the particular tract of land to consider:

- (1) Reform or modification of the PD District on the particular tract; or
- (2) Change the zoning to a more suitable land use classification.

(C) Frequency. The planning and zoning commission shall review each tract of land for which Planned Development zoning has been granted beginning in January of each year, at least on two year intervals. The planning and zoning commission may review certain tracts (for which Planned Development zoning has been granted) more frequently if it determines such review is necessary.

SECTION 34: EFFECT ON EXISTING PDS

SUBSECTION 34.01: DISTRICT AMENDMENTS

If an amendment is proposed after the effective date of [the ordinance from which] this article [is derived] to any concept plan, development plan, site plan or planned development ordinance approved prior to the effective date of the ordinance from which this article is derived under prior development regulations, the provisions of this article shall apply to those amendments.

SUBSECTION 34.02: SITE PLANS

For any PD District established under prior planned development regulations for which at least one site plan has been approved pursuant to such prior regulations, the provisions of this article shall not apply, except that procedures related to approval of PD site plans pursuant to this [article] shall apply to any application for PD site plan approval submitted more than 30 days after the effective date of this article.

SECTION 45: AMENDMENTS TO APPROVED PD APPLICATIONS

SUBSECTION 45.01: PROCESSING AMENDMENTS

- (A) Amendments to all applications and approvals shall be processed in the same manner as the original application. However, the applicant shall submit a summary of all elements that are proposed to be changed along with the revised plans and application.
- (B) Notwithstanding the above, the zoning administrator may approve minor modifications in an approved site plan or PD site plan administratively, provided that they do not:
- (1) Alter the basic relationship of proposed development to adjacent property;
 - (2) Change the uses permitted;
 - (3) Increase the maximum density, floor area, or height;
 - (4) Decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to [article] requirements;
 - (5) Reduce the minimum yards or setbacks; or
 - (6) Detrimentally change or alter the characteristics of the elevation drawings or site plan as approved, but rather allow for some flexibility in minor modification to same.

Additions: **Highlighted**
Deletions: ~~Highlighted, Strikeout~~
Staff Notes: **Highlighted, Red Text**
Links/References: Blue, Underlined

ARTICLE XI, ~~ZONING-RELATED DEVELOPMENT APPLICATIONS~~ AND REVIEW PROCEDURES, UDC

SECTION 1: GENERAL

SUBSECTION 1.01: ~~FILING OF AN APPLICATION PRE-APPLICATION MEETING~~

An applicant proposing to [1] establish a land use requiring a Specific Use Permit (SUP) on a property or properties, [2] the subdivision or assembly of property or properties, [3] the change in zoning classification of a property or properties, or [4] any other development related activity in the City of Rockwall is encouraged to request a *Pre-Application Meeting* with the Development Review Committee (DRC). Prior to a *Pre-Application Meeting*, the applicant should submit a *Pre-Application Meeting Request* form and provide a concept plan showing the proposed development activities in as much detail as possible. Based on the information provided by the applicant, the DRC will provide initial comments concerning the merits of the proposed development and inform the applicant of any additional requirements that will need to be addressed in the preparation of a development application.

(A) ~~Pre-application conference.~~

- (1) ~~An applicant for a change in zoning is encouraged to request a pre-application conference with a city official or the zoning administrator prior to formal application.~~
- (2) ~~At the pre-application conference, the applicant should present a draft concept plan with as much detail as possible.~~
- (3) ~~Based on the information presented, the city representative will provide initial comments concerning the merits of the proposed development and inform the applicant of any additional requirements for preparation of the formal zoning application.~~

(B) ~~Application requirements. No application shall be reviewed which is not complete and accompanied by the payment of fees as established in this [Unified Development] Code or other ordinances of the City of Rockwall. All applications shall be filed with the city on forms available in the City of Rockwall offices.~~

(C) ~~Timing. Applications for rezonings and plan approvals shall be submitted at least one month prior to the first scheduled hearing date. Special exception and variance applications shall be submitted at least two weeks prior to the first scheduled hearing date.~~

SUBSECTION 1.02: ~~SUBMISSION OF PLANS SUBMISSION OF AN APPLICATION~~

(A) ~~Authority to Submit an Application. Unless otherwise stated in this Article, the following shall apply when submitting an application for a request:~~

- (1) ~~Development Application. All zoning, site plan, platting, and miscellaneous cases shall be initiated by the owner of the affected property or his/her authorized representative who files a *Development Application* and pays the appropriate fee.~~

(2) *Historic Preservation Advisory Board Application.* All Certificate of Appropriateness (COA), small matching grant, and building permit fee waiver requests shall be initiated by the owner of the affected property or his/her authorized representative who files a *Historic Preservation Advisory Board Application*.

(3) *Board of Adjustments Application.* All variance and special exceptions to be considered by the Board of Adjustments (BOA) shall be initiated by the owner of the affected property or his authorized representative or any aggrieved party who files the required application and pays the appropriate fee, or by any person aggrieved by the decision of an administrative officer with authority over any matter that can be appealed to the Board of Adjustments (BOA) per [Subsection 4.03, Jurisdiction, of Article II, Development Review Authority](#), by an officer of the City, or appropriate board/commission of the City.

[MOVED FROM SECTION 4; ARTICLE II, UDC]

(B) *Ownership.* In the event that the ownership stated on an application is different than the ownership shown on the City's *Certified Tax Roll*, the Director of Planning and Zoning may require additional written proof of ownership be provided with an application.

(C) *Submission Development Application.* All application requests to be considered by the Historic Preservation Advisory Board (HBAP), Board of Adjustments (BOA), Planning and Zoning Commission and/or the City Council, shall be initiated by filing an application with the Director of Planning and Zoning or his/her designee. All applications shall be required to be submitted on the official submittal date. Applications received on a date other than an official submittal date shall *not* be accepted and shall be returned to the applicant.

[MOVED FROM SECTION 3; ARTICLE II, UDC]

(D) *Completed Application.* To ensure the submission of adequate information, the Director of Planning and Zoning is hereby empowered to maintain and distribute a list of specific submittal requirements that constitutes a completed application. Any application that does not provide all items required by the Director of Planning and Zoning shall be considered to be incomplete, and shall not be accepted by the City. These requirements may be modified by the Director of Planning and Zoning as deemed necessary.

(E) *Plans and Exhibits.* All plans, surveys, plats, and/or other exhibits submitted as part of any application shall be prepared by a registered architect, engineer, landscape architect, surveyor, planner, or other design professional.

A. *Preparation.* All plans submitted pursuant to this Unified Development Code shall be prepared by a registered architect, engineer, landscape architect, or certified city planner.

(Ord. No. 10-11, § 63, 7-6-2010)

B. *Quantity required.* Plans shall be submitted in the form and number as required by the zoning administrator.

SUBSECTION 1.03: APPLICATION WITHDRAWAL

Any request for the withdrawal of an application must be submitted in writing to the Director of Planning and Zoning or his/her designee. If an application requires notice to be published in the newspaper and/or notifications of a public hearing sent to affected property owners, such request for withdrawal of an application must be placed on the public hearing agenda and acted upon by the applicable body. In all requests for withdraw, application fees will not be refunded except in cases where the Director of Planning and Zoning determines that an

application was [1] submitted in error, or [2] the fee paid exceeds the amount due under the provisions of [Section 10, Fee Schedule](#). In cases where the fee paid exceeds the amount due, only the amount of the overpayment may be refunded.

[MOVED FROM SECTION 5; ARTICLE II, UDC]

SUBSECTION 1.04: DENIAL OF AN APPLICATION

Unless otherwise stated in this Article, if an application for site plan, plat, miscellaneous case, Certificate of Appropriateness (COA), small matching grant, or building permit fee waiver is denied *with* prejudice by the Historic Preservation Advisory Board (HPAB), Planning and Zoning Commission, or City Council, a new application for the same request may *not* be submitted for the same lot or tract of land -- *or any portion thereof* -- for a period of one (1) year unless the request is deemed to be more restrictive or less intense than the previously denied request. A failure to indicate that a denial is *with* or *without* prejudice, in making a motion to deny, shall be consider a *denial with prejudice*.

SUBSECTION 1.05: REAPPLICATION

A request for site plan, plat, miscellaneous case, Certificate of Appropriateness (COA), small matching grant, or building permit fee waiver which has been previously denied *with prejudice* by the Historic Preservation Advisory Board (HPAB), Planning and Zoning Commission, or City Council may be resubmitted within one (1) year if there is: [1] An actual change in condition relating to the lot or tract of land -- *or any portion thereof* -- or any surrounding properties, or [2] the new request is more restrictive or less intense than the previous request. In this event, the applicant must submit a written request to the Director of Planning and Zoning detailing the change in condition or the more restrictive/less intense request. The Director of Planning and Zoning or his/her designee will review the claim and report to the Planning and Zoning Commission whether or not such request meets the aforementioned criteria. Upon hearing this report, the Planning and Zoning Commission shall either grant or deny the request to refile an application for site plan, plat, miscellaneous case, Certificate of Appropriateness (COA), small matching grant, or building permit fee waiver.

SUBSECTION 1.03: CONSIDERATIONS IN REVIEW AND APPROVAL OF REZONING

- (A) Consistency with the comprehensive plan.
- (B) Potential impact on adjacent development.
- (C) Availability of utilities and access.
- (D) Site conditions such as vegetation, topography, drainage and floodplain.
- (E) Timing of development as it relates to the city's capital improvement plan.
- (F) Other issues as may be deemed important.

SECTION 2: ZONING

SUBSECTION 2.01: AUTHORITY

- (A) *Authority to Amend the Zoning Map and Unified Development Code (UDC).*

The City Council may from *time-to-time* -- *on its own motion or at the request of the Planning and Zoning Commission or Director of Planning and Zoning* -- direct the Director of Planning and Zoning to prepare amendments, changes, and/or supplements to the regulations contained in the Unified Development Code (UDC), and/or the boundaries or designations specified on the City's Zoning Map.

(B) *Authority to Request Changes to the Zoning Map.* A request that proposes a change to the City's Zoning Map (i.e. zoning changes and Specific Use Permits) may be requested by the:

- (1) City Council;
- (2) Planning and Zoning Commission;
- (3) Director of Planning and Zoning;
- (4) Owner of real property located within the corporate boundaries of the City of Rockwall; or
- (5) Authorized representative of an owner of real property located within the corporate boundaries of the City of Rockwall.

(C) *Authority to Order Changes to the Unified Development Code.* Changes to the Unified Development Code (UDC) may be ordered by the:

- (1) City Council;
- (2) Planning and Zoning Commission; or
- (3) Director of Planning and Zoning.

SUBSECTION 2.02: SPECIFIC USE PERMITS (SUP) [MOVED FROM SECTION 4; ARTICLE IV, UDC]

(A) *Purpose.* The purpose of a Specific Use Permit (SUP) is to allow discretionary consideration of certain uses that would typically be considered incompatible within certain locations of a zoning district, but may become compatible with the addition of special provisions, conditions or restrictions. A SUP does not change the base zoning; it allows a particular use that would not normally be permitted in that zoning district. The SUP requirement for any land use is identified in the *Permitted Land Use* table contained in Article IV, *Permissible Uses*, of this Unified Development Code. The discretionary SUP procedure is designed to enable the Planning and Zoning Commission and the City Council to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure, and to deny requests for a SUP when it is apparent that a proposed use or structure will or may occasionally harm the community or cause injury to the value, lawful use, and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.

(B) *Operational Conditions.* In considering a SUP, staff and/or the Planning and Zoning Commission may recommend and the City Council may adopt additional conditions and operational constraints to ensure compatibility with adjacent land uses. These additional conditions and operational constraints will be incorporated into the SUP ordinance, and may relate to: [1] a property's specific site conditions, [2] increased performance standards, [3] compatibility with adjacent properties, [4] mitigation of potentially negative or adverse effects of a request, and [5] anything that could have a negative impact on the public's health, safety and general welfare.

(C) *Compliance.*

- (1) In considering a special use permit application, the planning and zoning commission may recommend, and the city council may impose such conditions, safeguards and restrictions upon the premises benefited by the special use as may be necessary to avoid, minimize, or mitigate any potentially injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of this ordinance. Such conditions shall be set out in the ordinance approving the SUP.
- (2) Prior to a SUP being issued, the property owner of the affected property shall agree, comply and be bound to the conditions and operational constraints approved by the City Council and contained in the SUP ordinance.

(3) A SUP is considered to be transferable from property owner to property owner for a specific property; however, the conditions and operational constraints of the SUP shall remain in effect and be applicable to the new property owner(s) and/or occupant(s). SUPs cannot be transferred from property to property.

(D) Abandonment, Expiration and Revocation of a Specific Use Permit (SUP).

(1) **Abandonment.** A SUP approved by the City Council that remains vacant or inactive for a period of one (1) year shall be deemed to be abandoned and shall automatically expire. Vacancy or inactivity can be determined by the following:

- (a) The water and/or electrical services have been disconnected or discontinued on the property; and/or
- (b) The subject property (e.g. lease space, parcel or parcels of land, lot, tract etc.) is unoccupied; and/or
- (c) The use is abandoned due to the issuance of a Certificate of Occupancy (CO) for a use other than (and exclusive from) the use approved with the SUP.

(2) **Expiration.** A Specific Use Permit (SUP) shall automatically expire due to inactivity if:

- (a) A building permit has not been issued within one (1) year of the approval date of the SUP ordinance, and/or a Certificate of Occupancy (CO) has not been issued within one (1) year of a building permit due to inactivity on the site (*inactivity in this case is defined as no progress towards construction for six [6] months*), or one (1) year of the approval date of this ordinance if no building permit is necessary; or
- (b) A building permit or Certificate of Occupancy (CO) expires, is terminated or revoked under the requirements of the Codes of the City of Rockwall.

(3) **Revocation.** The City Council reserves the right to revoke or rescind any SUP in which the business, property or property owner operating under the guidelines of the SUP ordinance fails to meet the minimum operation requirements set forth in the Specific Use Permit (SUP) ordinance and/or outlined in the Unified Development Code or the Rockwall Municipal Code of Ordinances. The procedure for revocation or rescinding a Specific Use Permit (SUP) shall be the same procedure for requesting a new Specific Use Permit (SUP).

(E) **Extension of a Specific Use Permit (SUP).** Upon recommendation from the Planning and Zoning Commission, the City Council may grant a one (1) time extension to the expiration requirements stated above for a period not to exceed one (1) year. To apply for an extension a property owner shall file a written request with the Director of Planning or his designee at least ninety (90) days prior to the expiration date. Extension requests shall not require a public hearing. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a SUP.

(F) **Existing Specific Use Permits (SUP) and Conditional Use Permits (CUP).** Specific Use Permits (SUP) and Conditional Use Permits (CUP) in existence at the time this section was adopted by the City Council shall automatically terminate one (1) year from the adoption date of this section if a building permit -- or a Certificate of Occupancy (CO) if no building permit is necessary -- has not been issued or an extension is not requested under [Subsection 2.02\(E\)](#).

SUBSECTION 2.03: PROCEDURES FOR ZONING APPLICATIONS

All zoning applications (*i.e. zoning changes, Specific Use Permits, and text amendments*) shall be subject to the following procedures:

(A) Notice of Public Hearing.

- (1) *Notice of Public Hearing for Zoning Changes and Specific Use Permits (SUP's).* Written notice of all public hearings for zoning changes and Specific Use Permits (SUP's) shall be sent to all property owners listed on the certified tax roll, and to the actual property address if the property owner does not reside at the physical address, for properties within a distance of at least 500-feet from the boundaries of the subject property at least ten (10) days prior to the public hearing date. Such notice shall be sent via first class mail and display a stamp on the outside of the envelope with the wording *Zoning Change Requested*. In cases that require notices to be sent to a multi-family property, written notice shall be sent to the property owner and the leasing office of the housing complex or apartment building (*i.e. individual notices to each unit are not required*). In addition, written notice shall be sent to all known Homeowners Association (HOA) representative(s) within 1,500-feet of the subject property at least ten (10) days prior to the public hearing date.
- (2) *Newspaper Notice for Zoning Changes and Specific Use Permits (SUP's).* Notice of all public hearing for zoning changes and Specific Use Permits (SUP's) shall be published in a newspaper of general circulation in the City announcing the time and date of the public hearing a minimum of ten (10) days prior to the date of the public hearing.
- (3) *Newspaper Notice for Text Amendments.* Notice of all public hearing for a text amendment to the Unified Development Code (UDC) shall be published in a newspaper of general circulation in the City announcing the time and date of the public hearing a minimum of 15-days prior to the date of the public hearing.

[MOVED FROM SECTION 6.01; ARTICLE II, UDC]

(B) Conduct of a Public Hearing. Subject to the presiding officer's inherent authority to conduct a meeting, a public hearing shall generally be conducted in the following manner:

- (1) A report outlining the details of the request shall be given from the Director of Planning and Zoning or his/her designee.
- (2) The presiding officer shall open the public hearing.
- (3) The applicant will be asked to provide a presentation or comment on the proposed request.
- (4) The presiding officer will ask for public comment, questions, and/or testimony.
- (5) The applicant will be given a rebuttal to address the public's comments, questions, and/or testimony.
- (6) The presiding officer will close the public hearing.
- (7) The Planning and Zoning Commission or City Council will be given a chance to discuss the request and ask questions of the Director of Planning and Zoning or his/her designee and/or the applicant.
- (8) The Planning and Zoning Commission or City Council will deliberate, make a motion and vote on the request.

[MOVED FROM SECTION 6.03; ARTICLE II, UDC]

(C) Postponement, Recess, and Continuation of a Public Hearing.

- (1) *Postponement.* A public hearing that was noticed in the manner prescribed by [Subsection 2.03\(A\)](#) may be postponed by announcing the postponement at the time and place of the noticed public hearing. The postponement of a public hearing shall be to a specific time and date no later than 30-days from the first or most recent public hearing. A postponed public hearing shall be presumed to be held in the same location as the initial public hearing, unless a different location is announced. The announcement of a postponement at a public hearing shall be sufficient notice and no additional notice is required.
- (2) *Recess.* A public hearing may be recessed by the Planning and Zoning Commission or City Council any time after the public hearing has commenced.

(3) *Continuation.* A public hearing may be continued by the Planning and Zoning Commission or City Council any time after the public hearing has commenced. The continuation of a public hearing shall be to a specific time and date no later than 30-days from the first or most recent public hearing. A continued public hearing shall be presumed to be held in the same location as the initial public hearing, unless a different location is announced. The announcement of a continuation at a public hearing shall be sufficient notice and no additional notice is required.

[MOVED FROM SECTION 6.2; ARTICLE II, UDC]

(D) *Submitting Additional Information.* New matters of evidence not presented to the Planning and Zoning Commission shall not be heard or considered by the City Council with relation to public hearing for zoning changes, Specific Use Permits (SUP), or text amendments. In the event new evidence develops between the date of the public hearing by the Planning and Zoning Commission and the hearing of the City Council on any zoning change, Specific Use Permit (SUP), or text amendment, or if for any other valid reason a person wishes to present new evidence to the City Council -- *which was not presented to the Planning and Zoning Commission* -- the City Council shall refer the zoning change, Specific Use Permit (SUP), or text amendment back to the Planning and Zoning Commission for a further public hearing to consider the new evidence. Nothing contained herein shall be construed to prohibit anyone from speaking in a public hearing related to a zoning change, Specific Use Permit (SUP), or text amendment.

[MOVED FROM SECTION 17; ARTICLE II, UDC]

(E) *Failure to Appear at a Public Hearing.* If an applicant is not present at a meeting where a public hearing is scheduled, the Planning and Zoning Commission or City Council may deny the request.

(F) *Joint Public Hearings.* The City Council may hold a public hearing -- *after publishing the required notice* -- jointly and with any public hearing required to be held by the Planning and Zoning Commission; however, the City Council shall not act until it has received a recommendation from the Planning and Zoning Commission.

(G) *Protest of a Zoning Change.* Property owners adjacent to and within a radius of 200-feet of a property for which a zoning change or Specific Use Permit (SUP) is being considered have the right to file a written protest against the request. The land area of this 200-foot radius includes public right-of-way, open space and parkland. Whenever such written protest is signed by the owners of 20% or more of the area of the lots or land included in the request, or of the lots or land immediately adjoining the same and within the above mentioned 200-foot radius, or if such change is recommended for denial by the Planning and Zoning Commission, such zoning change or Specific Use Permit (SUP) shall require a supermajority vote (*i.e. a three-fourths vote of those members present*), with a minimum of four (4) votes in the affirmative required for approval. For purposes of determining representation on this written protest, the written protest of any one (1) owner of land owned by two (2) or more persons shall be presumed to be the protest of all owners.

SUBSECTION 2.04: PLANNING AND ZONING COMMISSION RECOMMENDATION

(A) *Consideration of a Zoning Change or Specific Use Permit (SUP).* When considering a request for a zoning change or Specific Use Permit (SUP), the Planning and Zoning Commission shall consider the following:

- (1) Whether the land uses proposed with the zoning change or Specific Use Permit (SUP) are consistent with the *Future Land Use Plan* contained in the Comprehensive Plan.
- (2) Whether the proposed zoning change or Specific Use Permit (SUP) is in accordance with any existing or proposed plans for providing streets, water, wastewater, and/or other utilities or public facilities.

- (3) The availability of existing infrastructure to properly serve any development proposed with the zoning change or Specific Use Permit (SUP), and the timing of the development compared to the City's Capital Improvements Plan (CIP).
- (4) The findings of any studies (e.g. *Traffic Impact Analysis [TIA] or Infrastructure Study*) submitted with the zoning change or Specific Use Permit (SUP).
- (5) The amount of vacant land that is currently designated for similar zoning/land uses in the vicinity of the zoning change or Specific Use Permit (SUP) or elsewhere in the City.
- (6) The rate at which land is being developed and the rates conformance with the policies and goals of the Comprehensive Plan.
- (7) The zoning change or Specific Use Permit's (SUP's) anticipated impact on the environment with regard to floodplains, topography, vegetation, drainage and detention.
- (8) The requests consistency with the Unified Development Code (UDC), Comprehensive Plan, Parks and Recreation Master Plan, and the Municipal Code of Ordinances.
- (9) Any other factors which will substantially affect the health, safety, and/or general welfare of the community.

(B) *Consideration of a Text Amendment.* When considering a request for a text amendment, the Planning and Zoning Commission shall consider the following:

- (1) Whether the proposed text amendment is in conformance with the goals and policies contained in the Comprehensive Plan.
- (2) How the proposed text amendment will affect the City's ability to attract and retain high quality development consistent with the City's existing community character.
- (3) The impact of the text amendment to the City's environment with regard to floodplains, topography, vegetation, drainage and detention.
- (4) The requests consistency with the Unified Development Code (UDC), Comprehensive Plan, Parks and Recreation Master Plan, and the Municipal Code of Ordinances.

(C) *Recommendation to the City Council.* In making a recommendation to the City Council on a zoning application (i.e. *zoning change, Specific Use Permit, or text amendment*), the Planning and Zoning Commission may recommend:

- (1) That the zoning change, Specific Use Permit (SUP) or text amendment be approved or enacted;
- (2) That the zoning change, Specific Use Permit (SUP) or text amendment be approved or enacted as modified to a more restrictive classification or subject to appropriate conditions as permitted by law; or
- (3) That the zoning change, Specific Use Permit (SUP) or text amendment be denied.

(D) *Justification for Denial.* If the Planning and Zoning Commission approves a motion to deny a zoning change, Specific Use Permit (SUP), or text amendment, it shall offer reasons for the denial that can be provided to the City Council.

(E) *Failure to Approve a Motion.* If the Planning and Zoning Commission fails to approve a motion by a majority vote for any zoning application (i.e. *zoning change, Specific Use Permit, or text amendment*), then a recommendation for denial shall be forwarded to the City Council.

[MOVED FROM SECTION 7.02; ARTICLE II, UDC]

SUBSECTION 2.05: CITY COUNCIL ACTION

(A) *Recommendation from the Planning and Zoning Commission.* The City Council shall not act upon any zoning change, Specific Use Permit (SUP), or text amendment prior to a recommendation being forwarded from the Planning and Zoning Commission.

(B) *Action by the City Council.* After the public hearing is closed the City Council shall take one (1) of the following actions with regard to a zoning application (*i.e. zoning change, Specific Use Permit, or text amendment*):

(1) *Approval.* The City Council may approve a request for a zoning change, Specific Use Permit (SUP), or text amendment either as requested or in a more restrictive form as subject to such appropriate conditions allowed by law. Such approval of any request for a text amendment to the Unified Development Code (UDC), or zoning change or Specific User Permit (SUP) as a map amendment shall be granted only if the City Council determines that the request or amendment is consistent with the Comprehensive Plan and/or the Unified Development Code (UDC). In the event of approval of any zoning change, Specific Use Permit (SUP), or text amendment, the City Council shall enact an ordinance amending the Unified Development Code (UDC) or official zoning map (*whichever is applicable*).

(2) *Denial.* The City Council may deny a request for a zoning change, Specific Use Permit (SUP), or text amendment *with* or *without* prejudice. If a request or amendment is denied *with* prejudice, a new application may *not* be submitted for the same lot or tract of land -- *or any portion thereof* -- for a period of one (1) year unless the request is for a more restrictive or less intense land use than the previously denied request and is submitted in conformance with [Subsection 2.05\(C\)](#). If a request or amendment is denied without prejudice, no restrictions on resubmitting an application shall apply (*i.e. an application for the same request may be filed at the applicant's discretion*). A failure to indicate a denial is *with* or *without* prejudice in making a motion to deny a request or amendment shall be consider a *denial with prejudice*.

(C) *Reapplication.* A request for a zoning change, Specific Use Permit (SUP), or text amendment which has previously been denied with prejudice by the City Council may be resubmitted within one (1) year if there is:

(1) An actual change in conditions relating to the lot or tract of land -- *or any portion thereof* -- or any surrounding properties; or,

(2) The new request is for a more restrictive or less intense land use that the previously denied requested.

In this event, the applicant must submit a written request to the Director of Planning and Zoning detailing the change in condition or the more restrictive/less intense land use. The Director of Planning and Zoning or his/her designee will review the claim and report to the Planning and Zoning Commission whether or not such request meets the aforementioned criteria. Upon hearing this report, the Planning and Zoning Commission shall either grant or deny the request to refile an application for a zoning change, Specific Use Permit (SUP), or text amendment.

[MOVED FROM SECTION 8.03; ARTICLE II, UDC]

SECTION 23: REQUIRED SITE PLAN (NON-PD) SITE PLANS

SUBSECTION 23.01: PURPOSE

The purpose of a site plan is to ensure compliance with the City's development standards, and/or other regulations enforceable by the City of Rockwall that may apply to a particular property. Site plans are also intended to be reviewed to promote the safe, efficient, and harmonious use of land through the application of the

City's Unified Development Code (UDC), the Comprehensive Plan, City adopted design guidelines, and the Municipal Code of Ordinances.

The purpose of a site plan is to ensure that all of the provisions of this Unified Development Code (UDC) are adhered to while providing for design flexibility; that sensitive environmental issues such as slopes and vegetation are accommodated; and that services and facilities necessary to support the proposed development will be available on an appropriate time schedule.

(Ord. No. 10-14, § 64, 7-6-2010)

SUBSECTION 23.02: GENERAL APPLICABILITY

(A) *Site Plan.* A Site Plan shall be required to be submitted for all new development within the City of Rockwall with the exception of single-family and/or duplex land uses, temporary land uses not requiring a Specific Use Permit (SUP), and agricultural buildings or structures for non-commercial land uses.

(B) *Amended Site Plan.* An Amended Site Plan shall be required for:

(A) All expansions of an existing non-residential building or structure that increases the existing floor area by 30% or that adds 2,000 SF of floor area.

(B) All expansions of non-residential parking lots that increase the existing impervious area by 30% or that adds 2,000 SF of impervious coverage.

(C) *Waiver of a Required Site Plan or Amended Site Plan.* In certain circumstances the Director of Planning and Zoning or his/her designee may waive the site plan or amended site plan requirements when it is determined that requiring a site plan [1] is not necessary for the development of a property, and/or [2] it does not serve the public's interest.

SUBSECTION 23.03: GENERAL

(A) *Notification.* No public notification is required for the consideration of a site plan or an amended site plan, beyond posting an agenda for the Planning and Zoning Commission meeting.

(B) *Engineering Plans.* No engineering plans shall be submitted for a project prior to the approval of a site plan except when waived by the City Engineer or his/her designee.

(C) *Building Plans.* No building plans shall be submitted for a project prior to the approval of a site plan except when waived by the Director of Planning and Zoning or his/her designee.

(D) *Construction Permits.* No building, fence, or sign permits shall be issued for a property without an approved site plan being approved.

A. *Applicability.* Site plans are required for all new developments except individual single-family and duplex lots, and for expansion of existing development by 50 percent or more of the gross floor area.

B. *[Site plans.]* Site plans shall be accompanied by a completed application form and a proposed development schedule.

C. *No permits without site plan.* Site plans may be submitted at the time of building permit application, but no permit shall be issued for site grading or construction until a site plan has been approved.

D. Notification. No public notification is required for consideration of a site plan, or amendment, beyond posting as an agenda item for the planning and zoning commission, if appealed or referred to it. This provision does not apply to PD site plans.

SUBSECTION 23.034: SITE PLAN SUBMITTAL REQUIREMENTS

(A) *Site Plan Content.* The Director of Planning and Zoning shall establish forms outlining the information, standards, content, and formatting required to constitute a complete application submittal for a site plan or amended site plan.

(B) *Additional Requirements.* When deemed necessary by the Director of Planning and Zoning or the Planning and Zoning Commission, the following plans may be required prior to the approval of a site plan:

- (1) Traffic Impact Analysis
- (2) Traffic Circulation Study
- (3) Infrastructure Study
- (4) Flood Study

The following requirements apply to each application for non-PD site plan approval:

1. **Size.** Site plans shall be prepared on one or more standard sheets of 30 inches by 42 inches or 24 inches by 36 inches and at an engineering scale of one inch equals 100 feet or larger. If multiple sheets are required, an overall plan shall be submitted as well (which may be to any scale). PD site plans shall be prepared by a registered engineer, architect, or landscape architect.

2. **General information.**

- a) North arrow;
- b) Total site acreage;
- c) Submission date;
- d) Scale (written and graphic);
- e) Vicinity map;
- f) Names, addresses, and telephone numbers of designer, engineer, developer, and owner;
- g) A boundary survey of the site with the location of proposed land uses;
- h) Adjacent subdivision names and property lines; and
- i) Adjacent land uses and structures.

3. **Structures.**

- a) Location, dimensions, and use of all existing facilities and proposed building sites;
- b) Setback and separation distances between building sites;
- c) Proposed construction type and facade materials for all multi-family and nonresidential buildings (the commission may require elevations and perspective drawings);
- d) Proposed density of each use;
- e) Proposed location of screening along public roadways shown on the PD concept plan;
- f) Location and types of signs, including lighting and heights;
- g) Elevation drawings citing proposed exterior finish materials; and
- h) Location of solid waste collection facilities.

4. **Streets and sidewalks.**

- a) Location and width of all rights-of-way and easements;

- b) Location and dimensions of all pavement and curbing;
- c) Location and width of all sidewalks;
- d) Location and width of all ingress/egress points;
- e) Location and width of all medians and median breaks;
- f) Location of any special traffic regulation facilities;
- g) Location of fire lanes; and
- h) Street names on proposed streets.

5. Off-street parking and loading areas.

- a) Number, location, and dimension of spaces;
- b) Type of surface material of parking facility;
- c) Dimension of aisles, driveways, maneuvering areas, and curb return radii;
- d) Distance between spaces and adjacent rights-of-way;
- e) Location of all existing and proposed fire lanes and hydrants; and
- f) Proposed lighting diagram.

6. Landscaping.

- a) Tree survey of major tree groupings and existing trees of six-inch caliper or greater, noting species and whether they are to be removed or retained;
- b) Location and size of proposed plant materials, including paving, together with type and species of plants;
- c) Number and type of each landscape element;
- d) Height and type of all fencing or buffering;
- e) Height of all planters, sculptures, and decorative screens;
- f) Location and type of trash receptacle screening;
- g) Location and type of lighting for streets, signage, and parking areas; and
- h) Location of triangles, where required.

7. Drainage.

- a) Direction of water flow;
- b) Quantity of on-site and off-site water generation;
- c) Topographic contours at a minimum of five-foot intervals;
- d) Points of concentrated water discharge;
- e) Areas where special design and construction may be necessary due to slope or soil conditions;
- f) Location and design of all water detention and drainage areas; and
- g) Drainage ways, creeks, and limits of the 100-year floodplain and floodway as shown on current FEMA mapping or the city's master drainage plan, including location and acreage, together with a general plan for accommodating flood waters and drainage.

SUBSECTION 23.04: SITE PLAN REVIEW

(A) *Procedure.* Site plans shall be reviewed, and a decision rendered, by the zoning administrator, or at his prerogative the planning and zoning commission, taking into consideration comments from the plan review committee. The applicant may appeal the decision of the administrator to the planning and zoning commission whose decision shall be final. Such appeal must be made in writing to the administrator within ten business days of the zoning administrator's notification of decision to the applicant. All site plans and amended site plans shall be subject to the following review procedures unless otherwise indicated within this Article:

- (1) *Architectural Review Board (ARB).* All site plans that [1] propose alterations to the exterior of an existing building, [2] propose the construction of a new building, or [3] that request approval of a variance or

exception shall be subject to review and recommendation by the Architectural Review Board (ARB). In reviewing these site plans, the Architectural Review Board (ARB) shall recommend approval, approval with conditions, or denial of the site plan based on the merits of what is being proposed and the conformance of the site plan with the City's Unified Development Code (UDC).

(2) *Planning and Zoning Commission.* The Planning and Zoning Commission may approve, approve with conditions, or deny a Site Plan -- upon recommendation from the Architectural Review Board (ARB) if necessary -- based on the approval criteria listed in [Section 3.04\(B\)](#). The Planning and Zoning Commission shall not approve a site plan prior to review and recommendation by the Architectural Review Board (ARB) if necessary.

(B) *Criteria for Approval of a Site Plan* -- review. In approving, approving with conditions, or denying a site plan under this article, the following criteria shall be considered:

- (1) The extent to which the site plan fulfills the goals, objectives and standards in the City's Comprehensive Plan, Parks and Open Space Master Plan, and the Unified Development Code (UDC) thoroughfare plan.
- (2) Safety of the motoring and pedestrian public using the facility and the area surrounding the site.
- (3) Safety from fire hazards and measures of fire control.
- (4) Protection from flooding and water damage.
- (5) Noise and lighting glare effects on adjacent neighbors.
- (6) Relations of signs to traffic control and their effect on adjacent properties.
- (7) Adequacy of streets to accommodate the traffic generation of the proposed development.
- (8) Adequacy of off-street parking and loading facilities for the uses specified.
- (9) Landscaping and screening provisions appropriately placed per code requirements.
- (10) *Siting Position of* structures and other improvements relative to required setbacks, height limitations, and other density and dimensional requirements.
- (11) The impact of the proposed development on slopes, protected vegetation, the open space system, and adjacent properties.
- (12) Such other measures as might secure and protect the public health, safety, morals and general welfare.

SUBSECTION 23.05: EFFECT OF SITE PLAN APPROVAL

(A) *Site Plan Expiration.* If development of a lot or tract with an approved site plan has not been completed within two (2) years, or more with an extension, of its final approval, the site plan shall be deemed to have expired and a new review and approval of a site plan for development of the property shall be undertaken, and this new approval shall be required before a building permit is issued for development. This review and approval shall be evaluated according to the standards of the Unified Development Code (UDC) ~~this Unified Development Code~~, taking into account all changes to the Unified Development Code (UDC) ~~this Unified Development Code~~ which have occurred subsequent to the prior site plan approval.

(B) *Phasing Plan Expiration.* If the site plan is submitted in conjunction with an approved phasing plan for the development of the lot or tract, the site plan shall be deemed to have expired if any phase is not completed within the time period approved for such phase. No site plan phase may be planned to exceed three (3) years unless specifically authorized by the Planning and Zoning Commission and City Council when demonstrated that due to the size or complexity of the site the three (3) year time period would create a hardship. If any phase is not completed within the time period approved, the entire remaining uncompleted site plan shall be deemed to have expired and the provisions of [Subsection 3.05\(A\)](#) above shall be followed.

(C) *Extension of Site Plan.* Extension of an approved site plan may be granted by the Planning and Zoning Commission and city council upon submission of a request for such extension by the property owner at least

90 days prior to the expiration of the plan. The Planning and Zoning Commission and city council shall take into consideration any changes that have occurred in the Unified Development Code (UDC) this [Unified Development Code] subsequent to original approval of the plan and the property owner may be required to bring such plan into compliance with the current requirements. The period of time approved for any such extension shall be indicated in any approval, but in no case, shall the period for extension exceed three (3) years.

SUBSECTION 23.06: AMENDMENT OF AMENDED SITE PLANS

Minor modifications to a site plan may be approved by the Director of Planning and Zoning or his/her designee after the submission of a development application, application fee, and updated plans in accordance with Subsection 1.02. Submission of an Application. In the event the Director of Planning and Zoning determines that the modifications entail a significant change in the site plan, the Director of Planning and Zoning may defer the approval of the site plan to the Planning and Zoning Commission.

Minor modifications to any site plan may be approved by the zoning administrator. However, if the zoning administrator believes that a request for minor modification entails a significant change in the site plan, he may refer the request to the commission for determination. A "minor modification" to a PD site plan is defined as any modification that does not:

- (1) Alter the basic relationship of proposed development to adjacent property;
- (2) Change the character of the development;
- (3) Change the uses permitted;
- (4) Increase the maximum density, floor area, or height;
- (5) Decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to [Unified Development Code] requirements; or
- (6) Reduce the minimum yards or setbacks.

SECTION 4: PLATS

SUBSECTION 5.01: SUBDIVISION ORDINANCE

For the City of Rockwall's platting requirements within the corporate limits and the Extraterritorial Jurisdiction (ETJ) refer to Chapter 38. Subdivisions, of the Municipal Code of Ordinances.

SECTION 4: UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS

SUBSECTION 4.01: PURPOSE AND AUTHORITY

The city council may, from time to time, on its own motion, or by request of the planning and zoning commission, the zoning administrator or the city engineer, amend, supplement, or change the regulations established in this Unified Development Code.

(Ord. No. 10-14, § 65, 7-6-2010)

SUBSECTION 4.02: PROCEDURES

- A. Action by the planning and zoning commission. The planning and zoning commission shall give appropriate notice and hold a public hearing. The commission shall approve, deny or modify the amendment and forward its report and recommendation to the city council.
- B. Action by the city council. The council shall give appropriate notice and hold a public hearing and has final authority to adopt or deny any proposed amendment.

SECTION 5: MISCELLANEOUS CASE

- (A) *Purpose.* The purpose of a *Miscellaneous Case* is to allow certain requests (e.g. *variances, exceptions, Tree Preservation Plans, etc.*) to be considered by the Planning and Zoning Commission and/or City Council independent of a site plan for the purpose of facilitating development.
- (B) *Procedures.* Unless otherwise specified in the Unified Development Code (UDC), *Miscellaneous Cases* shall be subject to the procedures provided for in [Section 9. Exceptions and Variances.](#)

SECTION 36: CERTIFICATES OF APPROPRIATENESS (COA)

SUBSECTION 36.01: GENERAL.

- (A) *Applicability.* ~~Prior to the commencement of any work in a Historic Overlay District which requires a certificate of appropriateness, the owner shall file with the historic preservation officer an application for such a certificate. Any person carrying out any work that requires a building permit for exterior alteration, restoration, reconstruction, new construction, moving or demolition of a property within a historic district that is visible must first obtain a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB) as provided for in [Subsection 6.2, Historic Overlay District, of Article V, District Development Standards](#) of this Unified Development Code.~~
- (B) *Criteria for the Approval of a Certificate of Appropriateness (COA).* The Historic Preservation Advisory Board (HPAB) shall follow the design guidelines as adopted by the City Council in its consideration of all applications for a Certificate of Appropriateness (COA). These standards shall be made available to the property owners of historic landmarks or within a historic district. The Historic Preservation Officer (HPO) shall coordinate with the appropriate City Departments on all Certificate of Appropriateness (COA) applications.

~~[MOVED FROM SECTION 12.03; ARTICLE II, UDC]~~

- (C) ~~*No Permits without COA Permits.* No building or fence permits shall be issued for site improvement or other construction until a Certificate of Appropriateness (COA) has been approved by the Historic Preservation Advisory Board (HPAB).~~

SUBSECTION 36.02: COA SUBMITTAL REQUIREMENTS.

The procedures and requirements for a Certificate of Appropriateness (COA) are outlined in [Subsection 6.2, Historic Overlay District, of Article V, District Development Standards.](#)

(Ord. No. 06-14, 4-17-2006)

SECTION 7: BUILDING PERMIT FEE WAIVER

SUBSECTION 7.01: PURPOSE

The *Building Permit Waiver and Reduction Program* was established for eligible properties located within the City's Historic Districts for the purpose of encourage development and redevelopment within these districts. The program will be administered by the City's Historic Preservation Advisory Board (HPAB) under the direction of the Planning and Zoning Department of the City of Rockwall.

SUBSECTION 7.02: ELEGIBILITY

The *Building Permit Waiver and Reduction Program* is eligible for the following properties:

(A) Commercial Property.

- (1) Commercial properties located within the Old Town Rockwall (OTR) Historic District, Planned Development District 50 (PD-50), the Southside Residential Neighborhood Overlay (SRO) District, and the Downtown (DT) District are eligible for a 50% reduction in building permit fees for projects that include a substantial rehabilitation involving a minimum investment of \$50,000.00 that involves work that 1) changes the use of the property (*i.e. residential to commercial*) or 2) includes an addition, alteration or change that necessitates accessibility requirements to be met. New development projects shall not be eligible for fee reductions or waivers.
- (2) *Landmarked Properties* shall be eligible for a full waiver of building permit fees for projects that include a substantial rehabilitation involving a minimum investment of \$25,000.00 that involves work that 1) changes the use of the property (*i.e. residential to commercial*) or 2) includes an addition, alteration or change that necessitates accessibility requirements to be met.
- (3) To be eligible for the program, a project must include exterior improvements. Interior work may be included in the overall permitting cost; however, exterior improvements of a substantial nature are required.

(B) Residential Property.

- (1) Residential properties located within the Old Town Rockwall (OTR) Historic District or the Southside Residential Neighborhood Overlay (SRO) District are eligible for a 50% reduction or a full waiver of building permit fees for projects involving a minimum investment of \$5,000.00 that are associated with the rehabilitation or restoration of a property. New development projects shall not be eligible for fee reductions or waivers.
- (2) Properties classified as *Non-Contributing* shall be eligible for a 50% reduction of the require building permit fees.
- (3) Properties classified as *Contributing (i.e. High, Medium or Low Contributing)* shall be eligible for a full waiver of building permit fees.
- (4) To be eligible for the program, a project must include exterior improvements. Interior work may be included in the overall permitting cost; however, exterior improvements of a substantial nature are required.

SUBSECTION 7.03: APPLICATION

All applications shall be submitted to City staff in accordance with the Historic Preservation Advisory Board's (HPAB's) submittal deadlines prior to or concurrently with the submittal of a building permit. Once a building

permit has been issued for a project, that project is no longer eligible for the program. The HPAB may review the application concurrently with a building permit submittal; however, no building permit can be issued while a program application is in process. The HPAB has the ability to approve, deny or modify a request at their discretion. A complete application for the program will consist of 1) the application form, 2) a list of all improvements associated with the project, and 3) any additional information deemed necessary for the HPAB to make a determination. It shall be the Planning and Zoning Department's policy not to accept incomplete applications.

[CODIFIED FROM RESOLUTION NO.16-08]

SECTION 8: SMALL MATCHING GRANTS

SUBSECTION 8.01: PURPOSE

Purpose. The *Small Matching Grants Program* was established for eligible properties located within the City's Historic Districts for the purpose of encouraging small improvement and beautification projects. The program will be administered by the City's Historic Preservation Advisory Board (HPAB) under the direction of the Planning and Zoning Department of the City of Rockwall.

SUBSECTION 8.02: ELIGIBILITY

The *Small Neighborhood Matching Grants Program* is eligible for the following properties:

(A) Residential Property.

- (1) Residential properties located within the Old Town Rockwall (OTR) Historic District or the Southside Residential Neighborhood Overlay (SRO) District are eligible for the program. The programs shall provide matching funds up to 50% of the total project cost.
- (2) Properties classified as Non-Contributing shall be eligible for a total grant amount up to \$500.00.
- (3) Properties classified as Contributing (*i.e. High, Medium or Low Contributing*) or as a Landmarked Property shall be eligible for a grant amount up to \$1,000.00.
- (4) Regardless of a properties status no matching grant shall be approved for an amount of less than \$100.00 (*i.e. a project minimum of \$200.00*).
- (5) Only projects proposing improvements to the exterior of a property that will be visible from the street shall be eligible for the program. Examples of these projects include but are not limited to landscaping, painting, replacement of windows, replacement of sidewalks and/or driveways, and etcetera.

SUBSECTION 8.03: APPLICATION

All applications shall be submitted to City staff in accordance with the Historic Preservation Advisory Board's (HPAB's) submittal deadlines prior to the commencement of the proposed project. Once a project has commenced, that project or the portion of project that has commenced shall no longer be eligible for grant monies. The HPAB has the ability to approve, deny or modify a request at their discretion. A complete application for the program will consist of 1) the application form, 2) a list of all improvements associated with the project, and 3) any additional information deemed necessary for the HPAB to make a determination. It shall be the Planning and Zoning Department's policy not to accept incomplete applications.

SUBSECTION 8.04: CERTIFICATION AND VERIFICATION PROCESS

Applications for the Small Neighborhood Matching Grants pursuant to [Subsection 8.03](#) of this resolution shall be filed with the Planning and Zoning Department. Upon receipt of a completed application, City staff shall process the request, verify that the improvements have not commenced, and prepare a memorandum to the Historic Preservation Advisory Board (HPAB) outlining the request. Within 60 days of the receipt of an application, the HPAB shall act to approve, deny or modify a request based on the requirements of this resolution. Upon action by the HPAB work may commence on the proposed project.

Once a proposed project has been completed, the applicant shall be required to submit a sworn statement of completion acknowledging that the project has been completed in accordance with the application submitted and approved by the HPAB. In addition, the applicant will be required to submit all receipts for the cost of the project. Within 15 days of the receipt of the sworn statement of completion, City staff shall verify that the improvements have been completed as required by the HPAB and document the improvements for the City's records. If the improvements have been completed as approved, staff will issue a check request in the applicant's name to the Finance Department for half the amount depicted on the receipts up to the full amount approved by the HPAB.

[CODIFIED FROM RESOLUTION NO. 16-09]

SECTION 9: EXCEPTIONS AND VARIANCES

SUBSECTION 9.01: EXCEPTIONS TO THE GENERAL STANDARDS

Unless otherwise specified by the Unified Development Code (UDC), an applicant may request the Planning and Zoning Commission grant an exception to the provisions contained in the Unified Development Code (UDC), where unique or extraordinary conditions exist or where strict adherence to the technical requirements of the Unified Development Code (UDC) would create an undue hardship. In cases where an exception or exceptions is/are being requested, the applicant shall provide compensatory measures that directly offset the requested exception. These may include -- *but are not limited to* -- any two (2) of the following options:

- (A) Increased landscape buffer.
- (B) Increased landscaping (*i.e. additional canopy trees, accent trees, landscaping percentage, etc.*).
- (C) Increased open space.
- (D) The provision of trails above and beyond the requirements of the City's Master Trail Plan.
- (E) Increased building articulation.
- (F) The provision of four (4) sided architecture (*where not already required*).
- (G) Masonry building materials in percentages equal to or greater than surrounding properties. Where there are no properties adjacent to the subject property the percentage shall be 90% masonry (*i.e. brick, stone, or cultured stone*).
- (H) The inclusion of 20% natural or cultured stone.
- (I) Increased architectural elements (*i.e. canopies, awnings, porticos, arcades, peaked roof forms, arches, outdoor patio/plaza space, display windows, articulated cornice lines, varied roof heights, etc.*).
- (J) Undergrounding existing overhead utility lines.
- (K) Compliance with the General Overlay District Standards detailed in [Section 6, Overlay Districts, of Article V, District Development Standards](#).
- (L) Other additional standards that are above and beyond the general standards that appropriately offset the requested exception or exceptions.

In requesting an exception or exceptions, the applicant shall provide a written appeal to the Director of Planning and Zoning or his/her designee outlining [1] the reason or reasons for the exception or exceptions being requested, [2] the unique or extraordinary condition that exist and/or the undue hardship created by strict adherence to the technical requirements, and [3] the proposed compensatory measures as detailed above.

If the Planning and Zoning Commission denies a request for an exception, the applicant may appeal the decision to the City Council by filing a written appeal to the Director of Planning and Zoning or his/her designee. Approval of any exception to the requirements of this section by the Planning and Zoning Commission or City Council shall require a supermajority vote (*i.e. a three-fourths vote of those members present*), with a minimum of four (4) votes in the affirmative required for approval.

SUBSECTION 9.02: VARIANCES TO THE GENERAL OVERLAY DISTRICT STANDARDS

Unless otherwise specified by the Unified Development Code (UDC), an applicant may request the Planning and Zoning Commission grant a variance to any provision contained in Section 6.02, General Overlay District Standards, where unique or extraordinary conditions exist or where strict adherence to the technical requirements of this section would create an undue hardship. In cases where a variance or variances is/are being requested, the applicant shall provide compensatory measures that directly offset the requested exception. These may include -- *but are not limited to* -- any two (2) of the following options:

- (A) Increased landscape buffer.
- (B) Increased landscaping (*i.e. additional canopy trees, accent trees, landscaping percentage, etc.*).
- (C) Increased open space.
- (D) The provision of trails above and beyond the requirements of the City's Master Trail Plan.
- (E) Increased building articulation.
- (F) Masonry building materials in percentages equal to or greater than surrounding properties. Where there are no properties adjacent to the subject property the percentage shall be 90% masonry (*i.e. brick, stone, or cultured stone*).
- (G) The inclusion of 20% natural or cultured stone.
- (H) Increased architectural elements (*i.e. canopies, awnings, porticos, arcades, peaked roof forms, arches, outdoor patio/plaza space, display windows, articulated cornice lines, varied roof heights, etc.*).
- (I) Undergrounding existing overhead utility lines.
- (J) Other additional standards that are above and beyond the general standards that appropriately offset the requested exception or exceptions.

In requesting a variance or variances, the applicant shall provide a written appeal to the Director of Planning and Zoning or his/her designee outlining [1] the reason or reasons for the variance or variances being requested, [2] the unique or extraordinary condition that exist and/or the undue hardship created by strict adherence to the technical requirements, and [3] the proposed compensatory measures as detailed above.

If the Planning and Zoning Commission denies a request for a variance, the applicant may appeal the decision to the City Council by filing a written appeal to the Director of Planning and Zoning or his/her designee. Approval of any variance to the requirements of this section by the Planning and Zoning Commission or City Council shall require a supermajority vote (*i.e. a three-fourths vote of those members present*), with a minimum of four (4) votes in the affirmative required for approval.

SUBSECTION 9.03: CRITERIA FOR GRANTING A VARIANCE OR EXCEPTION

In reviewing a request for a variance or an exception, the Planning and Zoning Commission should review the request to determine:

- (A) If the proposed compensatory measures sufficiently offset the requested variance or exception.
- (B) If such a request will substantially or permanently injure the appropriate use of adjacent property.
- (C) If such a request will adversely affect the health, safety, and/or general welfare of the public.

- (D) If such a request will be contrary to the public interest.
- (E) If such a request will authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located.
- (F) If such a request will be in harmony with the spirit and intent of the Unified Development Code (UDC), Comprehensive Plan, and/or other City policies.
- (G) If such a request will alter the essential character of the district in which the subject property is located.
- (H) If such a request will substantially weaken the general purpose of the zoning requirements established for the district in which the subject property is located.

SECTION 10: FEE SCHEDULE

(A) *Establishment of Fees.* Fees for all development related applications in the City of Rockwall shall be established by the City Council upon recommendation of the City Council. Such fees shall be for the sole purpose of recovering the administrative cost of processing development applications, advertising zoning requests, and holding public hearings required by this Article. Such fee shall *not* be designed to generate revenue for the City other than recovery of actual administrative costs.

[MOVED FROM SECTION 19; ARTICLE II, UDC]

(B) *Fees.* The fees for development related applications in the City of Rockwall shall be as follows:

(1) *Platting.*

- (a) *Master Plat:* \$100.00 + \$15.00/Acre
- (b) *Preliminary Plat:* \$200.00 + \$15.00/Acre
- (c) *Final Plat:* \$300.00 + \$20.00/Acre
- (d) *Replat:* \$300.00 + \$20.00/Acre
- (e) *Amending or Minor Plat:* \$150.00
- (f) *Plat Reinstatement Request:* \$100.00

(2) *Site Plan.*

- (a) *Site Plan:* \$250.00 + \$20.00/Acre
- (b) *Amended Site Plan:* \$100.00

(3) *Zoning.*

- (a) *Zoning Change:* \$200.00 + \$15.00/Acre
- (b) *Specific Use Permit (SUP):* \$200.00 + \$15.00/Acre
- (c) *Planned Development District (PD):* \$200.00 + \$15.00/Acre

(4) *Miscellaneous Case.*

- (a) *Variance/Special Exception:* \$100.00
- (b) *Tree Removal:* \$75.00
- (c) *All Other Miscellaneous Cases:* \$0.00

(5) *Historic Preservation Advisory Board.*

(a) Certificate of Appropriateness (COA): \$0.00

(b) Small Matching Grants: \$0.00

(c) Building Permit Fee Waiver: \$0.00

[TAKEN FROM DEVELOPMENT APPLICATIONS]

(C) Calculation of Fees. Fees that have a scaled fee structure (*i.e. that are based on the acreage of the property*) are calculated by multiplying the acreage of the property by the scalable fee and adding the base fee. For example, a 5.25-acre property that is requesting a zoning change would be calculated as follows:

$$5.25\text{-acres} \times \$15.00/\text{Acres} = \$78.75 + \$200.00 \text{ [Base Fee]} = \$278.75 \text{ [Fee Due]}$$

Properties that are less than one (1) acre in total size shall be calculated as one (1) acre. No other rounding methods shall be used in the calculation of a fee.

Additions: **Highlighted**
Deletions: **Highlighted, Strikeout**
Staff Notes: **Highlighted, Red Text**
Links/References: **Blue, Underlined**

ARTICLE XIII, DEFINITIONS

SECTION 1: **USAGE GENERAL**

SUBSECTION 1.01: USAGE

For the purposes of this Unified Development Code (UDC), certain terms and/or words are used and interpreted as defined below. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular. The word shall wherever used in this article will be interpreted in its mandatory sense and the word may shall be deemed as permissive. The word building includes the word structure unless otherwise indicated in the definition. The word lot also means plot or tract. The term used for includes the meaning designed for or intended for.

- A. ~~For the purpose of these regulations, certain numbers, abbreviations, terms, and words shall be used, interpreted and defined as set forth in this [Unified Development Code].~~
- B. ~~Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.~~
- C. ~~The word "shall" wherever used in this article will be interpreted in its mandatory sense; the word "may" shall be deemed as permissive.~~
- D. ~~The word "building" includes the word "structure"; the word "lot" also means "plot" or "tract."~~
- E. ~~The term "used for" includes the meaning "designed for" or "intended for."~~

SECTION 2: **DEFINITIONS WORDS, TERMS, AND LAND USES DEFINED**

SUBSECTION 2.01: GENERAL DEFINITIONS

~~Accessory building or use. A subordinate building having a use customarily incident to and located on the lot occupied by the main building; or a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.~~

- (1) Adopted Policies. A written administrative directive discussed at a public meeting and officially adopted by a majority vote of the city council.
- (2) Agriculture. The planting, cultivating, harvesting and storage of grains, hay or plants, or vineyards, commonly grown in Rockwall County. The raising and feeding of livestock and poultry shall be considered an agricultural venture if the area in which the livestock or poultry is kept is three acres or more in area, and if such raising of livestock and poultry is incidental or supplemental to the raising of crops and is not primarily for the raising or fattening of livestock. A feed lot exclusively for the fattening of livestock is not considered an agricultural use.
- (3) Alley. A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street; it is also public space or way, 20 feet or less in width, which has been dedicated or deeded for public use.

- (4) Alteration. Any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building, or change or modification in construction or occupancy.
- (5) Apartment. A room or suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single-family or group of individuals living together as a single housekeeping unit and who do their cooking therein. (See Dwelling unit.)
- (6) Apartment house or building. A building arranged, intended or designed for more than two families. (See Dwelling unit, "multiple.")
- (7) Associated recreation. Recreational uses which are an integral part of a common ownership or associated with high density residential development (example: homeowners association with a private club, swimming pool, and tennis courts).
- (8) Authorized agent. An architect, builder, developer, or other person empowered to act on behalf of other persons.

~~Automobile repair, major. Major repair, rebuilding or reconditioning of engines, transmissions, or other major components for motor vehicles; collision services including body, frame, or fender straightening or repair; customizing; overall painting or paint shop; automotive glass and upholstery; those uses listed under Automobile repair, minor, and other similar uses. All repair work shall be performed inside an enclosed building. Vehicles shall not be stored on site no longer than 90 days.~~

~~(Ord. No. 93-22, 7-6-1993)~~

~~Automobile repair, minor. Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil spark plugs, and filter changing; tire alignment; tune-ups, emergency road service; replacement of starters, alternators, hoses, brake parts, mufflers; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air-conditioning systems, and similar minor services for motor vehicles except heavy land vehicles, but not including any operation named under Automobile repair, major, or any other similar use. All work must be performed inside an enclosed building. Vehicles shall not be stored on site for longer than 14 days.~~

~~(Ord. No. 93-26, 8-2-1993)~~

- (9) Bar, cocktail lounge, tavern, saloon, cantina. An establishment where alcoholic beverages are sold for on-premises consumption, other than a restaurant as defined in this section.
- (10) Basement or cellar. A story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purposes of height measurement.

~~Bed and breakfast. A single family owner occupied house offering rooms with breakfast on a nightly basis for a fee.~~

- (11) Block. A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the building official shall determine the outline of the block.
- (12) Boardinghouse or lodginghouse. A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous

arrangements, but not for the public or transients.

- (13) **Buffer**. A visual screen constructed of wood, concrete block, masonry, or landscape material including earthen berms in such a manner that adjacent property will be screened from the use contemplated, so noise, solid waste, or other objectionable influences will be avoided. Such buffer shall be horizontal to the ground, opaque, and a minimum of six feet in height.
- (14) **Buildable area**. The “buildable area” of the lot is the maximum amount of allowable space upon which a structure or building may be erected, after meeting the coverage, yard and other requirements of this [Unified Development Code].
- (15) **Building**. An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals, or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breeze way shall be deemed as one building. Parking structures shall not be considered as buildings when calculating building coverage.
- (16) **Building area**. The building area of the lot is the gross area covered by the structures when placed on the lot.
- (17) **Building coverage**. Percentage of the lot that is occupied by the building area, including parking structures and accessory buildings.

(Ord. No. 06-14, 4-17-2006)

- (18) **Building height**. The height of the building shall be measured from the average elevation of the finished grade along the front of the building to the highest point of the roof or parapet of the building if it is a flat, mansard or shed roof; or to the midpoint of the roof if it is gable, hip or gambrel roof.
- (19) **Building official**. The duly authorized employee or representative of the city charged with implementation, inspection and enforcement of the building codes.
- (20) **Building, principal**. A principal building is one in which a main use of the lot on which it is located is conducted.
- (21) **Building setback line**. A line defining an area on the building lot between the street right-of-way line and all other property lines and the building line within which no building or structure shall be constructed (also referred to as a “yard”), encroach or project except as specifically authorized in an adopted ordinance of the City of Rockwall. In the GR, C, DT, HC, RT, LI, [and] HI districts, underground parking garages shall not be required to meet side or rear setback requirements, but may be constructed from lot line to lot line.

(Ord. No. 10-14, § 69, 7-6-2010)

- (a) **Front building setback line (defining a front yard)**. A line parallel to the street right-of-way line which the building faces, and takes its primary access from. Where lots have multiple frontages on one or more streets, the required front yard shall be provided on each street (see examples).

(Ord. No. 06-14, 4-17-2006)

- (b) **Side building setback line (defining a side yard)**. A line parallel to an adjacent lot which the building sides up to.

(Ord. No. 06-14, 4-17-2006)

- (c) Rear building setback line (defining a rear yard). A line parallel to an adjacent lot or alley, which the building backs up to and has its rear or secondary access from.

(Ord. No. 06-14, 4-17-2006)

(22) Caliper. The diameter of the trunk measured six inches above ground level up to and including four inch caliper size, and measured 12 inches above ground level if the measurement taken at six inches above ground level exceeds four inches. If a tree is of a multi-trunk variety, the caliper of the tree is the total caliper of all of its trunks at the elevation being measured.

(23) Canopy or shade tree. A species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity.

(24) Carport. A structure which is open on at least 2 sides, covered with a roof and constructed specifically for the storage of one or more automobiles; utility room may be included.

(25) Certificate of occupancy. A certificate issued by the zoning administrator or his authorized representative stating that the proposed use of the land and/or building conforms to the requirements of this [Unified Development Code].

(26) City. The City of Rockwall, Texas.

(27) Clinic. An institution, public or private, or a station for the examination and treatment of outpatients by a group of doctors, dentists, opticians, ophthalmologists, orthopedists, or other similar professional physicians.

(28) Cluster development. A method of development of land that permits variation in lot sizes without an increase in overall density of population or development. The use of permanent, open space may be one method used to offset the increased density of smaller residential lots.

~~Cold storage plant. A commercial establishment where foods are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or other commercial businesses. There is no slaughtering of animals on the premises.~~

(29) Commercial Development. Any development on private land that is not classified as industrial or residential development (i.e. that consists of development being performed within the Residential Office [RO], Neighborhood Services [NS], General Retail [GR], Heavy Commercial [HC], or Commercial [C] Districts and that is based in office, retail, personal services, or similar land uses).

(30) Commission. The planning and zoning commission of the City of Rockwall, Texas.

(31) Comprehensive plan. The comprehensive plan of the City of Rockwall and includes any unit or a part of such unit separately adopted and any amendment to such plan or parts thereof.

(32) Condominium. A multi-family dwelling unit, within which designated dwelling units are conveyed fee simple title, with an undivided interest in the building's common elements, to include, but not be limited to, halls, stairs, elevators, roof, parking space, and the land when the building is not constructed on leased land.

- (33) Court. An open unoccupied space, other than a yard, on the same lot with a building and which is bounded on two or more sides by the building.
- (34) Curb level. The level of the established curb in front of the building measured at the center of such front, or in the case of a corner lot, along the abutting street where the mean curb level is the highest. Where no curb has been established, the city engineer shall establish such curb or its equivalent for the purpose of this [Unified Development Code].

~~Day care center or day nursery. A place for the care of children. Services usually include a staff nurse and a hot meal is normally served.~~

- (35) Density. The ratio of dwelling units per gross acre of platted area being developed.
- (36) District. A zone or geographic area within the municipality within which certain zoning or development regulations apply.

~~Drive-in eating establishments. Any structure and premises specifically designed for the preparation and dispensing of food and meals for consumption either indoors or in a vehicle parked on the premises or taken away for consumption in the home or other places.~~

- (37) Dwelling unit. Any building or portion thereof which is designed for or used primarily for residential occupancy, but not including hotels, boardinghouses or mobile homes, trailers, motor coaches or other recreational vehicles.

~~Single family. A building designed for and/or occupied exclusively by one family as a separate dwelling unit.~~

~~Duplex. A building designed and/or occupied exclusively by two families living independently of each other.~~

- (a) Triplex. A building designed for and/or occupied exclusively by three families living independently of each other.
- (b) Fourplex. A building designed for and/or occupied exclusively by four families living independently of each other.
- (c) Multiple. A building designed for and/or occupied exclusively by five or more families living independently of each other.
- (d) The determination of whether one family is living independently of another is based on one or more of the following criteria:
- (1) Separate sanitary facilities.
 - (2) Separate kitchen facilities.
 - (3) Separate entrances.
 - (4) Separate utilities.
- (38) Dwelling unit, minimum square footage. The minimum square footage required in each zoning district shall not include garages, porches, eaves and/or other areas not part of the main, air-conditioned living space of the dwelling unit.

(Ord. No. 06-14, 4-17-2006)

- (39) Enhanced pavement. Any permeable or non-permeable decorative pavement material intended for pedestrian or vehicular use. Examples of enhanced pavement include brick or stone pavers, grass paver, exposed aggregate concrete, and stamped and stained concrete.
- (40) Evergreen tree or shrub. A tree or shrub of a species which normally retains its leaves throughout the year.
- (41) Family. One or more persons who are related by blood, adoption or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit, cost-sharing basis.
- (42) Fence. Any wall or structure of any material for which the purpose is to provide protection from intrusion, both physical and visual, to prevent escape, mark a boundary, enclose, screen, restrict access to, or decorate any lot, building, or structure.

~~Filling, retail service station. An establishment where gasoline, oil and grease, or automobile accessories are sold, supplied or dispensed to the vehicle trade or where motor vehicles received limited repair, are equipped for service, or where electric storage batteries are recharged and cared for, or a place where any two or more such activities are carried on or conducted as the principal use of the establishment. (The storage, sale, lease, or rental of more than one boat or mobile home, or more than five hauling trailers is prohibited.)~~

- (43) Floor area ratio. The relationship of the gross floor area of all buildings on a lot to the total lot area. Parking structures shall be excluded in the calculation of the floor area ratio.
- (44) Frontage. All the property abutting on one side of a street between two intersecting streets, measured along the street line.
- (45) Garage apartment. A dwelling unit attached to a private garage.

~~Garage, commercial. A commercial garage is any premises and structures used for housing more than three motor driven vehicles or where any vehicles are kept for remuneration, hire, or sale and where a retail service station may be maintained as a secondary use.~~

- (46) Garage, community. A building or portion thereof, other than a public, private or storage garage as defined below, providing storage for motor vehicles with facilities for washing, but no other services, such garage to be in lieu of private garages within a block or portion of a block.

~~Garage, detached or private. An accessory building for storage only of motor vehicles and home laundry.~~

- (47) Garage, public. A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.
- (48) Garage, storage. A building or portion thereof, except those defined as private, a public, or a community garage providing storage for more than four motor vehicles, with facilities for washing but no other services.

(49) Ground cover. Natural mulch or plants of species which normally reach a height of less than two feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

Group housing project. A dwelling project consisting of three or more buildings, to be constructed on a plot of ground which is not subdivided into customary streets or lots, or where the existing or contemplated street or streets or lot layouts make it impractical to apply the requirements of this [Unified Development Code] to the individual building units in such housing project.

Guesthouse. An accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration and is not rented or otherwise used as a separate domicile.

(50) Height of yard or court. The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

Home occupations. A "home occupation" is a commercial use customarily carried on in the home by members of the occupant family without structural alterations in the principal building or any of its rooms, without offering any commodity or service for sale on premises, without the installations of machinery or additional equipment other than that customary to normal household operations, without the employment of additional persons, without the use of a sign to advertise the occupations, and which does not cause the generation of other than normal noise, and pedestrian and vehicular traffic.

Hospital, sanitarium, nursing or convalescent homes. A building or any portion thereof, used or designed for the housing or treatment of the sick, mentally ill, injured, convalescent or infirm persons; provided that this definition shall not include rooms in any residential dwelling, hotel, apartment hotel not ordinarily intended to be occupied by said persons.

Hotel. A building or group of buildings used as a temporary dwelling place for individuals in exchange of financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Hotel room units are accessed through doorways into an internal hallway, courtyard, or lobby. Financial consideration for hotel room units is generally calculated on a nightly basis.

(Ord. No. 08-56, 10-20-2008)

Hotel, full service. A building or group of buildings designed for and occupied as a temporary dwelling place. Access to guestrooms shall be restricted exclusively to interior corridors, that shall be accessed via the main lobby of the building or entryways individually equipped with some form of security controlled access system. Customary hotel services such as linen, maid service, telephone, and other guest amenities are provided and may also contain various personal service shops. A full service hotel shall also include the following:

- (a) A minimum room count of 250 rooms.
- (b) Each guestroom shall have a minimum area of 380 square feet.
- (c) A full service restaurant with full kitchen facilities and which provides service to the general public.
- (d) On-site staff required 24 hours a day, seven days a week.
- (e) The following amenities are required to be provided:
 - (1) A minimum of 10,000 square feet of meeting or conference room space; and
 - (2) A swimming pool with a minimum area of 1,000 square feet.

(Ord. No. 08-56, 10-20-2008)

Hotel, residence. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and

telephone are provided. Residence hotel room units are designed to be suitable for long-term occupancy with financial consideration being calculated on a nightly, weekly, and/or monthly basis. Typical residence hotel attributes include, but are not limited to, kitchen facilities, two-story design, and external doorways into room units.

(Ord. No. 08-56, 10-20-2008)

(51) Impervious cover. Roads, parking areas, buildings and other impermeable construction covering the natural land surface that prevent absorption of the water. Water quality basins, swells and other conveyances for overland drainage shall not be calculated as impervious cover.

(52) Industrial Development. Any development on private land that is not classified as commercial or residential development (i.e. that consists of development being performed within the Light Industrial [LI] or Heavy Industrial [HI] Districts and that is based in warehouse, research/technology, light or heavy manufacturing, or similar land uses).

(53) Institutional use. A nonprofit organization or building, public or private, for the benefit of the public including YMCA, YWCA, Boys Clubs, Scouts; educational facilities and schools, including day care centers and kindergartens; churches, temples, cemeteries, mausoleums or crematories for the deposit of the human dead; hospitals, civic clubs, private parks, private libraries, museums, etc.

Kenne. Any premises in which more than three dogs or three cats or three other domesticated animals over the age of three months, not including livestock or poultry, are housed, boarded, raised, or trained as a commercial enterprise. This definition does not include pet shops.

(Ord. No. 90-5, 3-19-1990)

(54) Kindergarten. A school for more than five children of preschool age, in which constructive endeavors, object lessons or educational games are prominent features of the curriculum.

(55) Landscape architect. A person licensed to practice or teach landscape architecture in the State of Texas pursuant to state law.

(56) Landscape buffer. A strip of land:

(a) Which serves a buffer function on the perimeter of a building site adjacent to another building site or to a public or private street or alley; and

(b) At least 80 percent of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening).

(57) Landscaping. Trees, shrubs, ground cover, earthen berms, vines, grass, water, decorative features such as fountains, or other material approved by the city council.

(58) Large shrub. A shrub which normally reaches a height of six feet or more upon maturity.

(59) Large tree. A tree of a species which normally reaches a height of 30 feet or more upon maturity.

(60) Legislative or governing body. The city council of the City of Rockwall, Texas.

(61) Loading space. A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks and having a minimum dimension of 12 [feet] by 65 feet and a vertical

clearance of at least 14 feet.

(Ord. No. 06-14, 4-17-2006)

- (62) Lot. An undivided tract or parcel of land having frontage on a public street, or upon an approved open space, having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.
- (63) Lot area, minimum. Includes internal sidewalks, recreation areas, floor space, parking area, open space and utility easements, but does not include any public right-of-way street easements or alley easements.
- (64) Lot, corner. A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the building official, or as specified on an approved plat.
- (65) Lot depth. The length of a line connecting the midpoints of the front and rear lot lines.
- (66) Lot[,] double frontage[,] or through lot. A lot abutting on two nonintersecting public streets as distinguished from a corner lot.
- (67) Lot, frontage. The length of street frontage between property lines.
- (68) Lot, interior. A lot whose side lot lines do not abut upon any street.
- (69) Lot, irregular. Any lot not having equal front and rear lot lines, or equal side lot lines; a lot, the opposite lot lines of which vary in dimension and the corners of which have an angle of either more or less than 90 degrees. A lot fronting on a sharp curve or cul-de-sac.
- (70) Lot lines. The lines bounding a lot as defined herein.
- (a) Front lot line. The property line between the front yard(s) and the contiguous street right-of-way boundary.
- (Ord. No. 06-14, 4-17-2006)
- (b) Rear lot line. The boundary line which is opposite and most distinct from the front street line; except that in the case of uncertainty the building inspector shall determine the rear line.
- (c) Side lot line. The property line between two adjacent lots. Where lots have multiple frontages on one or more streets, the required front yard shall be provided on each street.
- (Ord. No. 06-14, 4-17-2006)
- (71) Lot of record. A parcel of land which is part of a subdivision, the map or plat of which has been recorded in the office of the county clerk of Rockwall County; or a parcel of land not a part of an urban or town lot subdivision, the deed of which has been recorded in the office of the county clerk of Rockwall County prior to the adoption date of the ordinance from which this Unified Development Code is derived which has not been divided since recording.
- (72) Lot, reverse corner. A corner lot whose front line faces at right angles to the front lot lines of the interior lots or whose rear lot line abuts the side lot lines of interior lots.
- (73) Lot width. The horizontal distance between side property lines, measured at the front setback line.

(74) Lots in separate ownership at the time of the passage of this [Unified Development Code]. A lot whose boundary lines, along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the county clerk of Rockwall County on or before the date of the adoption of the ordinance from which this Unified Development Code was derived.

(75) Maneuvering space. The space entirely on private property required for maneuvering vehicles in such a manner as to preclude the backing of any vehicle into any street right-of-way.

(76) Manufactured home or HUD-code manufactured home. A dwelling structure meeting the definitions and requirements specified in chapter 1201 of the State of Texas Occupational Code.

(Ord. No. 10-14, § 71, 7-6-2010)

(77) Masonry. Masonry construction shall be defined as construction composed of materials in the categories listed below and shall not include hollow clay tile or exposed lightweight block such as cinder block.

(78) Modular.

(a) Brick.

(b) Natural or quarried stone.

(c) Cast or cultured stone.

(d) Glass block or glass.

(e) Tile.

(f) Custom concrete masonry units (normal or heavy weight blocks with an integral color that is sandblasted, burnished or has a split face).

~~Mini-warehouses. Small individual storage units for rent or lease, restricted to the storage of items that are not for sale on the premises.~~

(79) Mobile home. A dwelling structure meeting the definitions and requirements specified in chapter 1201 of the State of Texas Occupational Code.

(Ord. No. 10-14, § 72, 7-6-2010)

(80) Modular homes. Any permanent, single-family dwelling unit which has been prefabricated or factory constructed as a single unit or in sections or modules, and assembled at the factory or construction site and moved to a permanent location as a unit or in sections or modules, as a permanent single-family dwelling unit placed on a permanent foundation at such site and connected with all required utility services.

~~Motel. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Each motel room unit has direct access to the outside. Financial consideration for motel room units is generally calculated on a nightly basis.~~

~~(Ord. No. 08-56, 10-20-2008)~~

(81) Municipal uses. Facilities owned or controlled by the City of Rockwall, including, but not limited to, office buildings, maintenance shops, treatment plants; community centers.

~~Nightclub, discotheque, disco or dance hall. An establishment whose primary activity is the provision of~~

~~facilities for dancing, including a dance floor and live entertainment or amplified music. Such establishment may or may not provide on premises consumption of alcoholic beverages. Schools of dance are exempted from this definition.~~

(82) Nonconforming use, building or yard. A use, building or yard, which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated. It is a legal nonconforming use if established prior to the passage of this [Unified Development Code].

(83) Non-permeable coverage. Coverage with non-permeable pavement.

(84) Parking area. Space used exclusively for the parking of vehicles and where no other business is conducted paved to city specifications.

(85) Parking space. Area, not closer than six feet from the back edge of the curb, the width and length of which shall exceed by a minimum of two feet the dimensions of the type of vehicle normally to be parked in the space, and connected to a street or alley by a driveway affording satisfactory ingress and egress. The minimum dimension of a parking space shall be in accordance with the adopted ordinances of the City of Rockwall regarding off-street parking.

(86) Patio home. A single-family, residential dwelling unit that is most often a one-story L-shaped or U-shaped home utilizing the entire lot with an enclosed garden court for open space area. Fire retardant walls are utilized and additional open space is often provided by clustering the units.

(87) Paving. Material which provides an all-weather surface for the parking of vehicles. All required paving shall meet the standards specified by applicable city specifications.

(88) Permitted use. A use specifically allowed in one or more of the various districts without the necessity of obtaining a use permit.

(89) Person. Any individual, association, firm, corporation, governmental agency or political subdivision.

~~Personal service shop. An establishment for the purpose of supplying limited personal services such as, but not limited to, barber, shoe, boot, saddle, shine shop.~~

(90) Place. An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

(91) Planned development (PD). Includes a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity, and comply with provisions of the ordinances governing planned developments.

(92) Planned shopping center. A group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as one operating unit related in its location, size, and type of shops to the trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores.

(93) Planning consultant. A private practitioner in planning, who is a member of the American Institute of Certified Planners (AICP).

(94) Plat. A map of a subdivision or site plan that represents a tract of land, showing the boundaries and location of individual properties and streets.

~~**Portable building.** A temporary building that may or may not have a foundation and is transportable.~~

~~(Ord. No. 86-56, 6-16-1986)~~

~~**Private club.** An establishment providing social and 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 that portion of V.T.C.A., Alcoholic Beverage Code § 32.01 et seq., as it be hereafter amended and as it pertains to the operation of private clubs.~~

(95) **Recreational vehicle or travel trailer.** A vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projections;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(Ord. No. 10-14, § 73, 7-6-2010)

~~**Restaurant or cafe.** A building or portion of a building, where the primary business is the on-premises sale of prepared food, with adequate facilities for the preparation of the food to be sold, the adequacy of said kitchen facilities to be based upon the seating capacity of the restaurant and the type of menu offered.~~

(96) **Residential Development.** Any development on private land that is not classified as industrial or commercial development (i.e. that consists of development being performed within the Agricultural [AG], Single-Family Estate 1.5 [SFE-1.5], Single-Family Estate 2.0 [SFE-2.0], Single-Family Estate 4.0 [SFE-4.0], Single-Family 1 [SF-1], Single-Family 16 [SF-16], Single-Family 10 [SF-10], Single-Family 8.4 [SF-8.4], Single-Family 7 [SF-7], Zero Lot Line [ZL-5], Two-Family [2F], or Multi-Family 14 [MF-14] Districts that is based in residential land uses).

(97) **Restaurant (limited service).** A building or portion of a building, where the primary business is the on-premises sale of prepared food where patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to customers' location. Drive-through "pickup/order" window permitted provided that there is no public address system or speakers.

(98) **Retail.** The sale of goods directly to a consumer. Engaged in, pertaining to, or relating to the sale of merchandise at retail. To sell by individual items or by the piece, directly to a consumer.

(99) **Retail food store.** A retail establishment selling meats, fruits, vegetables, bakery products, light hardware, and other similar items which are purchased for use and consumption off the premises (may be drive-in or supermarket type).

(100) **Right-of-way line.** A dividing line between a lot, tract, or parcel of land and the public right-of-way.

(101) **Screening.** Screening that complies with the construction and maintenance regulations in section 5, Mandatory Provisions, except as those regulations may be expressly modified in this article.

~~**Self-storage facility.** Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than~~

~~storage, shall be prohibited. One caretaker/security residence shall be permitted in association with a self-storage facility.~~

- (102) Semi-public uses. Public facilities including sanitary landfills, water treatment and supply facilities, and wastewater treatment facilities, but not including facilities owned or controlled by the city.

~~Servant's quarters. An accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.~~

- (103) Setback. See Building setback line.

- (104) Sign. A name, identification, image, description, display or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs.

- (105) Site. A combination of continuous lots that may or may not be owned separately, that will be developed under one unified plan, as if it were a single parcel of land.

- (106) Site plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplain, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

(107) Small tree. A tree of a species which normally reaches a height of less than 30 feet.

(108) Soil. A medium that plants will grow in.

- (109) Space. A plot of ground within a mobile home or recreational vehicle park designated for the accommodation of one mobile home or one recreational vehicle, together with such open space as required by this chapter.

- (110) Storage. The accumulation, stocking, or depositing of materials or items. These may include materials for the eventual use or sale in a commercial enterprise, but does not include the storing of a personal car or truck on an individual residential lot.

~~Storage building. Any building either portable or constructed on site, utilized for storage purposes, and not requiring plumbing and electrical wiring, and not used for residential purposes.~~

- (111) Story. That part of a building included between the surface of one floor and the surface of the floor next above, or, if there be no floor above, that part of the building which is above the surface of a floor and the ceiling next above. A top story attic is a half-story, when the main line of the eaves is not above the middle of the interior height of such story. The first story is a full story when over 50 percent of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting entrance of daylight and outside air.

- (112) Street. A public or approved private thoroughfare which affords the principal means of access to abutting

property, excluding alleys, and as defined in the city's thoroughfare plan.

- (113) Street line. The dividing line between the street right-of-way and the abutting property.
- (114) Structural alterations. Any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.
- (115) Structure. Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, signs, and excluding utility poles, fences and retaining walls.
- (116) Subdivision. The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.

~~Townhouse. A single family dwelling unit constructed in a series, or a group of units having common walls, each on a separate lot.~~

- (117) Urban Agriculture. An industry located within or on the fringe of a town, a city or metro-area, which grows and raises, processes and distributes a diversity of food and non-food products, using largely human and natural resources, products and services found in and around the urban area, and in turn supplying human and material resources, products and services largely to the urban area.

- (118) Variance. Relief from or variation of the provisions of these regulations, other than use regulations, as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter in powers and duties of the board of adjustment.

~~Veterinary clinic. An establishment where animals and pets are admitted for examination and medical treatment and boarding of animals is limited to short term care incidental and subordinate to the clinic use.~~

~~(Ord. No. 90-5, 3-19-1990)~~

- (119) Visibility Triangle. The term "visibility triangle" as defined in article V, section 1.9 of this Unified Development Code.

- (120) Wall, exterior. Any wall or element of a wall, or any member or group of members, which defines the exterior boundaries or courts of a building and which has a slope of 60 degrees or greater with the horizontal plane.

- (121) Wholesale. The sale of commodities for the purpose of resale, as to retailers or jobbers rather than to consumers directly; opposed to retail. Of, pertaining to, or engaged in sale at wholesale.

- (122) Xeriscaping. A type of landscaping design that uses a combination of native plants and grasses, approved hardscapes and drought tolerant ground covers and planting materials for the purpose of conserving water and protecting the local environment.

~~Zero lot line house. A single family detached residential dwelling unit with one side wall coincident with the side lot line and a five foot maintenance easement coincident with the opposite side lot line.~~

SUBSECTION 2.02: LAND USE DEFINITIONS

(A) Agricultural and Animal Related Land Uses.

- (1) **Agricultural Uses on Unplatted Land.** Any area used for growing farm products, vegetables, fruits, trees, and grain and/or for the raising of farm animals (e.g. horses, cattle, sheep, etc.) -- including the necessary accessory uses for raising, treating, and storing products raised on the premises -- , but not including the commercial feeding, cultivation of offal (i.e. entrails or internal organs) to swine or other animals and not including any type of agriculture or cultivation that is specifically prohibited by this federal, state, or local law.
- (2) **Animal Boarding/Kennel.** Any premises in which more than three (3) dogs or three (3) cats or three (3) of any other domesticated animal over the age of three (3) months -- not including livestock or farm animals -- are housed, boarded, raised or trained as a commercial enterprise. This definition does not include pet shops.
- (3) **Animal Clinic for Small Animals without Outdoor Pens.** An establishment where small animals and pets are admitted for examination, medical treatment, and boarding of animals is limited to short-term care incidental and subordinate to the clinic use.
- (4) **Animal Hospital or Clinic.** A facility for the diagnosis, treatment, or hospitalization of animals.
- (5) **Animal Production or Husbandry.** An agricultural operation specifically concerned with the raising of animals for meat, milk, eggs, or other products. *Animal Production or Husbandry* includes the *day-to-day* care, selective breeding and the raising of livestock.
- (6) **Animal Shelter or Loafing Shed.** An agricultural structure that is typically built inside a pasture or paddock area that provides livestock with shade, water, and/or food.
- (7) **Barn or Agricultural Accessory Building.** A barn or agricultural accessory building is a building that is located on a property that is a minimum of ten acres in size, zoned Agricultural (AG) District, and is intended to be used to store agricultural equipment used for animal production, crop production and/or other agricultural related uses.
- (8) **Crop Production.** An area for raising or harvesting agricultural crops such as wheat, field forage, and other plant crops intended to provide food or fiber.
- (9) **Commercial Horse Corral or Stable.** A facility or area where horses, mules, or other domestic animals are kept, housed, boarded, lodged, fed, hired, trained, sold, or bred as a commercial activity. The definition includes accessory uses such as riding lessons, clinics, and similar activities.
- (10) **Private Horse Corral or Stable.** A facility or area where horses, mules, or other domestic animals are kept, housed, boarded, lodged, fed, trained, or bred for the private use of the property owner.
- (11) **Community Garden.** A use in which an area of land is managed and maintained by a group of individuals to grow and harvest food and/or horticultural products for personal or group consumption or for sale or donation. A community garden area may be divided into separated garden plots for cultivation by one or more individuals, or may be farmed collectively by members of the group. A community garden may include common areas (e.g., *hand tool storage sheds*) maintained and used by the group.

(12) Urban Farm. A use in which plants are grown for sale as products, and in which the plants or their byproducts are sold at the lot where they are grown or off-site, or both, and in which no other items are sold (e.g. flower and vegetable raising, orchards and vineyards, etc.).

(13) Wholesale Nursery (i.e. without Retail Sales On-Site). An establishment for the cultivation and propagation, display, storage and wholesale of large plants, shrubs, trees and other materials used in the indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape materials as an accessory use.

(B) Residential and Lodging Land Uses.

(1) Residential Accessory Building or Structure. A subordinate building having a use customarily incidental to and located on the lot occupied by the main building; or a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

(2) Bed and Breakfast. A single-family owner-occupied house offering rooms with breakfast on a nightly basis for a fee.

(3) Caretakers Quarters/Domestic or Security Unit. A residence located on premises with a main residential or non-residential use and occupied only by a caretaker or guard employed on the premises.

(4) Convent, Monastery, or Temple. A facility or building occupied by a community of monks, nuns, priests, or similar sects living under religious vows.

(5) Duplex. A building designed and/or occupied exclusively by two (2) families living independently of each other on one (1) lot or parcel of land.

(6) Commercial Garage. Any premises and/or structures used for housing more than three (3) motor vehicles or where any vehicles are kept for remuneration, hire, or sale and where a retail service station may be maintained as a secondary use.

(7) Residential Garage. A residential accessory building used for the storage motor vehicles. These structures are typically attached to the primary structure; however, they may also be a detached structure.

(8) Guest Quarters/Secondary Living Unit. An accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration and is not rented or otherwise used as a separate domicile.

(9) Home Occupation. A commercial use customarily carried on in the home by members of the occupant family without structural alterations in the principal building or any of its rooms, without offering any commodity or service for sale on premises, without the installations of machinery or additional equipment other than that customary to normal household operations, without the employment of additional persons, without the use of a sign to advertise the occupations, and which does not cause the generation of other than normal noise, and pedestrian and vehicular traffic.

(10) Limited-Service Hotel. A building or group of buildings used as a temporary dwelling place for individuals in exchange of financial consideration where customary hotel services such as linen, maid

service, and telephone are provided. Hotel room units are accessed through doorways into an internal hallway, courtyard, or lobby. Financial consideration for hotel room units is generally calculated on a nightly basis.

- (11) Full-Service Hotel. A building or group of buildings designed for and occupied as a temporary dwelling place. Access to guestrooms shall be restricted exclusively to interior corridors, that shall be accessed via the main lobby of the building or entryways individually equipped with some form of security-controlled access system. Customary hotel services such as linen, maid service, telephone, and other guest amenities are provided and may also contain various personal service shops.
- (12) Residence Hotel. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Residence hotel room units are designed to be suitable for long-term occupancy with financial consideration being calculated on a nightly, weekly, and/or monthly basis. Typical residence hotel attributes include, but are not limited to, kitchen facilities, two-story design, and external doorways into room units.
- (13) Motel. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Each motel room unit has direct access to the outside. Financial consideration for motel room units is generally calculated on a nightly basis.
- (14) Multi-Family Structure or Development. A development consisting of at least three (3) single-family dwelling units grouped into a single building or multiple buildings on an individual parcel of land. Examples of a *Multi-Family Development* include Triplexes, Quad or Fourplexes, apartments, condominiums, and etcetera.
- (15) Portable Building. A temporary building that may or may not have a foundation and is transportable.
- (16) Residential Infill in or Adjacent to an Established Subdivision. The new development of a single-family home or duplex on an existing vacant or undeveloped parcel of land or the redevelopment of a developed parcel of land for a new single-family home or duplex within an established subdivision that is mostly or entirely built-out.
- (17) Single-Family Attached Structure. A single-family residential structure that is occupied by one (1) family and shares a common wall or walls with another single-family residential structure, but that is on an individual lot and can be conveyed individually (*i.e. one [1] dwelling unit per lot*).
- (18) Single-Family Detached Structure. A single-family residential structure that is occupied by one (1) family, is situated on a single parcel of land, does not share a common wall or wall with any adjacent structures, and can be conveyed individually (*i.e. one [1] dwelling unit per lot*).
- (19) Single-Family Zero Lot Line Structure. A single-family detached structure that has a wall or walls that comes up to, or very near to, the edge of the property line on one (1) side of the property.
- (20) Private Swimming Pool. A swimming pool constructed for the exclusive use of the property owner and/or residents of a single-family, duplex, multi-family structure or development. A private swimming pool shall not be operated as a business.
- (21) Private Tennis Court. A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for night play in residential areas

except as may be otherwise permitted.

- (22) Townhouse. A single-family residential structure that is occupied by one (1) family and shares a common wall or walls with another single-family residential structure, but that is on an individual lot and can be conveyed individually (i.e. one [1] dwelling unit per lot). These units are typically constructed in a series or group of units.
- (23) Urban Residential. A development situated within the City's Downtown (DT) District -- which is also referred to as the urban core -- that allows for multiple single-family dwelling units grouped into a single building. This type of structure typically contains a mix of office, retail, and residential land uses.

(C) Institutional and Community Service Land Uses.

- (1) Assisted Living Facility. A facility that is licensed under Chapter 247, *Assisted Living Facilities*, of the Texas Health and Safety Code that furnishes -- in one (1) or more buildings -- food, shelter, and limited assistance to persons who are unrelated to the proprietor of the establishment, and also provides personal care services.
- (2) Blood or Plasma Donation Center. A facility that allows for a person or persons to donate or sell blood or plasma for use in medical or other products.
- (3) Cemetery/Mausoleum. A land used intended to be used for the burial of the human or animal remains and dedicated for cemetery purposes, including crematories, mortuaries and funeral chapels if operated in connection with and within the boundaries of such cemetery.
- (4) Church/House of Worship. A facility or area where people gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence.
- (5) College, University, or Seminary. An institution established for educational purposes offering courses for study beyond the secondary education level. This land use shall exclude *Trade Schools*.
- (6) Convalescent Care Facility/Nursing Home. A facility providing primarily inpatient health care, personal care, or rehabilitative services on a 24-hour basis over a long period of time to persons chronically ill, aged, or disabled who need ongoing health supervision, but not hospitalization.
- (7) Congregate Care Facility/Elderly Housing. A facility for long-term residence -- exclusively for persons 62 years of age or older -- who may need limited assistance with daily living activities, and which includes at a minimum each of the following amenities and personal care services: [1] private living quarters that are designed for a maximum of double occupancy and which no full kitchen facilities are permitted (i.e. no dishwasher or oven); [2] daily prepared meals in a common dining area; [3] housekeeping, laundry service, and private bus transportation service; [4] dedicated areas for social activities; and [5] dedicated areas for indoor and outdoor recreation activities.
- (8) Crematorium. A facility licensed, or qualified to be licensed, by the State of Texas for the cremation of human remains.

- (9) Daycare with Seven (7) or More Children. A state licensed facility -- other than a public, parochial, or private school -- providing care for seven (7) or more children under the age of 14 years old for less than 24-hours per day (typically daytime hours only) at a location other than a residence.
- (10) Emergency Ground Ambulance Services. A facility that houses Emergency Medical Service (EMS) motor vehicles or ambulances that are dispatched to offer emergency paramedic services that require an urgent medical response.
- (11) Group or Community Home. A home for disabled persons whose ability to care for themselves, perform manual tasks, learn, work, walk, see, hear, speak or breath is substantially limited because the person has an orthopedic, visual, speech, or hearing impairment, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness.
- (12) Government Facility. An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to: City services/offices, employment offices, police and fire stations, and/or motor vehicle licensing and registration services.
- (13) Halfway House. A facility where persons are aided in readjusting to society following a period of imprisonment, hospitalization, homelessness, or institutionalized treatment.
- (14) Hospice. A facility designed to provide a centralized program for palliative and supportive services to dying persons and their families in the form of physical, psychological, social, and spiritual care either directly or on a consulting basis.
- (15) Hospital. An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.
- (16) Public Library, Art Gallery, or Museum. An institution for the collection, display and distribution of objects of art, science, or library sciences and which are sponsored by a public or quasi-public agency that is open to the general public.
- (17) Mortuary or Funeral Chapel. A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of a deceased for burial and/or the display of the deceased through ceremonies prior to burial or cremation.
- (18) Local Post Office. A local branch of the United States Postal Services or a private commercial venture engaged in the distribution of mail, packages, and incidental services.
- (19) Regional Post Office. A branch of the United States Postal Services or a private commercial venture engage in the regional distribution of mail and packages to local post offices.
- (20) Prison/Custodial Institution. A facility responsible for the incarceration of adults that provides 24-hour supervision by professionals. These types of facilities include prisons, jails, and probation facilities.
- (21) Public or Private Primary School. A school that is either owned and operated by the independent school district or a private commercial organization for children from five (5) to 11-years of age to receive their primary or elementary education.

(22) Public or Private Secondary School. A school that is either owned and operated by the independent school district or a private commercial organization for children from 11 to 18-years of age to receive their secondary or high school education.

(23) Temporary Education Buildings for a Public or Private School. A temporary building for classrooms, recreation and administrative needs for the independent school district or a private commercial organization as defined by Section 1202, *Industrialized Housing and Buildings*, of the Texas Occupations Code.

(24) Rescue Mission or Shelter for the Homeless. A non-profit housing shelter operating as an accessory use to a religious facility, providing temporary free lodging for indigent individuals or families with no regular home or residential address. A *Rescue Mission or Shelter for the Homeless* shall house a maximum of 15 individuals for a period not to exceed a maximum of 30-days.

(25) Social Service Provider (Except Rescue Mission or Shelter for the Homeless). Any organization operating under a non-profit charter, the activities of which are devoted exclusively to charitable, benevolent, patriotic, employment related, or educational purposes not currently listed elsewhere in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).

(D) Office and Professional Land Uses.

(1) Financial Institution. A facility that is open to the public for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds and that is licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. Accessory uses may include automatic teller machines, drive through service, offices, and parking. This excludes bail bonds, pawnshops, payday advance/loan businesses, and motor vehicle title loan businesses.

(2) Office Building. A facility that provides executive, management, administrative, or professional services not specifically listed elsewhere in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#), but not involving the sale of merchandise except as incidental to a permitted use. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

(E) Recreation, Entertainment and Amusement Land Uses.

(1) Temporary Carnival, Circus, or Amusement Ride. A temporary, traveling show or exhibition that has no permanent structure or installation, and is intended to attract people to a site where there may or may not be an admission charge. These activities include: carnivals, circuses, rides, entertainment, gaming booths, food stands, exhibitions, and animal displays. Outdoor or indoor commercial amusement provided on a temporary basis.

(2) Indoor Commercial Amusement/Recreation. Any enterprise whose main purpose is to provide the general public with a variety of amusing or entertaining activities, including such activities as skating rinks, bowling alleys, video arcades, billiard tables and similar enterprises, but does not include theaters and auditoriums.

- (3) Outdoor Commercial Amusement/Recreation. An amusement enterprise that offers entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open.
- (4) Public or Private Community Recreation Club as an Accessory Use. (1) Public: A facility or area that is owned and/or operated by a nonprofit organization and that provides for sports, leisure, and recreation activities operated for the general public. (2) Private: A recreation facility operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.
- (5) Private Country Club. A facility or area laid out for recreational, athletic, and social purposes, with limited membership, and the use of which is primarily restricted to members and their guests. A golf course may be included as an additional principal use. Accessory uses may include retail sales, a club house, and other recreational facilities.
- (6) Golf Driving Range. An area improved with trees, greens, fairways, hazards, and which may include a clubhouse, dining room, and accessory recreational uses.
- (7) Temporary Fundraising Events by Non-profit. An event sponsored by a recognized legal nonprofit organization, intended to attract people to a site where there may or may not be an admission charge.
- (8) Gun Club with Skeet or Target Range. A facility or area for the sport of shooting at targets to test accuracy in rifles, pistols, or archery practice, owned or operated by a corporation, association, or persons.
- (9) Health Club or Gym. A public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include -- *but are not limited to* -- game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.
- (10) Private Club, Lodge or Fraternal Organization. (1) Private Club. Private quarters for a private organization, a principal purpose of which is the preparation and service of food and/or drink for members and their guests only and falling within the definition of and permitted by Chapter 32, Private Club Registration Permit, of the Texas Alcoholic Beverage Code. (2) Lodge or Fraternal Organization. A facility or area for a special purpose organization or for the sharing of sports, arts, literature, politics, or other similar interests, but not primarily for profit or to render a service that is customarily carried on as a business, excluding churches, synagogues, or other houses of worship or religious assembly.
- (11) Private Sports Arena, Stadium, and/or Track. An athletic field or stadium that is not owned or operated by a public agency such as a city or school and operated for the exclusive use of its members and their guests and not the general public.
- (12) Public Park or Playground. A facility or area for recreational, cultural, or aesthetic use owned or operated by a public agency and available to the general public. This definition may include -- *but is not limited to* -- lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, pavilions, wooded areas, and water courses.
- (13) Sexually Oriented Businesses. See [Article XI, Sexually Oriented Businesses, of Chapter 12, Businesses and Sales, of the Municipal Code of Ordinances.](#)

(14) Tennis Courts (i.e. Not Accessory to a Public or Private Country Club). A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances. This would be the primary use for a property and not attached to a Public or Private Country Club.

(15) Theater. A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

(F) Retail and Personal Service Land Uses.

(1) Antique/Collectible Store. A retail establishment that engages in the selling of works of art, furniture or other artifacts of an earlier period.

(2) Astrologer, Hypnotist, or Psychic. An establishment providing predictions or readings of the future based on intuitive or mental powers, astrology, card or tea reading, crystal gazing, palmistry, or spiritual reading.

(3) Banquet Facility/Event Hall. An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

(4) Portable Beverage Service Facility. A portable beverage service facility is an establishment that sells beverages from a structure that can be moved from place to place but that stays at one location during a normal business day; food sales are prohibited in these facilities.

(5) Brewpub. A brewpub is a restaurant that incorporates a craft or microbrewery as an accessory use. The craft or microbrewery in conjunction with the restaurant allows for the manufacturing of beer -- *in limited quantities* -- for both on-premise and off-premise consumption.

(6) Business School. A business organized to operate for profit that offers instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

(7) Catering Service. A food establishment without on-site banquet facilities that provides, prepares, and/or serves food at off-site locations for groups, where all food and service expenses are paid by the group and not for individual sale.

(8) Temporary Christmas Tree Sales Lot and Similar Uses. A building or land area that provides seasonal uses such as the sale of Christmas trees, pumpkins, and other temporary uses which occur at certain times of the year.

(9) Copy Center. An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry, or government organization.

- (10) Craft/Micro Brewery, Distillery and/or Winery. A craft/microbrewery is a small-scale brewing facility designed for the production of malt liquors such as beer and ale, using grains such as oats, hops, rice, wheat, and barley, designed and managed to brew no more than 75,000 barrels of beer per year. A distillery and/or winery is a small-scale facility designed for the manufacture, bottling, labeling, packaging, and sale of wine containing not more than 24% alcohol by volume, distilled spirits and other liquors.
- (11) Incidental Display. An outdoor retail sale or commercial promotion, not in excess of thirty (30) days during any 12-month period, adjacent to an existing permanent business operated in the city where the products displayed or sold outdoors are the same as those sold inside the existing permanent business and where such activity is incidental to the normal conduct of business operated by the same merchant or his employer in an on-site building for which a valid Certificate of Occupancy (CO) exists and when permitted by the City.
- (12) Food Truck/Trailer. A food truck or trailer is a mobile food vendor that sells food and/or beverages that are either pre-packaged or prepared in the confines of a portable truck/trailer, which can be moved from place to place, but is typically in a fixed location for extended periods of time.
- (13) Garden Supply/Plant Nursery. An establishment for the cultivation and propagation, display, storage and sale (*i.e. retail and wholesale*) of large plants, shrubs, trees and other materials used for in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use.
- (14) General Personal Service. Establishments primarily engaged in providing services generally involving the care of the person and/or his/her apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and reducing salons/health clubs.
- (15) General Retail Store. A facility or area for the retail sale of general merchandise or food to the public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel; equipment for hobbies or sports; gifts; flowers and household plants; dry goods; groceries, convenience, and specialty foods; toys; furniture; books and stationery; pets; drugs; hardware; and similar consumer goods. This use does not include uses that are specifically addressed in [Section 1, Land Use Schedule, of Article IV, Permissible Uses](#).
- (16) Hair Salon and/or Manicurist. A business that provides customers with beauty treatments including -- *but not limited to* -- haircuts, manicures, pedicures, and other similar treatments.
- (17) Laundromat with Dropoff/Pickup. A personal service shop that specializes in cleaning clothes that may or may not include coin-operated washing machines and dryers for public use.
- (18) Self-Service Laundromat. A facility where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.
- (19) Massage Therapist. Any building, room, place, or establishment other than where regularly licensed non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by a licensed massage therapist, physician, surgeon, dentist, occupational or physical therapist, chiropractor, or osteopath, with or without the use of therapeutic, electrical, mechanical, or bathing devices.

- (20) Private Museum or Art Gallery. An institution for the collection, display and distribution of objects of art or science, and which is sponsored by a public or quasi-public agency in a facility that is open to the general public.
- (21) Night Club, Discotheque, or Dance Hall. An establishment, facility, or room that offers or provides entertainment of any kind for remuneration, whether through fees, ticket sales, cover charges, membership, dues, or portion of funds generated in any other manner, usually collected at the time of customer entry into the establishment. Such establishments may provide accommodations for patron dancing; dispense alcoholic beverages for consumption on the premises; provide live, recorded, or televised music or comedy performances; and/or serve food as an ancillary service. *Night Club* shall not include indoor theaters, auditoriums and stadiums with fixed row seating, private clubs, bars, teen clubs, banquet halls, or establishments defined elsewhere in [Section 1, Land Use Schedule](#).
- (22) Pawn Shop. A retail operation which provides for the lending of money with personal items held as collateral, or the purchasing, or the repurchasing of gold, silver, jewelry, watches, and gems in addition to other merchandise.
- (23) Permanent Cosmetics. A cosmetic technique which employs permanent pigmentation of the dermis as a means of producing designs that resemble makeup, such as eye-lining and other permanent enhancing colors to the skin of the face, lips, and eyelids.
- (24) Pet Shop. A *Pet Shop* is a retail business which sells different kinds of animals to the public. A variety of animal supplies and pet accessories are also sold in *Pet Shops*. The products typically sold in these establishments include -- *but are not limited to* -- food, treats, toys, collars, leashes, cat litter, cages and aquariums.
- (25) Temporary Real Estate Sales Office. *Temporary on-site Real Estate Sales Offices* located on property being sold, shall be limited to the period of sale of the lots with a two (2) year initial period and one (1) year extensions being authorized by the Chief Building Official.
- (26) Rental Store without Outside Storage and/or Display. A retail business that sells, rents, or leases tools, equipment, or other goods on a short-time basis to customers to the extent that the item is actually used by the customer.
- (27) Restaurant with Drive Through or Drive-In. A place of business whose primary source of revenue is derived from the sale of prepared food to the general public for consumption on-premise or off-premises and/or in a personal vehicle or where facilities are provided on the premises that encourages the serving and consumption of food in a personal vehicle on or near the restaurant premises. The term shall not include a bakery, pastry shop, meat market, or ice cream parlor if on-premises consumption of food is not allowed.
- (28) Restaurant without Drive Through or Drive-In. A place of business whose primary source of revenue is derived from the sale of prepared food to the general public for consumption on-premise or off-premise and does not provide facilities that allow the serving and consumption of food in personal vehicles on or near the restaurant premises. The term shall not include a bakery, pastry shop, meat market, or ice cream parlor if on-premises consumption of food is not allowed.
- (29) Retail Store with Gasoline Sales. An establishment that engages in the sale of fuel, lubricants, and/or accessories for motor vehicles, and that may have ancillary retail sales of convenience goods. A dispenser in a *Retail Store with Gasoline Sales* is assumed to serve two (2) standard motor vehicles.

- (30) Second Hand Dealer. An establishment for the sale of any goods, materials, or other articles of merchandise that are not new (e.g. *consignment stores*). This definition includes items that have been used or worn previously by another.
- (31) Art, Photography, or Music Studio. A workplace for the teaching, preparation, or practice of an art such as animation, ceramics, dance, graphic design, music, painting, photography, pottery, scrapbooking, and sculpture.
- (32) Tailor, Clothing, and/or Apparel Shop. An establishment engaged in custom making, altering, or the repair of clothing.
- (33) Tattoo and/or Body Piercing. An establishment whose principal business activity, either in terms of operation or as provided to the general public, is the practice of one (1) or more of the following: [1] placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin, by means of the use of needles or other instruments designed to contact or puncture the skin; [2] creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.
- (34) Taxidermist Shop. A facility engaged in the preserving of an animal's body via mounting or stuffing for the purpose of display or study.

(G) Commercial and Business Services Land Uses.

- (1) Bail Bonds. An establishment that solicits, negotiates, and executes bonds or other security to guarantee the appearance in court of a person accused of a crime.
- (2) Building and Landscape Material. An establishment for the sale of materials customarily used in the construction of buildings and other structures, including sales of lumber, drywall and similar construction materials.
- (3) Building Maintenance, Service, and Sales. A facility or area for contracting services such as building repair and maintenance; the installation of plumbing, electrical, air conditioning, and heating equipment; janitorial services; and exterminating services. The retail sale of supplies is permitted as an accessory use.
- (4) Commercial Cleaners. A facility or area for cleaning items in bulk quantities such as clothes and linens. This definition includes cleaning for hospitals, restaurants, hotels, diaper cleaning services, and other similar accounts, as well as rug and dry-cleaning plants where on-premise retail services to individual households are incidental to the operation of the plant.
- (5) Custom and Craft Work. A facility or area in which finished, personal, or household items that are either made to order or that involve considerable handwork are produced. Examples include but are not limited to textiles, pottery, furniture repair or refinishing, wood working, upholstery, sculpting, and other work or wood products on an individualized single item basis. Cabinetmaking and cabinet assembly shops are not included in this definition. The use of mechanized assembly line production is excluded from this definition.
- (6) Electrical, Watch, Clock, Jewelry, and Similar Repair. An establishment that designs, makes, sells or repairs small consumer goods.

- (7) Feed Store, Ranch Supply. An establishment for the selling of corn, grain, and other food stuffs for animals and livestock, and including other implements and goods related to agricultural processes, but not including farm machinery.
- (8) Furniture Upholstery/Refinishing and Resale. A furniture upholstery refinishing or resale business is a business that engages in the act of reupholstering, repairing, stripping, refinishing, restoring or rebuilding furniture for the purpose of retailing the finished good.
- (9) Gunsmith Repair and Sales. An establishment that specializes in the repair and/or sale of small fire arms (e.g. handguns and shotguns) for individuals.
- (10) Heavy Machinery and Equipment Rental, Sales, and Service. A building or open area, other than a right-of-way or a public parking area, used for the display, sale, rental, and storage of heavy machinery, either machines in general or as a functioning unit. Heavy machinery includes -- *but is not limited to* -- tractors, farm machinery, bulldozers, street graders, and paving devices.
- (11) Locksmith. A business that works with locks, keys and security systems.
- (12) Machine Shop. A shop wherein there are facilities and tools, which are utilized in the shaping and forging, welding or fabricating of metal products and/or related items.
- (13) Medical or Scientific Research Lab. A facility or area for conducting medical or scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition also includes labs for the manufacture of dentures and prostheses.
- (14) Manufactured Homes Sales. The offering for sale, storage, or display of new and/or used manufactured homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
- (15) Research and Technology/Light Assembly. An indoor facility that includes laboratories and experimental equipment for medical testing, prototype design and development, and product testing.
- (16) Shoe and Boot Repair and Sales. A business that specializes in the sale and repair of shoes and boots.
- (17) Trade School. Establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art, or occupation.
- (18) Temporary On-site Construction Office. A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

(H) Auto and Marine-Related Land Uses Conditions.

- (1) Major Auto Repair Garage. Major repair, rebuilding or reconditioning of engines, transmissions, or other major components for motor vehicles; collision services including body, frame, or fender straightening or repair; customizing; overall painting or paint shop; automotive glass and upholstery; those uses listed under Automobile repair, minor, and other similar uses. All repair work shall be performed inside an enclosed building. Vehicles shall not be stored on site no longer than 90-days.

- (2) Minor Auto Repair Garage. Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil spark plugs, and filter changing; tire alignment; tune-ups, emergency road service; replacement of starters, alternators, hoses, brake parts, mufflers; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air-conditioning systems, and similar minor services for motor vehicles except heavy land vehicles, but not including any operation named under Automobile repair, major, or any other similar use. All work must be performed inside an enclosed building. Vehicles shall not be stored on site for longer than 14 days.
- (3) Automobile Rental. A business that engages in the rental of light load motor vehicles for short periods of time for a fee. This use excludes the truck and heavy equipment rental.
- (4) Boat and Trailer Dealerships (New and Used). A business that buys and sell boats and boat trailers that are both new and used.
- (5) Car Wash. A facility or area for the cleaning or steam cleaning, washing, polishing, or waxing of passenger vehicles by machine or hand-operated facilities. A car wash may be [1] a single unit type that has a single bay or a group of single bays with each bay to accommodate one vehicle only; or [2] a tunnel type that allows washing of multiple vehicles in a tandem arrangement while moving through the structure.
- (6) New and/or Used Indoor Motor Vehicle Dealership/Showroom. The indoor storage of operable automobiles in a fully enclosed building for the purpose of holding such vehicles for sale, lease, distribution, or storage.
- (7) Motor Vehicle Dealerships for Cars and Light Trucks. Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles within an area or enclosed building.
- (8) Commercial Parking Lot. An area or structure intended for parking that is operated as a business enterprise with a service charge or fee being paid to the owner or operator for the storage or parking of privately-owned vehicles, and is not reserved or required to accommodate occupants, clients, customers, or employees of a particular establishment or premises.
- (9) Non-Commercial Parking Lot. An area, structure, or shared area that is open to the general public for the temporary parking of operable personal and light commercial vehicles.
- (10) Recreational Vehicle (RV) Sales and Service. An establishment that engages in the sale and/or leasing of new and/or used recreation vehicles (including as an accessory use) and the repair and service of these vehicles.
- (11) Service Station. An establishment where gasoline and other petroleum products are sold as the principal use of the property. Light maintenance activities such as engine tuneups, lubrication, and minor repairs may also be provided if incidental to such principal use.
- (12) Towing and Impound Yard. Any lot that two (2) or more motor vehicles of any kind of for the purpose of holding such vehicles in reserve or incapable of being operated due to condition or lack of license have been placed for the purpose of obtaining parts for recycling or resale.
- (A) Conditional Standards.

- (13) Towing Service without Storage. Establishment that provides for the removal of vehicles but does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles.
- (14) Truck Rental. The display and rental of new or used heavy commercial vehicles or trucks in operable condition.
- (15) Truck Stop with Gasoline Sales and Accessory Services. An area for parking heavy commercial vehicles and/or trucks for storage purposes including the retail dispensing and/or sales of truck and automobile fuels, lubricants and/or accessories as an accessory use and not including automotive repair services.

(I) Industrial and Manufacturing Land Uses.

- (1) Asphalt or Concrete Batch Plant. A permanent manufacturing facility for the production of concrete or asphalt.
- (2) Temporary Asphalt or Concrete Batch Plant. A temporary manufacturing facility for the production of concrete or asphalt during construction of a project and to be removed when the project is completed.
- (3) Bottle Works, Milks, or Soft Drinks. A facility for food or beverage processing that uses mechanized assembly line production for canned or bottled goods.
- (4) Brewery or Distillery. A brewery or distillery is an industrial facility where the primary purpose of the facility is the manufacturing of malt, brewed and/or distilled beverages produced on the premises for sale or distributed for off-premise consumption.
- (5) Carpet and Rug Cleaning. A personal service business that specializes in the cleaning of carpet and rugs in both residential and non-residential structures.
- (6) Environmentally Hazardous Materials. Any solid, liquid, or gaseous matter which is present in sufficient quantities to endanger health, safety, or comfort of persons in the vicinity or which may cause injury or damage to property.
- (7) Food Processing with No Slaughtering. A facility or area in which food for human consumption in its final form, such as candy, baked goods, tortillas, and ice cream is produced, and the food is distributed to retailers or wholesalers for resale on or off the premises. Food or beverage processing using mechanized assembly line production of canned or bottled goods is excluded from this definition. Sales may either be retail or wholesale, and are generally made to businesses rather than to individual households.
- (8) Light Assembly and Fabrication. A business where parts, manufactured elsewhere, are assembled with the assistance of power-driven machines and materials-handling equipment, and manipulated primarily by hand which produces low dust and fiber, and all materials are assembled and stored within an enclosed building.
- (9) Heavy Manufacturing. A facility or area for generally mass-producing goods usually for sale to wholesalers or other industrial or manufacturing uses. A heavy manufacturing use is one which employs the following or similar types of processes: [1] the milling of grain as retail sales and service; [2] producing animal food and tanning animal hides; [3] production of large durable goods such as but not limited to motorcycles, cars, manufactured homes, or airplanes; [4] canning or bottling of food or beverages for human consumption using a mechanized assembly line; [5] manufacturing of paint,

oils, pharmaceuticals, cosmetics, solvents, and other chemical products, and use of a foundry for metals; [6] production of items made from stone, clay, metal, or concrete; and, [7] tire recapping or retreading.

- (10) Light Manufacturing. A facility or area for producing goods without the use of chemical processing of materials. Light manufacturing activities include -- *but are not limited to* -- the following activities: [1] assembly, finishing, and/or packaging of small items from component parts made at another location (examples include but are not limited to cabinetmaking, or the assembly of clocks, electrical appliances, or medical equipment); [2] production of items made from materials derived from plants or animals, including but not limited to leather, pre-milled wood, rubber, paper, wool, or cork, or from textiles or plastics; [3] electrical component manufacturing; [4] reproduction, cutting, printing, or binding of written materials, drawings, or newspapers on a bulk basis using lithography, offset printing, blue printing, and other similar methods; [5] machine or welding shop where material is processed by machining, cutting, grinding, welding, or similar processes; and, [6] spray painting or motor vehicle conversion.
- (11) Metal/Electro Plating. The process that uses an electric current to reduce dissolved metal cations so that they form a thin coherent metal coating on an electrode.
- (12) Mining and Extraction (Sand, Gravel, Oil and Other). The process of extracting natural resources from the earth that includes -- *but is not limited to* -- sand, gravel, stone, and petroleum.
- (13) Printing and Publishing. An establishment whose primary service is long-run printing including -- *but not limited to* -- book, magazine, and newspaper publishing.
- (14) Indoor Salvage or Reclamation of Products. An indoor facility for storing, keeping, selling, dismantling, or salvaging scrap or discarded material or equipment not listed elsewhere in this Code. The term "scrap or discarded materials" includes but is not limited to metal, paper, rags, tires, bottles, inoperable or wrecked motor vehicles, motor vehicle parts, machinery, structural steel, equipment, and appliances. This definition includes indoor facilities for recycling recoverable resources, such as newspapers, magazines, books, and other paper products; glass, metal cans, and other products, to return such products to a condition in which they may again be used for production.
- (15) Outdoor Salvage of Products. An outdoor or partially outdoor facility or area for storing, keeping, selling, dismantling, or salvaging scrap or discarded material or equipment not listed elsewhere in this Code. The term "scrap or discarded materials" includes but is not limited to metal, paper, rags, tires, bottles, inoperable or wrecked motor vehicles, motor vehicle parts, machinery, structural steel, equipment, and appliances. This definition includes outdoor or partially outdoor facilities for recycling recoverable resources, such as newspapers, magazines, books, and other paper products; glass, metal cans, and other products, to return such products to a condition in which they may again be used for production.
- (16) Sheet Metal Shop. A company that specializes in the creation of metal structures by cutting, bending and assembling processes.
- (17) Tool, Dye, Gauge, and Machine Shop. A workshop where metal fabrication tools, including but not limited to lathes, presses, and mills, are used for making finishing, or repairing machines or machine parts.
- (18) Welding Repair. A technique in which a cracked material is removed by arc gouging and the element is welded to re-join the material on either side of the crack.

(19) Winery. A winery is the industrial manufacturing, bottling, labeling and packaging of wine in accordance with the Texas Local Government Code (TLGC).

(J) Wholesale, Distribution and Storage Land Uses.

(1) Cold Storage Plant. A commercial establishment where foods are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or other commercial businesses. There is no slaughtering of animals on the premises.

(2) Heavy Construction/Trade Yard. A land or structure used primarily for the storage of equipment, vehicles, machinery, building materials, paint, piping, or electrical components being used by the owner or occupant of the premises in the conduct of a building trade.

(3) Landfill. A tract of land used for the burial of farm, residential, institutional, or commercial waste that is not hazardous, medical, or radioactive.

(4) Mini-Warehouse. A *Mini-Warehouse (or self-storage facility)* is an enclosed storage facility containing independent, fully enclosed bays that are generally leased to individuals for long-term storage of their household goods or personal property.

(5) Outside Storage and/or Outside Display. The permanent or continuous keeping, displaying, or storing of unfinished goods, material, merchandise, equipment, service vehicles or heavy vehicles outside of a building on a lot or tract overnight or for more than 24-hours.

(6) Recycling Collection Center. An enclosed trailer used for the collection and temporary storage of empty beverage containers, aluminum, glass, plastic, paper, clothing, or similar materials for recycling purposes. This definition includes automated can banks that crush cans as they are deposited. This definition does not include donation boxes for clothing, toys, household goods, and similar items.

(7) Warehouse/Distribution Center. A building used primarily for the storage and distribution of goods, merchandise, supplies, and equipment including wholesalers which display, sell, and distribute merchandise to business representatives for resale but excluding *Truck Terminal*.

(8) Wholesale Showroom Facility. An establishment that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall be incidental to the primary use and shall not exceed 50% of the total floor area.

(K) Utilities, Communications, and Transportation Land Uses.

(1) Airport, Heliport, or Landing Field. An area used or intended for use for the landing and takeoff of aircraft and other aviation uses; An appurtenant area used or intended for use for an airport building or other airport facility or right-of-way, including a building or facility for the shelter, supply, repair, and maintenance of aircraft and related purposes; An airport building or facility located on an appurtenant area; Facilities for the fueling of aircraft; Buildings for office use; and Related uses and buildings and other uses and buildings incidental to any of the foregoing.

(2) Accessory Antenna. Any structure or device used to collect, receive, transmit, or radiate electromagnetic waves. Antennae may be mounted on towers or on buildings, and may be concealed

or unconcealed.

- (3) Commercial Antenna. Any antenna system that provides the transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.
- (4) Antenna for Amateur Radio. Any antenna system that provides the transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain.
- (5) Antenna Dish. An antenna that is parabolic or bowl-shaped and that receives and/or transmits signals in a specific directional pattern
- (6) Commercial Freestanding Antenna. A self-supporting, tubular-shaped antenna support structure which consists of a single vertical pole fixed into the ground and/or attached to a foundation.
- (7) Mounted Commercial Antenna. Any exterior transmitting or receiving device mounted on or within a support structure, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, television signals, or other communications signals.
- (8) Bus Charter and Service Facility. A facility for the loading and discharging of train or bus passengers.
- (9) Helipad. An area of land or water or a structural surface which is used, or intended for use, for the landing and taking-off of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.
- (10) Non-Municipally Owned or Controlled Utilities. The use of land for lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity, which are non-municipally owned or controlled.
- (11) Municipally Owned or Controlled Facilities, Utilities, and Uses. The use of land for lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity, which are municipally owned or controlled.
- (12) Private Streets. A private vehicular access way shared by and serving 2 or more lots, which is not dedicated to the public and is not publicly maintained. Private streets and alleys may be established only under the terms of the Subdivision Ordinance. The term "private street" shall be inclusive of alleys.
- (13) Radio Broadcasting.
- (14) Railroad Yard or Shop. A facility used for the storage of railway cars, boxcars and engines and related equipment.
- (15) Recording Studio. A facility that provides an environment for the purposes of writing, collaborating, performing, instruction, preparing, or completing audio recordings.
- (16) Satellite Dish.

- (17) Solar Energy Collector Panels and Systems. A ground- or building-mounted solar collection system consisting of solar photovoltaic cells, panels, or arrays and related equipment that relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation, and that supplies electrical power independently of an electrical production and distribution network.
- (18) Transit Passenger Facility. Any premises for the loading and unloading of passengers by a public or private transit company including the temporary parking of transit vehicles between routes or during stop overs and excluding overnight parking, storage, and maintenance of transit vehicles. This definition shall not include bus stops along rights-of-way.
- (19) Trucking Company. An area and building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.
- (20) TV Broadcasting and Other Communication Services. The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.
- (21) Franchise Utilities. A non-public utility requiring special facilities in residential areas or on public property such as heating, cooling, or communications not customarily provided by the municipality or public utilities.
- (22) General Utility Installation. Permanent facilities and structures operated by companies engaged in providing transportation and utility services including -- but not limited to -- railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.
- (23) Utility/Transmission Lines. Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the city or private utility company.
- (24) Wireless Communication Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennae that transmit information (audio, video, data) in the form of electromagnetic signals to one or more receivers without the use of a physical connection between the transmitting and receiving source. The term includes but is not limited to lattice towers, guyed towers, and monopole towers. The term does not include a clock tower, bell tower, steeple, light pole, power pole, water tower, or similar structure that incidentally supports antennae. Towers may be freestanding or building-mounted, and may be concealed or unconcealed.

Additions: **Highlighted**

Deletions: ~~Highlighted, Strikeout~~

Staff Notes: **Highlighted, Red Text**

Links/References: Blue, Underlined

ARTICLE XI, FENCES, CHAPTER 10, BUILDING AND BUILDING REGULATIONS, MUNICIPAL CODE OF ORDINANCES

DIVISION 1: GENERALLY

SECTION 10-402: DEFINITIONS

For the purposes of this article, the term “fence” means any wall or structure of any material, the purpose of which is to provide protection from intrusion, both physical and visual, to prevent escape, mark a boundary, enclose, screen, restrict access to, or decorate any lot, building or structure.

~~(Ord. No. 04-05, § 1(6-124), 1-20-2004)~~

~~SECTION 10-403: PERMIT REQUIRED; APPLICATIONS; FEES~~

~~No fence shall be constructed within the city without the owner or person in control of such premises, or his agent or contractor, having secured a permit therefor from the building official or his designee. A fence repair permit shall be required for the replacement of 25 linear feet or more of fencing and/or the replacement of five or more posts. When five or more posts are replaced, replacement posts must be metal posts. Applications shall be made and a permit issued on forms promulgated by the code official for such purpose. The fees for such permits shall be in amounts as established from time to time by resolution of the city council.~~

~~(Ord. No. 04-05, § 1(6-125), 1-20-2004)~~

~~SECTION 10-404: EXCEPTIONS~~

~~The following shall be exceptions to the terms of this article:~~

- ~~(1) Dikes and retaining walls for the purpose of diverting water and retaining soil shall not be considered fences within the terms of this article.~~
- ~~(2) Fences existing and in place at the time of the enactment of the ordinance from which this article is derived shall be excused from the permit provisions hereof. However, such fences shall be maintained to comply with the provisions hereof. Any such fence or any fence in an area annexed by the city after the effective date of the ordinance from which this article is derived shall be subject to the provisions of this article in the event of reconstruction, modification, enlargement, extension, alteration or any construction thereto other than normal maintenance thereof.~~

~~(Ord. No. 04-05, § 1(6-132), 1-20-2004)~~

~~SECTIONS 10-405 — 10-423: RESERVED~~

DIVISION 2: CONSTRUCTION STANDARDS

SECTION 10-424: SPECIAL PERMIT FOR REQUIRED FRONT YARD FENCE STANDARDS

For Fence Standards see [Section 8, Fence Standards, of Article VIII, Landscape and Fence Standards.](#)

(a) No fence shall be constructed in the required front yard of a residential property or of a tract or parcel of land adjacent to I-30 without first being granted a special permit by the city council. The city council may authorize the issuance of a special permit for the construction of a front yard fence subject to the provisions of this division. The city council, in considering and determining action on any request for a special permit, may require from the applicant plans, drawings, and other information concerning the proposed front yard fence. The city council may establish conditions of construction of any fence for which a special permit is authorized. However, no front yard fence proposed in a residential subdivision may be constructed without complying with any approved active deed restrictions for the subdivision.

(1) No fence shall be placed in the required front yard of a residential property in excess of 42 inches in height and constructed of wood or 48 inches in height and constructed of wrought iron, or in a non-residentially zoned area in excess of eight feet in height and shall be constructed of wrought iron. No opaque fences will be allowed in the required front yard.

(b) Exceptions:

(1) Model homes meeting the requirements as follows:

- a. The maximum height of front yard fence is not to exceed 42 inches.
- b. No opaque fences allowed in the front yard, fences must be 50 percent see through.
- c. The fence must be architecturally harmonious with the development and of split rail, picket, vinyl, or wrought iron.
- d. These fences are only temporary and must be removed, or city council approval sought at such time permanent residency will be established.

(2) Single Family—Estate (SF-E) meeting the requirements as follows:

- a. No opaque fences allowed in the front yard, fences must be 50 percent see through.
- b. Front yard fences shall be no more than 48 inches in height.
- c. Front yard fences shall be architecturally harmonious with the development, and of split rail, picket, vinyl, wrought iron or painted steel pipe.

(Ord. No. 04-05, § 1(6-126), 1-20-2004; Ord. No. 06-10, § 1(6-126), 3-20-2006; Ord. No. 11-23, § 1, 6-6-2011; Ord. No. 17-15, § 1, 3-20-2017)

SECTION 10-425: STANDARDS; SPECIFICATIONS; PROHIBITIONS

The following regulations shall apply to the construction of fences within the city, except for additional standards or requirements referenced in article V and article X of the Unified Development Code:

(1) No fence, guy wire, brace, light standard, sign, vee arm barbed wire base and arm, or any structure attached to a fence shall protrude over any property line.

(2) No chainlink fence shall be allowed within ten feet of the property lines unless completely screened from adjacent public areas and properties by either structure or solid landscape screening.

(3) Precast solid fencing shall require special approval by the planning and zoning commission.

(4) Fence height requirements. All fence heights shall be measured vertically from the inside natural or mean grade elevation of the yard.

- a. No residential fence shall exceed eight feet in height.
- b. No nonresidential fence shall exceed 12 feet in height.

(5) Fences may be placed in the required yards, as regulated in this article, and meeting the following conditions:

- a. Corner lots in residentially zoned areas which have rear lot lines adjacent to alleys, or other rear lot lines. Fences may be constructed not to exceed eight feet in height along the side yard and rear yard lines as indicated on appendix B, attached to the ordinance from which this section is derived.
- b. Corner lots in residentially zoned areas where the rear lot line is adjacent to a side lot line of an adjoining lot. Only fences not exceeding 42 inches in height and meeting the material requirements of a front yard fence in residentially zoned areas shall be constructed beyond the side building line as indicated on appendix C, attached to the ordinance from which this section is derived. Fences constructed on or behind the building line shall not exceed eight feet in height.
- c. Where an alley 15 feet or greater in width intervenes between the above-described lots, or a natural barrier of 15 feet or greater in width exists, such as creeks, railroads or easements where fences are prohibited, a fence not exceeding eight feet in height may be erected on the street side of the property line, indicated on appendix D, attached to the ordinance from which this section is derived.
- d. Through lots in residentially zoned areas with street frontage on both the front and rear property line. Fences may be constructed not to exceed eight feet in height along the side yard and rear yard lines on through lots where all lots within the block have a rear yard along the same street frontage, as indicated on appendix E—Example 1, attached to the ordinance from which this section is derived.
- e. When both front and rear yards are located along the same street frontage within a block, fences constructed within the designated rear yard shall not exceed 42 inches in height and shall meet the material requirements of a front yard fence in residentially zoned areas, as indicated on appendix E, Example 2, attached to the ordinance from which this section is derived, unless a variance to this request is granted by the zoning board of adjustment, as provided in section 10-447.

(6) Fences may be constructed of materials subject to the provisions of this article and the other codes and ordinances of the city.

- a. Permitted materials are wood pickets, chain link, wrought iron, decorative metal (i.e. with the appearance of wrought iron but is made from powder coated steel, aluminum or covered with a corrosion protection finish), brick, split face CMU blocks, stone, vinyl, fiberglass composite, painted steel pipe where allowed, barbed wire where allowed, concrete with stone face/form liner. Stucco is allowed on residential properties.
- b. Any other materials that are not manufactured specifically as fencing materials are prohibited.

(7) Solid wood fencing exceeding 48 inches in height must be constructed using metal post set in concrete, or brick or stone columns.

(8) It shall be unlawful for any person to construct or maintain any electrical fence or electrical attachment of any type, dimension, or composition on any fence within the city. Barbed wire fences may be used without restrictions when in conjunction with agricultural related uses; provided, however, no barbed wire fence shall be located on any platted property that is zoned or used as a residential property. In areas where barbed wire fences are allowed, arms or base and arms with barbed wire not to exceed three strands will be permitted. Concertina/razor wire shall be prohibited. Such attachments will be considered part of the fence for the purposes of determining the maximum height of said fence.

(9) The code official may permit temporary fencing for the purpose of protection or securing of construction sites. The duration of use must be stated in the application for a permit. Barbed wire fences may be allowed for temporary use upon approval of the location, height, and construction by the building official.

(Ord. No. 04-05, § 1(6-127), 1-20-2004; Ord. No. 06-10, § 1(6-127), 3-20-2006; Ord. No. 11-23, § 1, 6-6-2011; Ord. No. 17-15, § 1, 3-20-2017)

SECTION 10-4256: SWIMMING POOL, SPA AND HOT TUB/BARRIER REQUIREMENTS

- (a) The top of the barrier shall be at least 48 inches (1,219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches (102 mm).
- (b) Openings in the barrier shall not allow passage of a four-inch-diameter (102 mm) sphere.
- (c) Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- (d) Placement of members.
 - (1) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1,143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
 - (2) Exception. Boards with a minimum 60-degree angle, cut and placed at the top of the horizontal fence members, may be used on existing fences that will become pool barriers. This exception does not apply to fences adjacent to public right-of-way.
- (e) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1,143 mm) or more, spacing between vertical members shall not exceed four inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
- (f) Maximum mesh size for chainlink fences shall be a 2.25-inch (57 mm) square unless the fence is provided with slats fastened at the top or the bottom, which reduce the openings to not more than 1.75 inches (44 mm).
- (g) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).
- (h) Access gates shall comply with the requirements of subsections (a) through (g) of this section, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1,372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

- (1) The release mechanism shall be located on the pool side of the gate at least three inches (76 mm) below the top of the gate; and
 - (2) The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
- (i) Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
- (1) The pool shall be equipped with a powered safety cover in compliance with ASTM F1346;
 - (2) All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within seven seconds and sound continuously for a minimum of 30 seconds immediately after the door and/or its screen, if present are opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Deactivation shall last for not more than 15 seconds. The deactivation switch shall be located at least 54 inches (1,372 mm) above the threshold of the door; or
 - (3) Other means of protection, such as self-closing doors with self-latching devices, which are approved by the city council, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by subsection (i)(1) or (i)(2) of this section.
- (j) Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then:
- (1) The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
 - (2) The ladder or steps shall be surrounded by a barrier which meets the requirements of subsections (a) through (i) of this section. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four-inch-diameter (102 mm) sphere.
- (k) Fence barrier exceptions for spas or hot tubs are as follows:
- (1) Safety covers for spas and hot tubs must comply with ASTM F1346-91.
 - (2) There should be a means of fastening the safety cover to the hot tub or spa, such as key locks, combination locks, special tool, or similar devices.
 - (3) The safety cover should have a label that provides a warning and message regarding the risk of drowning.
 - (4) The cover should have been tested to demonstrate that it is capable of supporting the weight of one child (50 pounds) and one adult (225 pounds).
 - (5) There shall be no openings in the cover itself or at any point where the cover joins the surface of the hot tub or spa that would not allow a four-inch sphere to pass through.
 - (6) Safety covers are to be installed in accordance with the manufacturer's instructions.

(Ord. No. 04-05, § 1(6-128), 1-20-2004; Ord. No. 06-10, § 1(6-128), 3-20-2006; Ord. No. 08-03, § 1(exh. A, art. IX(6-129)), 1-22-2008)

SECTIONS 10-426~~7~~—10-445: RESERVED

DIVISION 3. - ADMINISTRATION

SECTION 10-446: INSPECTION UPON COMPLETION

Upon completion of a fence constructed under a permit issued by the building official, an inspection shall be made thereof by the building official or his designated representative. If the fence is constructed in accordance with the provisions of this article, the permit, and the application, the building official will issue written notice of acceptance to the permit holder. Any and all fences in the city shall hereafter be constructed under the provisions of this article and existing fences shall be maintained so as to comply with the requirements of this article at all times.

(Ord. No. 04-05, § 1(6-130), 1-20-2004)

SECTION 10-447: RESERVED VARIANCES

The city council is hereby authorized, after public notice has been given and a public hearing has been held, to hear and decide on requests for variances as it feels will alleviate an unnecessary hardship on a property owner resulting from the literal enforcement of the requirements in this article.

(Ord. No. 17-15, § 1, 3-20-2017)

Editor's note — Ord. No. 17-15, § 1, adopted March 20, 2017, amended the Code by repealing former § 10-447 and adding a new § 10-447. Former § 10-447 pertained to appeals, and derived from Ord. No. 04-05, adopted January 20, 2004.

SECTION 10-448: MAINTENANCE

- (a) No person owning, leasing, occupying, or having charge of any premises shall maintain or keep a fence in dilapidated condition that, although functional, creates an unsightly condition that substantially detracts from the appearance of the neighborhood.
- (b) Each structural and decorative member of a fence shall be free of deterioration and be compatible in size, material, and appearance with the remainder of the fence. Fences shall not be externally braced in lieu of replacing or repairing posts, columns, or other structural members.
- (c) The fence shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence. Except, however, for fencing four (4) feet or less in height, the vertical alignment shall not be more than six (6) inches from the vertical measured at the top of the fence.
- (d) Upon becoming aware of conditions set forth in subsections (a) through (c) of this section, the Neighborhood Improvement Services Representative shall make a determination as to whether the fence condition is a nuisance and should be abated. If so, the Neighborhood Improvement Services Representative shall give notice to such person having control of the premises to remedy such condition within ten days, unless good cause can be shown that additional time is needed to rectify the condition.

(Ord. No. 04-05, § 1(6-133), 1-20-2004; Ord. No. 17-15, § 1, 3-20-2017)

SECTIONS 10-449—10-465: RESERVED

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MSAB – AGENDA ITEM MEMORANDUM

TO: Mayor and City Councilmembers
FROM: Main Street Advisory Board
DATE: August 19, 2019
SUBJECT: MSAB recommendations to the DT District sign ordinance

The Main Street Advisory Board (MSAB) is requesting City Council consider recommended changes to the allowances for permanent signs in the DT District.

The MSAB was approached by the Downtown Rockwall Association and asked to partner with their group to review the current DT District sign ordinance. The MSAB voted to move forward with the initiative. Over the next few months board members researched other Historic Districts' guidelines in an effort to ensure the nature of their proposed changes were reasonable and appropriate.

The MSAB is very pleased with the amount of both public and private investment taking place downtown. The board is also concerned with preserving the character and charm that make the district unique. An integral part of Main Street's mission is its emphasis on economic vitality through preservation of place. The DT District has experienced considerable growth over the years, with investment and sales tax revenue at an all-time high. With the influx of new and diverse businesses opening throughout the district, the board agreed it was the appropriate time to review the current DT District sign ordinance.

The proposed changes were recommended to compliment the unique historic attributes of the downtown zoning district which set it apart from other commercial districts located throughout the city. The proposed changes focus on the features of the sign, such as materials, colors, illumination.

93 signs were inventoried and 76 are conforming, 17 non-conforming. If adopted by City Council, the proposed changes would go into effect immediately. Every sign in existence upon the adoption of this ordinance amendment shall be considered permitted with non-conforming signs allowed to remain. If in the future the sign is moved, altered, expanded, or the use intensified, the sign would have to be brought into compliance with the new ordinance.

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 19-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE CODE OF ORDINANCES IN CHAPTER 32. "SIGNS;" ARTICLE III. "REGULATIONS AND REQUIREMENTS;" DIVISION 4. "DOWNTOWN DISTRICT SIGNS" TO MODIFY ALLOWANCES FOR PERMANENT SIGNS IN THE DOWNTOWN DISTRICT; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city's Main Street Advisory Board exists in part to encourage and facilitate the Rockwall Main Street Program and its goals; and

WHEREAS, the City's Main Street Advisory Board has recommended modifications to the Downtown District's (DT) sign ordinance; and

WHEREAS, the City Council believes it to be in the best interest of the city to accept the recommendations of the Main Street Advisory Board and move forward with making said modifications.

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

SECTION 1. That the City of Rockwall's Code of Ordinances is hereby amended in Chapter 32. "Signs;" Article III. "Regulations and Requirements;" Division 4. "Downtown District Signs;" "Sec. 32-262;" subsections "(e)" and "(f)" to read as follows:

Sec. 32-262. - Functional standards within district.

(e) *Materials.* The same materials allowed for general business signs will be allowed in the Downtown [Sign](#) District (DT), with the addition of wood also being allowed as an approved sign material and the use of plastic materials being prohibited.

(f) *Sign illumination.* Signs illuminated by a lighting source not affixed to the sign, shall be warm white light, not exceeding 3500 kelvins.

SECTION 2. That the same chapter, article, and division of the Code of Ordinances (as referenced above) is also hereby amended to create a new section, "Sec. 32-263," which shall be called "Prohibited signs within district" and shall read as follows:

Sec. 32-263. – Prohibited signs within district.

- (a) Signs with integrated lighting, or internal illumination.
- (b) Neon lit signs, unless the sign is historical or a replica of a historical sign and specific to the building's history/time frame, i.e., an old theater, pharmacy or establishment once using a neon sign. Neon lit signs must be approved by the Main Street Advisory Board (See Illustration 6 in § 32-367.)
- (c) Three-dimensional single-sided or double-sided face cabinet, can, channel, or box construction signs (See Illustration 7 in § 32-367.)
- (d) Changeable Electronic Variable Message Signs (CEVMS)
- (e) Perforated film window clings (See Illustration 8 in § 32-367.)
- (f) Flashing, intermittently lighted, changing color, revolving, moving or similarly constructed signs shall not be allowed. This also applies to window signs, i.e. "Open" signs.
- (g) Signs containing fluorescent materials or fluorescent paint.

SECTION 3. That "Article V. Standards Table and Illustrations" Sec. 32-367 shall be amended to add "Illustration 6," "Illustration 7," "Illustration 8" and "Illustration 9" as reflected in and attached hereto as "Exhibit A;" and

SECTION 4. That the regulations adopted by this Ordinance shall be applicable to the Downtown District (DT) as reflected in "Illustration 9" of Exhibit A of this ordinance; and

SECTION 5. REPEALING ORDINANCES IN CONFLICT. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict; and

SECTION 6. SEVERABILITY. That if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and

SECTION 7. SAVINGS CLAUSE. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed. The balance of such ordinance is hereby saved from repeal; and

SECTION 8. EFFECTIVE DATE. That this ordinance shall become effective upon its second reading, and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS THIS 3rd DAY OF SEPTEMBER, 2019.

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

APPROVED AS TO FORM:

Frank Garza, City Attorney

1st Reading: 08/19/2019

2nd Reading: 09/03/2019

EXHIBIT A

Sec. 32-367. - Illustrations

NEON SIGNS



HISTORIC EXAMPLE



Modern Example

ILLUSTRATION 6

CABINET, BOX CONSTRUCTION SIGN



CHANNEL LETTER SIGNS



ILLUSTRATION 7

PERFORATED FILM WINDOW CLINGS



ILLUSTRATION 8

DOWNTOWN (DT) SIGNS DISTRICT

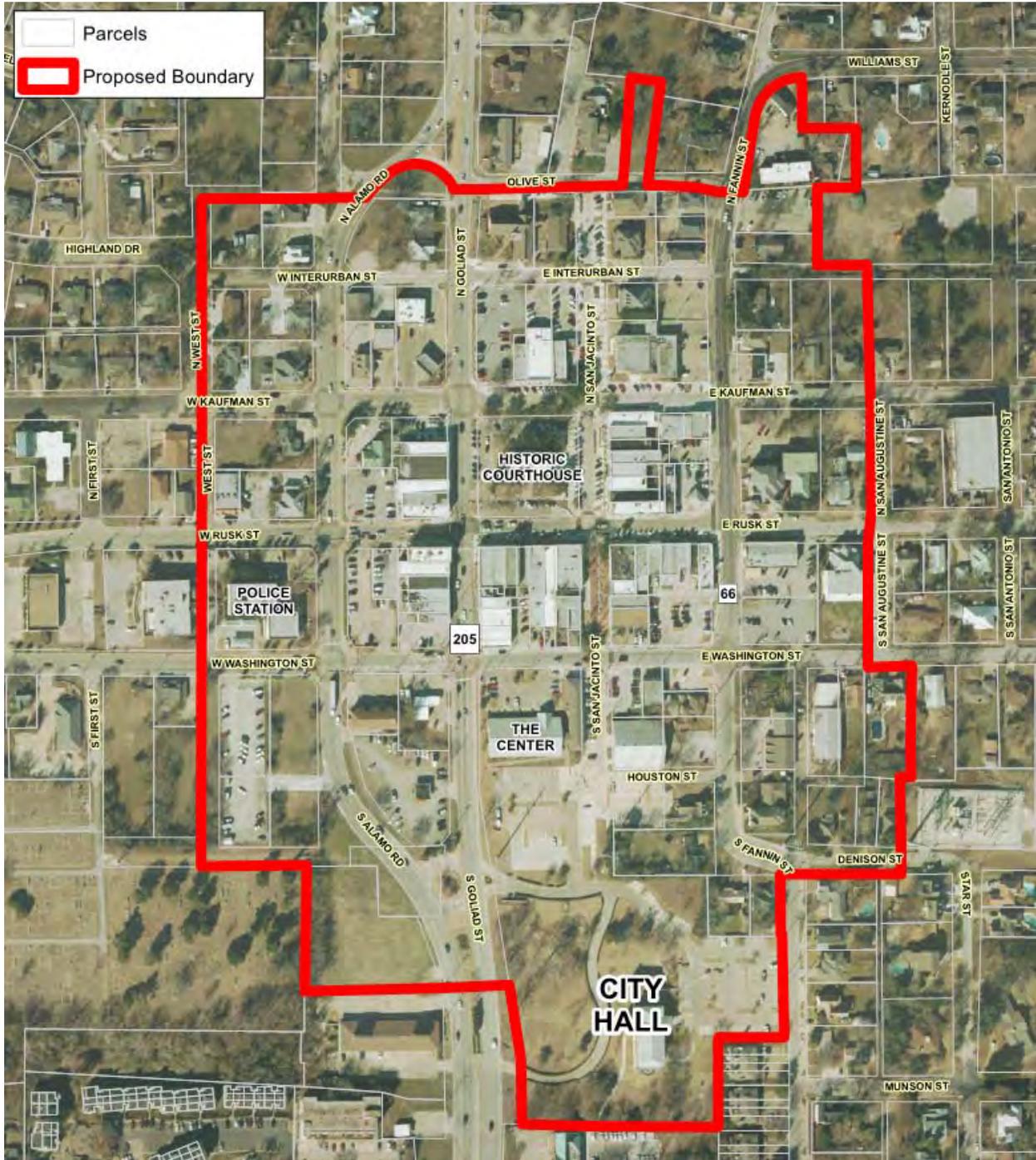


ILLUSTRATION 9

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Rick Crowley, City Manager
FROM: Amy Williams, P.E., Public Work Director/City Engineer
DATE: August 13, 2019
SUBJECT: John King/State Highway 205 Schematic

The Texas Department of Transportation (TXDOT) has requested a letter from the City of Rockwall approving the schematic of John King/State Highway 205 (SH 205) along with a temporary postponement of the implementation of the 14 feet shared outside lanes along John King until the ultimate section of John King is constructed.

John King is currently a four (4) lane divided city street. TXDOT is proposing not widening the roadway for this initial construction phase. Due to the existing roadway width of 24 feet, restriping will not achieve the required 14 foot shared lane and construction of 7.6 miles of an additional four (4) feet (two feet in either direction) to include a shared use lane is cost prohibitive. TXDOT is proposing a temporary postponement of the outside shared lanes until the ultimate improvements of six (6) lanes.

Staff is requesting the City Council consider approval of the schematic along with the postponement of the shared outside lane, and take any action necessary.

AW:jmw

Attachments

Cc: Joey Boyd, Assistant City Manger
Jeremy White, P.E., CFM, Civil Engineer
File

Memo



City of Rockwall
The New Horizon

August 20, 2019

Stephen Endres, P.E.
TxDOT Dallas District Office – APD
4777 East Highway 80
Mesquite, TX 75150

Dear Mr. Endres:

Please let this letter serve as the City of Rockwall's support of the schematic design concept for the reconstruction of SH 205 through the City of Rockwall. The City will accept leaving the existing lane widths in place and not providing an outside, fourteen foot shared use lane for the interim project. The city understands that the ultimate six-lane section will provide for the fourteen foot, outside shared use lane in the future. Furthermore, Rockwall supports the project moving forward and advancing to approve the schematic.

If you have any further questions, please feel free to contact my office at (972) 771-7701.

Regards,

Rick Crowley
City Manager

RC/em

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City of Rockwall
The New Horizon

MEMORANDUM

TO: Honorable Mayor and City Council Members
FROM: Kristy Cole, City Secretary / Assistant to the City Manager
DATE: Aug. 16, 2019
SUBJECT: Boards & Commissions (re)Appointments

Council is asked to consider the following reappointments and vacancies, terms of which expire this month. The Council liaison(s) assigned to each board is listed next to the board title. Unless otherwise noted, each person listed below who is eligible for reappointment has given staff indication that he or she does wish to be reappointed.

Airport Advisory Board (Pruitt, Fowler and Macalik)

- Mike Potter
- Tim Wolf
- Tom Woodruff
- VACANCY TO BE FILLED

Animal Advisory Board (Fowler)

- Ken Dickson

Architectural Review Board (Daniels)

- Ashlei Neill
- Robert Miller
- Julien Meyrat

ART Review Commission (Macalik)

- David Sweet
- Kathleen Morrow
- Jane Braddock does NOT wish to be reappointed – VACANCY TO BE FILLED

Board of Adjustments (full Council)

- David Lowrey
- Stuart Smith
- Shannon Bennett
- Peter Flores does NOT wish to be reappointed – VACANCY TO BE FILLED
- Todd White is termed out - – VACANCY TO BE FILLED

Historic Preservation Advisory Board (Trowbridge)

- Carolyn Francisco
- Jay Odom
- Daniel Nichols
- VACANCY TO BE FILLED

Main Street Advisory Board (Trowbridge)

- Terry Gregory resigned - VACANCY TO BE FILLED

Park Board (Johannesen)

- Fran Webb does NOT wish to be reappointed – VACANCY TO BE FILLED
- VACANCY TO BE FILLED

Planning & Zoning Commission (full Council)

- John Womble
- Mark Moeller
- VACANCY TO BE FILLED

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