



## CITY OF ROCKWALL

### PLANNING AND ZONING COMMISSION MEMORANDUM

#### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

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**TO:** Planning and Zoning Commission

**FROM:** Ryan Miller, *Director of Planning and Zoning*

**DATE:** April 27, 2021

**SUBJECT:** Z2021-013; *Amendment to Subsection 06.15, Lake Ray Hubbard Takeline Overlay (TL OV) District, of Article 05, District Development Standards, of the Unified Development Code (UDC)*

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On April 5, 2021, the City Council directed staff to make a minor clarification to Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC). Attached to this memorandum is a copy of the memorandum provided to the City Council outlining the purpose of this amendment. The changes being proposed are as follows:

[ADDITIONS: HIGHLIGHTED]

(F) *General Requirements.*

- (5) *Temporary Structures on Leased Property in the Takeline Area.* Temporary structures (e.g. portable residential barbecue grills and ranges, trampolines, etc.) are permitted to be brought out into the takeline area providing that they are not allowed to remain in any part of the takeline area for more than 72 consecutive hours unless completely enclosed within a fenced area constructed in accordance with Subsection 06.15(J)(6). For temporary structures on unleased property in the takeline area see Article III, *Offenses Regarding the Use of the Lake Ray Hubbard Takeline*, of Chapter 22, *Miscellaneous Offenses*, of the Municipal Code of Ordinances.

Also attached to this memorandum is a copy of the draft ordinance for the proposed change. In accordance, with Section 02.04(B) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), staff is bringing the proposed amendment forward to the Planning and Zoning Commission for a recommendation to the City Council. The schedule for this text amendment is as follows:

Planning and Zoning Commission Work Session: April 27, 2021

Planning and Zoning Commission Public Hearing: May 11, 2021

City Council Public Hearing/1<sup>st</sup> Reading: May 17, 2021

City Council 2<sup>nd</sup> Reading: June 7, 2021

Staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Should the Planning and Zoning Commission have any questions staff will be available at the meeting on April 27, 2021.



# CITY OF ROCKWALL

## CITY COUNCIL MEMORANDUM

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**TO:** Mayor and City Council

**CC:** Mary Smith, *Interim City Manager*  
Joey Boyd, *Assistant City Manager*  
Frank Garza, *City Attorney*  
Jeffrey Widmer, *Chief Building Official*

**FROM:** Ryan Miller, *Director of Planning and Zoning*

**DATE:** April 5, 2021

**SUBJECT:** Regulatory Actions for Improvements and Storage on Unleased Land within the Takeline

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Mayor Pruitt has asked staff to include this item on the April 5, 2021 City Council agenda for discussion and direction. Specifically, staff has been asked to address unlawful improvements and storage within the takeline on property that is not currently being leased. As the City Council is aware, changes to the takeline ordinance contained in the Unified Development Code (UDC) were recently adopted by the City Council [*Ordinance No. 21-01*] on January 4, 2021. As part of these changes the takeline lease fees were decreased to \$200.00 for new leases with an annual renewal fee of \$100.00. The City Council also directed staff to offer leases at no cost to all property owners who do not currently have a valid takeline lease for a period of 30-days. The attached letter and updated lease would offer free leases to owners that do not have current leases under the new terms adopted by the takeline ordinance (*approximately 98 properties*). If directed to proceed, the attached letter and lease will be sent out to these property owners by certified mail on April 20, 2021.

However, while the City has reduced the fees and will waive the costs of a new or renewal lease for a 30-day period, there may be some property owners who may refuse to lease the takeline. Therefore, to address the unlawful use of the takeline -- *at the City Council's discretion* -- the following example language could be adopted and codified in the Municipal Code of Ordinances under a new article in Chapter 22, *Miscellaneous Offenses*:

Section 22-139 – 22-150. RESERVED

#### Article III. *Offenses Regarding the Use of the Lake Ray Hubbard Takeline*

##### Section 22-51. *Unlawful Use of Unleased Land within the Lake Ray Hubbard Takeline*

- (a) It shall be unlawful for any person to construct, store, or place any permanent or temporary improvement (*e.g. raised garden beds, gardens, landscaping, patios, decks, lighting [decorative or otherwise], boat whips, and etc.*) or object (*e.g. patio furniture, chairs, decorative landscape pots, trampolines, hammocks, and etc.*) on any portion of the unleased land within the Lake Ray Hubbard Takeline that remains in place for a period of 24 consecutive hours.
- (b) It shall be unlawful for any person to alter the unleased land within the Lake Ray Hubbard Takeline in anyway so as to change the grade of the property, remove vegetation, alter or remove trees, change the natural coast line of the lake, alter drainage patterns, or any other change that effects the natural environment of the property.
- (c) It is an exception to an offense under Subsection (a) and (b) for a person that holds a valid takeline lease; however, these properties shall be subject to the regulations contained within Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

##### Section 22-52. *Enforcement within the Lake Ray Hubbard Takeline*

- (a) The City shall have the authority to administer and enforce the provisions of this article as may be permitted by the City's Interlocal Agreement with the City of Dallas and as allowed by this Municipal Code of Ordinances. Any person who violates a provision of this article, or fails to comply therewith, or with any of the requirements thereof, is subject to suit for injunctive relief as well as in Municipal Court. Any violation of this article is declared to be a nuisance.
- (b) In the event of a violation of this article, the City shall first issue a notice of violation and allow the property owner five (5) business days to remove the violation and return the property to its natural state. Thereafter, any person violating any provision of this article shall -- *upon conviction* -- be fined a sum not exceeding \$500.00. Each day that a provision of this article is violated shall constitute a separate offence. An offense under this article is a *Class C Misdemeanor*, punishable by a fine not to exceed \$500.00.
- (c) Nothing in this article shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including but not limited to the following: [1] injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article; and [2] other available relief.

Staff has included an example ordinance with this language for the City Council's review. In addition, to the changes to the Municipal Code of Ordinances, the following changes to the Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) were also identified:

[ADDITIONS: HIGHLIGHTED]

(F) *General Requirements.*

- (5) *Temporary Structures on Leased Property in the Takeline Area.* Temporary structures (e.g. portable residential barbecue grills and ranges, trampolines, etc.) are permitted to be brought out into the takeline area providing that they are not allowed to remain in any part of the takeline area for more than 72 consecutive hours unless completely enclosed within a fenced area constructed in accordance with Subsection 06.15(J)(6). For temporary structures on unleased property in the takeline area see Article III, *Offenses Regarding the Use of the Lake Ray Hubbard Takeline*, of Chapter 22, *Miscellaneous Offenses*, of the Municipal Code of Ordinances.

Staff has included an example ordinance with this language for the City Council's review. If the City Council chooses to direct staff to proceed with these changes, the following is the timeline for all necessary actions:

- *April 16, 2021:* Staff initiates the text amendments to the Unified Development Code (UDC).
- *April 19, 2021:* The first reading of the ordinance changing the Municipal Code of Ordinances.
- *April 20, 2021:* The letter and lease is sent -- *by certified mail* -- to all property owners who have property adjacent to the takeline and which are eligible to lease property.
- *April 25, 2021:* The 30-day window for property owners who do not currently have a valid lease agreement to enter into a lease agreement at no charge begins.
- *May 3, 2021:* The second reading of the ordinance changing the Municipal Code of Ordinances.
- *May 11, 2021:* The Planning and Zoning Commission public hearing concerning ordinance changing the Unified Development Code (UDC).
- *May 17, 2021:* The City Council public hearing and first reading of the ordinance changing the Unified Development Code (UDC).
- *May 25, 2021:* The offer for lease agreements with no charge expires and staff begins enforcing the changes with regard to the Municipal Code of Ordinances.
- *June 7, 2021:* The second reading of the ordinance changing the Unified Development Code (UDC).

As stated above this is an example of the actions that can be taken by the City Council should they wish to regulate improvements and storage on unleased land within the takeline. With this being said, staff can proceed with any action amenable to the City Council. If the City Council has any questions staff and the City Attorney will be available at the April 5, 2021 City Council meeting.

CITY OF ROCKWALL

ORDINANCE NO. 21-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SUBSECTION 06.15, LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT, OF ARTICLE 05, DISTRICT DEVELOPMENT STANDARDS, AS DEPCITED IN EXHIBIT 'A' OF THIS ORDINANCE; 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. 20-02] has been initiated by the City Council of the City of Rockwall to amend Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code [Ordinance No. 20-02]; 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. 20-02] should be amended as follows:

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

**SECTION 1.** That Section 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code [Ordinance No. 20-02] 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 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 3.** 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 4.** 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 7<sup>TH</sup> DAY OF JUNE, 2021.**

\_\_\_\_\_  
Kevin Fowler, *Mayor*

**ATTEST:**

\_\_\_\_\_  
Kristy Cole, *City Secretary*

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, *City Attorney*

*1<sup>st</sup> Reading:* May 17, 2021

*2<sup>nd</sup> Reading:* June 7, 2021

**Exhibit 'A'**

*Section 06.15, Lake Ray Hubbard Takeline Overlay (TL OV) District, of  
Article 05, Development Standards, of the  
Unified Development Code (UDC)*

(F) *General Requirements.*

- (5) Temporary Structures on Leased Property in the Takeline Area. Temporary structures (e.g. portable residential barbecue grills and ranges, trampolines, etc.) are permitted to be brought out into the takeline area providing that they are not allowed to remain in any part of the takeline area for more than 72 consecutive hours unless completely enclosed within a fenced area constructed in accordance with Subsection 06.15(J)(6). For temporary structures on unleased property in the takeline area see Article III, *Offenses Regarding the Use of the Lake Ray Hubbard Takeline*, of Chapter 22, *Miscellaneous Offenses*, of the Municipal Code of Ordinances.



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**TO:** Planning and Zoning Commission

**FROM:** Ryan Miller, *Director of Planning and Zoning*

**DATE:** May 11, 2021

**SUBJECT:** Z2021-013; *Amendment to Subsection 06.15, Lake Ray Hubbard Takeline Overlay (TL OV) District, of Article 05, District Development Standards, of the Unified Development Code (UDC)*

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[ADDITIONS: HIGHLIGHTED]

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# CITY OF ROCKWALL

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- May 11, 2021: The Planning and Zoning Commission public hearing concerning ordinance changing the Unified Development Code (UDC).
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**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. 20-02] should be amended as follows:

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

**SECTION 1.** That Section 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code [Ordinance No. 20-02] 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 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;

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**SECTION 4.** 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 7<sup>TH</sup> DAY OF JUNE, 2021.**

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Kevin Fowler, *Mayor*

**ATTEST:**

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Kristy Cole, *City Secretary*

**APPROVED AS TO FORM:**

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Frank J. Garza, *City Attorney*

*1<sup>st</sup> Reading:* May 17, 2021

*2<sup>nd</sup> Reading:* June 7, 2021

**Exhibit 'A'**

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**TO:** Mayor and City Council

**CC:** Mary Smith, *Interim City Manager*  
Joey Boyd, *Assistant City Manager*

**FROM:** Ryan Miller, *Director of Planning and Zoning*

**DATE:** May 17, 2021

**SUBJECT:** Z2021-013; *Amendment to Subsection 06.15, Lake Ray Hubbard Takeline Overlay (TL OV) District, of Article 05, District Development Standards, of the Unified Development Code (UDC)*

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Also attached to this memorandum is a copy of the draft ordinance for the proposed change. In accordance, with Section 02.04(B) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), staff brought the proposed amendment forward to the Planning and Zoning Commission for a recommendation to the City Council. On May 11, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the text amendment by a vote of 5-0, with Commissioners Moeller and Conway absent.

Staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC). Should the City Council have any questions staff will be available at the meeting on May 17, 2021.



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**SUBJECT:** Regulatory Actions for Improvements and Storage on Unleased Land within the Takeline

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Mayor Pruitt has asked staff to include this item on the April 5, 2021 City Council agenda for discussion and direction. Specifically, staff has been asked to address unlawful improvements and storage within the takeline on property that is not currently being leased. As the City Council is aware, changes to the takeline ordinance contained in the Unified Development Code (UDC) were recently adopted by the City Council [*Ordinance No. 21-01*] on January 4, 2021. As part of these changes the takeline lease fees were decreased to \$200.00 for new leases with an annual renewal fee of \$100.00. The City Council also directed staff to offer leases at no cost to all property owners who do not currently have a valid takeline lease for a period of 30-days. The attached letter and updated lease would offer free leases to owners that do not have current leases under the new terms adopted by the takeline ordinance (*approximately 98 properties*). If directed to proceed, the attached letter and lease will be sent out to these property owners by certified mail on April 20, 2021.

However, while the City has reduced the fees and will waive the costs of a new or renewal lease for a 30-day period, there may be some property owners who may refuse to lease the takeline. Therefore, to address the unlawful use of the takeline -- *at the City Council's discretion* -- the following example language could be adopted and codified in the Municipal Code of Ordinances under a new article in Chapter 22, *Miscellaneous Offenses*:

Section 22-139 – 22-150. RESERVED

#### Article III. *Offenses Regarding the Use of the Lake Ray Hubbard Takeline*

##### Section 22-51. *Unlawful Use of Unleased Land within the Lake Ray Hubbard Takeline*

- (a) It shall be unlawful for any person to construct, store, or place any permanent or temporary improvement (*e.g. raised garden beds, gardens, landscaping, patios, decks, lighting [decorative or otherwise], boat whips, and etc.*) or object (*e.g. patio furniture, chairs, decorative landscape pots, trampolines, hammocks, and etc.*) on any portion of the unleased land within the Lake Ray Hubbard Takeline that remains in place for a period of 24 consecutive hours.
- (b) It shall be unlawful for any person to alter the unleased land within the Lake Ray Hubbard Takeline in anyway so as to change the grade of the property, remove vegetation, alter or remove trees, change the natural coast line of the lake, alter drainage patterns, or any other change that effects the natural environment of the property.
- (c) It is an exception to an offense under Subsection (a) and (b) for a person that holds a valid takeline lease; however, these properties shall be subject to the regulations contained within Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).

##### Section 22-52. *Enforcement within the Lake Ray Hubbard Takeline*



- (a) The City shall have the authority to administer and enforce the provisions of this article as may be permitted by the City's Interlocal Agreement with the City of Dallas and as allowed by this Municipal Code of Ordinances. Any person who violates a provision of this article, or fails to comply therewith, or with any of the requirements thereof, is subject to suit for injunctive relief as well as in Municipal Court. Any violation of this article is declared to be a nuisance.
- (b) In the event of a violation of this article, the City shall first issue a notice of violation and allow the property owner five (5) business days to remove the violation and return the property to its natural state. Thereafter, any person violating any provision of this article shall -- *upon conviction* -- be fined a sum not exceeding \$500.00. Each day that a provision of this article is violated shall constitute a separate offence. An offense under this article is a *Class C Misdemeanor*, punishable by a fine not to exceed \$500.00.
- (c) Nothing in this article shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including but not limited to the following: [1] injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article; and [2] other available relief.

Staff has included an example ordinance with this language for the City Council's review. In addition, to the changes to the Municipal Code of Ordinances, the following changes to the Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) were also identified:

[ADDITIONS: HIGHLIGHTED]

(F) *General Requirements.*

- (5) Temporary Structures on Leased Property in the Takeline Area. Temporary structures (e.g. portable residential barbecue grills and ranges, trampolines, etc.) are permitted to be brought out into the takeline area providing that they are not allowed to remain in any part of the takeline area for more than 72 consecutive hours unless completely enclosed within a fenced area constructed in accordance with Subsection 06.15(J)(6). For temporary structures on unleased property in the takeline area see Article III, *Offenses Regarding the Use of the Lake Ray Hubbard Takeline*, of Chapter 22, *Miscellaneous Offenses*, of the Municipal Code of Ordinances.

Staff has included an example ordinance with this language for the City Council's review. If the City Council chooses to direct staff to proceed with these changes, the following is the timeline for all necessary actions:

- April 16, 2021: Staff initiates the text amendments to the Unified Development Code (UDC).
- April 19, 2021: The first reading of the ordinance changing the Municipal Code of Ordinances.
- April 20, 2021: The letter and lease is sent -- *by certified mail* -- to all property owners who have property adjacent to the takeline and which are eligible to lease property.
- April 25, 2021: The 30-day window for property owners who do not currently have a valid lease agreement to enter into a lease agreement at no charge begins.
- May 3, 2021: The second reading of the ordinance changing the Municipal Code of Ordinances.
- May 11, 2021: The Planning and Zoning Commission public hearing concerning ordinance changing the Unified Development Code (UDC).
- May 17, 2021: The City Council public hearing and first reading of the ordinance changing the Unified Development Code (UDC).
- May 25, 2021: The offer for lease agreements with no charge expires and staff begins enforcing the changes with regard to the Municipal Code of Ordinances.
- June 7, 2021: The second reading of the ordinance changing the Unified Development Code (UDC).

As stated above this is an example of the actions that can be taken by the City Council should they wish to regulate improvements and storage on unleased land within the takeline. With this being said, staff can proceed with any action amenable to the City Council. If the City Council has any questions staff and the City Attorney will be available at the April 5, 2021 City Council meeting.



CITY OF ROCKWALL

ORDINANCE NO. 21-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SUBSECTION 06.15, LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT, OF ARTICLE 05, DISTRICT DEVELOPMENT STANDARDS, AS DEPCITED IN EXHIBIT 'A' OF THIS ORDINANCE; 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. 20-02] has been initiated by the City Council of the City of Rockwall to amend Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code [Ordinance No. 20-02]; 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. 20-02] should be amended as follows:

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

**SECTION 1.** That Section 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code [Ordinance No. 20-02] 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 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 3.** 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 4.** 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 7<sup>TH</sup> DAY OF JUNE, 2021.**

\_\_\_\_\_  
Kevin Fowler, *Mayor*

**ATTEST:**

\_\_\_\_\_  
Kristy Cole, *City Secretary*

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frank J. Garza, *City Attorney*

*1<sup>st</sup> Reading:* May 17, 2021

*2<sup>nd</sup> Reading:* June 7, 2021

**Exhibit 'A'**

*Section 06.15, Lake Ray Hubbard Takeline Overlay (TL OV) District, of  
Article 05, Development Standards, of the  
Unified Development Code (UDC)*

(F) *General Requirements.*

- (5) Temporary Structures on Leased Property in the Takeline Area. Temporary structures (e.g. portable residential barbecue grills and ranges, trampolines, etc.) are permitted to be brought out into the takeline area providing that they are not allowed to remain in any part of the takeline area for more than 72 consecutive hours unless completely enclosed within a fenced area constructed in accordance with Subsection 06.15(J)(6). For temporary structures on unleased property in the takeline area see Article III, *Offenses Regarding the Use of the Lake Ray Hubbard Takeline*, of Chapter 22, *Miscellaneous Offenses*, of the Municipal Code of Ordinances.

CITY OF ROCKWALL

ORDINANCE NO. 21-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SUBSECTION 06.15, LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT, OF ARTICLE 05, DISTRICT DEVELOPMENT STANDARDS, AS DEPCITED IN EXHIBIT 'A' OF THIS ORDINANCE; 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. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code [*Ordinance No. 20-02*]; 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. 20-02*] should be amended as follows:

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

**SECTION 1.** That Section 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code [*Ordinance No. 20-02*] 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 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 3.** 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 4.** 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 7<sup>TH</sup> DAY OF JUNE, 2021.**

  
Kevin Fowler, Mayor

**ATTEST:**

  
Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

  
Frank J. Garza, City Attorney



1<sup>st</sup> Reading: May 17, 2021

2<sup>nd</sup> Reading: June 7, 2021

**Exhibit 'A'**  
*Section 06.15, Lake Ray Hubbard Takeline Overlay (TL OV) District, of  
Article 05, Development Standards, of the  
Unified Development Code (UDC)*

(F) *General Requirements.*

- (5) Temporary Structures on Leased Property in the Takeline Area. Temporary structures (e.g. portable residential barbecue grills and ranges, trampolines, etc.) are permitted to be brought out into the takeline area providing that they are not allowed to remain in any part of the takeline area for more than 72 consecutive hours unless completely enclosed within a fenced area constructed in accordance with Subsection 06.15(J)(6). For temporary structures on unleased property in the takeline area see Article III, *Offenses Regarding the Use of the Lake Ray Hubbard Takeline*, of Chapter 22, *Miscellaneous Offenses*, of the Municipal Code of Ordinances.